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Vol. 78 Page 16457 415 318

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY  
2 IN THE MATTER OF THE DISSOLUTION )  
3 OF THE MARRIAGE OF: )  
4 ROBERT H. SPAULDING, ) No. 78-1217-E-1  
5 )  
6 ) Petitioner, ) DECREE OF DISSOLUTION  
7 and ) OF MARRIAGE  
8 JACQUELINE LEE SPAULDING, )  
9 ) Respondent. )

10 THIS MATTER coming before the Court for hearing on  
11 November 7, 1978, Petitioner appearing in person and by Steven P.  
12 Pickens, his attorney, and Respondent appearing in person and by  
13 William A. Mansfield, her attorney, and it appearing  
14 That more than ninty (90) days have passed since the  
15 Petition was filed, and it appearing

16 That the Court having heard the evidence, sufficient  
17 cause appearing, therefore, finds that it has jurisdiction herein  
18 of the parties and that irreconciable differences between the  
19 parties have caused the irremediable breakdown of the marriage,  
20 and the Court further finds

21 That the relevant data is as follows:

22 Husband: Robert H. Spaulding  
23 Residence: 1008 Wabash Street, Medford, Oregon 97501  
24 Age: 62 Social Security No.: 559-14-1162  
25 Wife: Jacqueline Lee Spaulding Maiden Name: Schippers  
26 Other Married Name: Hansen  
Residence: 1706 View Place, Medford, Oregon 97501  
Age: 45 Social Security No.: 478-34-1308  
Date of Marriage: June 7, 1969  
Place of Marriage: Reno, Nevada, Washoe County  
-1-Decree of Dissolution of Marriage

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STEVEN P. PICKENS  
ATTORNEY AT LAW  
521 S. RIVERIDE — MEDFORD, OREGON 97501  
TELEPHONE 773-7389

And the Court further having heard all of the evidence issued its MEMORANDUM OPINION dated February 23, 1979, which is marked "Exhibit A" and by this reference incorporated herein and made a part hereof

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The marriage of the parties is dissolved effective on the 17th day of October, 1979.
2. Respondent's name is changed to Jacqueline Lee Hanson.
3. The properties of the parties is divided as per the MEMORANDUM OPINION which is incorporated herein and made a part hereof and Respondent is given six (6) months from the date of this Decree to pay Petitioner the sum of \$12,460.00 Decreed in the MEMORANDUM OPINION.

DATED this 17 day of August, 1979.

*James M. Madsen*  
CIRCUIT COURT JUDGE  
RECEIVED  
FILED  
AUG 20 4 15 PM '79  
CLERK

STEVEN P. PICKENS  
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521 S. RIVERSIDE.— MIDFORD, OREGON 97501  
TELEPHONE 773-7389

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

Vol. 1012 Page 16459

In the Matter of Dissolution  
of the Marriage of

ROBERT H. SPAULDING,

Petitioner,

and

JACQUELINE LEE SPAULDING,

Respondent.

No. 78-1217-E-1

MEMORANDUM OPINION

The Court at the conclusion of the trial in the above matter made a statement in the record and continued the hearing in order that the parties could determine the amounts that they had on deposit. The Court adopts the following portion of its statement as a part of this opinion:

"...Mr. Spaulding, when they married, had a mortgage on the Thomas Road property that apparently was worth \$10,000.00. He had a home on Roberts Road which eventually they realized