

32686

Oct. 11/74 Page 11801

HEREBY CERTIFY THAT THE FORE-
GOING IS A TRUE COPY OF THE
ORIGINAL THEREOF.

Attorneys for _____

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF KLAMATH

3 IN THE MATTER OF THE GUARDIANSHIP)
4 OF) No. 58-81-G
5 D. WEBSTER KNOKE) MOTION FOR THE RETURN
6) OF REAL PROPERTY

7 Comes now Tyler Marshall, the duly appointed Conservator
8 of Stanley Elmo Lobert and respectfully moves the Court for an Order
9 requiring the Guardian of D. Webster Knoke; to wit: Donald W. Knoke
10 to return to the said Stanley Elmo Lobert a certain piece of real
11 property described as follows:

12 Beginning at the Northeast corner of Section 28,
13 Township 32 South, Range 8 East of the Willamette
14 Meridian; thence South along the East line of
15 said Section 28 a distance of 1630 feet; thence
16 West and parallel to the North line of said Section
17 28 at a distance of 800 feet; thence North and paral-
18 lel to the East line of said Section 28 a distance
19 of 1630 feet to the North line of said Section 28;
20 thence East along the North line of said Section 28 a
21 distance of 800 feet to the point of beginning;
22 subject to: 1) Rights of the public in and to any
23 portion of said premises lying within the limits of
24 roads and highways. 2) Timber Reservation, in-
25 cluding the terms and provisions thereof, contained
26 in an instrument dated February 20, 1952, recorded
27 December 10, 1958, in Deed Volume 307 at page 393,
28 Records of Klamath County, Oregon. 3) Reservations,
29 including the terms and provisions thereof, as set
30 forth in Land Status Report recorded October 20, 1958,
31 in Deed Volume 305 at page 86, Records of Klamath
32 County, Oregon.

33 This motion is based upon the following facts:

34 1. By way of petition for the sale of real property filed
35 with the Klamath County Clerk on January 6, 1969 the then Guardian
36 of Stanley Elmo Lobert, one Donald W. Knoke, petitioned the Court
37 for permission to sell the above described real property and obtained
38 Page One - Motion for the Return of Real Property

BOUNEFF, MULLER & MARSHALL
ATTORNEYS AT LAW
515 N. BROADWAY STREET
PORTLAND, OREGON 97204
TELEPHONE (503) 238-9720

1 a Citation therefore which was filed with the Klamath County Clerk's
2 office on January 17, 1960. Thereafter the guardianship of Stanley
3 Elmo Lobert (Klamath County Number 58-80-G) was closed. A copy of
4 the Petition and Citation are respectfully marked Exhibits A and B and
5 attached hereto and by this reference incorporated herein.

6 2. The said Donald W. Knoke was also the Guardian for D.
7 Webster Knoke a half brother of the said Stanley Elmo Lobert. By
8 way of Petition filed with the Klamath County Clerk on October 15,
9 1969 the said Donald W. Knoke petitioned the Court for an Order
10 authorizing the purchase of the above described real property for
11 the sum of \$3,000. An Order authorizing the purchase of the above
12 described real property was signed by the Honorable L. Sisemore on
13 October 13, 1969 and filed with the Klamath County Clerk on October
14 15, 1969. Copies of this Petition and Order are marked respectively
15 Exhibits C and D and by this reference incorporated herein.

16 3. No return of sale was ever filed in either the Guardian-
17 ship of Stanley Elmo Lobert (Klamath County Number 58-80-G) or the
18 subsequently opened Conservatorship of Stanley Elmo Lobert (Klamath
19 County Number 69-57-G).

20 4. The valuation placed upon the land above described was
21 arbitrary and without foundation and no showing was made to the true
22 value of the land.

23 5. The transfer by Donald W. Knoke from the Guardianship of
24 his Ward Stanley Elmo Lobert to the Guardianship of his son D. Webster
25 Knoke benefited an heir of the said Donald W. Knoke and indirectly,
26 Donald W. Knoke himself.

Page Two - Motion for the Return of Real Property

11803

1 6. There is no showing that any Citation for the sale of
2 the property was served upon the said Stanley Elmo Lobert as was
3 required by the provisions of ORS 126.426 (2) (b).

4 7. That in truth and in fact the said Stanley Elmo Lobert
5 continually and constantly objected to the disposal of the real
6 property in question.

7 8. That no determination of consent was made pursuant to
8 the provisions of ORS 126.471.

9 By way of this Motion, the Conservatorship of Stanley Elmo
10 Lobert is prepared to return to the Guardianship of D. Webster Knoke
11 the sum of \$3,000 which was paid for the above described land.

12 Respectfully Submitted,

13
14 *Tyler Marshall*
15 TYLER MARSHALL
16 Conservator for Stanley Elmo Lobert
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BOUNEFF, MULLER & MARSHALL
ATTORNEYS AT LAW
215 E. FOREST STREET
PORTLAND, ORE 97201
TELEPHONE (503) 234-4220

FILED
JAN 6 1969
CLERK
DEPUTY

11804

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH
In the Matter of the Guardianship)
of the Estate of) NO. 58-80-G
STANLEY ELMO LOBERT) PETITION FOR SALE OF REAL
PROPERTY

TO THE HONORABLE L. ORTH SISEMORE, JUDGE OF THE ABOVE-
ENTITLED COURT:

YOUR PETITIONER, Donald W. Knoke, the guardian of the
estate of Stanley Elmo Lobert, petitions and represents to the
court as follows:

I.

THAT Stanley Elmo Lobert is a minor of the age of
nineteen (19) years, and his residence is 723 Washington Street,
Klamath Falls, Oregon;

II.

THAT all of the property of said ward that has come to
possession or knowledge of the undersigned guardian consists of
an undivided interest in the Klamath Indian Management Trust, a
promissory note in the amount of One Thousand and no/100 Dollars
(\$1,000.00), a 1968 Dodge Charger automobile, miscellaneous
furniture and personal property, and interest in real property
located in Section 34, Township 34, Range 7, EWM, and real
property described as the NE 1/4 of Section 28, township 32 South
Range 8, EWM, both in Klamath County, Oregon. The present amount
in the guardianship bank accounts are as follows: Checking
account at the Bank of Klamath Falls, the sum of \$ 996.29
and a savings account at First Federal Savings & Loan Association
in the sum of \$ 3,063.60. Said ward also has an
interest in the estate of Alma M. Knoke, which said estate is
currently being probated in Klamath County, Oregon.

III.

Petition for Sale of Real
Property

- Page 1

BOIVIN & BOIVIN
ATTORNEYS AT LAW
810 BOIVIN BLDG.
KLAMATH FALLS, ORE.

1 THAT the property which your petitioner proposes to
2 sell is described as follows:

3 Beginning at the Northeast corner of Section
4 28, Township 32 South, Range 8 East of the
5 Willamette Meridian; thence

6 South along the East line of said Section 28
7 a distance of 1630 feet; thence

8 West and parallel to the North line of said
9 Section 28 at distance of 800 feet; thence

10 North and parallel to the East line of said
11 Section 28 a distance of 1630 feet to the
12 North line of said Section 28; thence

13 East along the North line of said Section 28
14 a distance of 800 feet to the point of beginning;

15 Subject to:

16 1. Rights of the public in and to any portion of said
17 premises lying within the limits of roads and highways.

18 2. Timber Reservation, including the terms and pro-
19 visions thereof, contained in an instrument dated February 20,
20 1952, recorded December 10, 1958, in Deed Volume 307 at page 393,
21 Records of Klamath County, Oregon.

22 3. Reservations, including the terms and provisions
23 thereof, as set forth in Land Status Report recorded October
24 20, 1958, in Deed Volume 305 at page 86, Records of Klamath
25 County, Oregon.

26 IV.

27 THAT said property is a portion of the larger tract
28 listed in paragraph II. Said tract has previously been rented
29 for cattle pasturage, however, the portion which your petitioner
30 wishes to sell is not valuable for pasturage purposes, and would
31 not materially decrease the value of the remainder of the tract
32 for pasture purposes;

V.

33 THAT the total income of the ward during the preceding
accounting period was the sum of Four Thousand Eighty-Five and
90/100 Dollars (\$4,085.90), which income is being applied to the
support and maintenance of the ward;

VI.

THAT the purpose of the proposed sale is to devote the

proceeds therefrom to the support of the ward;

VII.

THAT the ward is currently in the custody of his grandmother, Helen Merritt, at 723 Washington Street, Klamath Falls, Oregon.

VIII.

WHEREFORE your petitioner prays for an order of this court directing that a citation issued to the ward, Stanley Elmo Lobert, and to Helen Merritt, to appear before this court within the time specified therein, and show cause why an Order of Sale should not be made for the sale of the real property hereinabove described in private sale.

Donald M. Knoke
Petitioner

STATE OF OREGON }
County of Klamath } ss.

I, Donald Knoke, being first duly sworn, depose and say that I am the petitioner above-named, that I have read the foregoing Petition for the Sale of Real Property, know the contents thereof, and the same is true as I verily believe.

Donald M. Knoke

SUBSCRIBED and sworn to before me this 23rd day of

December, 1968.

William H. Knoke
Notary Public for Oregon
My Commission Expires: 4/26/70

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RECEIVED

Thyllist, King

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

In the Matter of the Guardianship)
of the Estate of) NO. 58-80-6
STANLEY ELMO LOBERT) CITATION ON GUARDIAN'S SALE OF
REAL PROPERTY

TO STANLEY ELMO LOBERT and HELEN MERRITT, 723 WASHINGTON
STREET, KLAMATH FALLS, OREGON:

IN THE NAME OF THE STATE OF OREGON, you and each of you
are hereby commanded to appear in the Circuit Court of the State
of Oregon for the County of Klamath, Circuit Court number 1, within
ten days after the service of this citation upon you if personally
served within Klamath County, and within twenty days after the
date of such service if personally served within any other county
of this state, and show cause, if any there be, why an order
should not be entered authorizing and licensing DONALD W. KNOKE,
the guardian of the estate of STANLEY ELMO LOBERT, to sell the
following described real property belonging to the said Stanley
Elmo Lobert:

Beginning at the Northeast corner of Section
28, Township 32 South, Range 8 East of the
Willamette Meridian; thence

South along the East line of said Section 28
a distance of 1630 feet; thence

West and parallel to the North line of said
Section 28 at distance of 800 feet; thence

North and parallel to the East line of said
Section 28 a distance of 1630 feet to the
North line of said Section 28; thence

Last along the North line of said Section 28
a distance of 800 feet to the point of beginning

Subject to:

1. Rights of the public in and to any portion of said
premises lying within the limits of roads and highways.
2. Timber Reservation, including the terms and
provisions thereof, contained in an instrument dated February 20,

Citation on Guardian's
Sale of Real Property - Page 1

B

1 1952, recorded December 10, 1958, in Deed Volume 307 at page 393,
 2 Records of Klamath County, Oregon.

3 3. Reservations, including the terms and provisions
 4 thereof, as set forth in Land Status Report recorded October 20,
 5 1958, in Deed Volume 305 at page 86, Records of Klamath County,
 6 Oregon.

7 THIS CITATION is served upon you in pursuance to an
 8 order of the Honorable L. Orth Sisemore, Judge of the Circuit
 9 Court of the State of Oregon for the County of Klamath, entered
 10 in the above-entitled court and cause on the 2nd day of
 11 January, 1968.

12 WITNESS MY HAND and the seal of said court this 6
 13 day of January, 1968.

14 *Laurie Rogers*
 15 County Clerk

16 By *Deputy*
 17 Deputy

RECEIVED
OCT 11 1974
Dounoff, Muller & Marshall

FILED
OCT 12 1974
W. J. Dine, Circuit Court Clerk
By *Paul Dine* DEPUTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

In the Matter of the Guardianship
of the Estate of
D. WEBSTER KNOKE,

NO. 58-81 G
PETITION

a Minor.

COMES NOW DONALD W. KNOKE, Guardian of the above-entitled estate, and represents as follows:

THAT the above ward desires to purchase certain real property from his half-brother, Stanley Elmo Lobert, located in Section 28, Township 32, South Range 8, East of the Willamette Meridian; said real property consists of 30 acres, and the purchase price is the sum of Three Thousand and no/100 Dollars (\$3,000.00);

THAT there are sufficient funds in the Guardianship estate to provide such expenditure and that your Guardian fees that it is in the best interest of the said ward that he be allowed to purchase said real property;

WHEREFORE, your petitioner prays the Court for an Order authorizing and directing the expenditure of the sum of not to exceed Three Thousand and no/100 Dollars (\$3,000.00) as and for the purchase of the aforementioned real property.

Donald W. Knoke

STATE OF OREGON }
County of Klamath } ss.

I, DONALD W. KNOKE, being first duly sworn, depose and say that I am the aforementioned Guardian, that I have read the foregoing petition, and that the same is true as I verily believe.

Donald W. Knoke

SUBSCRIBED and sworn to before me this 13th day of October,

1969.

Lucy J. Erickson
Notary Public for Oregon
My Commission Expires: 4/26/70

Petition

BOIVIN & BOIVIN
ATTORNEYS AT LAW
210 BOIVIN BLDG.
KLAMATH FALLS, ORE.

FILED
Oct 15 1969
Wm. D. R. Deputy
Circuit Court Clerk

11810
in Journal No. 7469
at Page 6084

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

In the Matter of the Guardianship
of the Estate of
D. WEBSTER KNOKE,
A Minor.

NO. 58-81 G
ORDER

THIS MATTER coming on before the above-entitled Court for
an Order authorizing and directing the Guardian of the above estate
to expend the sum of not to exceed Three Thousand and no/100
Dollars (\$3,000.00) as and for the purchase of 30 acres of real
property more particularly described in Guardian's Petition; and
the Court being fully advised in the premises; now therefore,

IT IS HEREBY ORDERED That the Guardian of the above-
entitled estate be, and he hereby is, authorized and direct to
expend the sum of not to exceed Three Thousand and no/100 Dollars
(\$3,000.00) as and for the purchase of 30 acres of real property.

DATED this 13th day of October, 1969.

[Signature]
CIRCUIT JUDGE

BOVIN & BOVIN
ATTORNEYS AT LAW
810 BOVIN BLDG.
KLAMATH FALLS, ORE.

Order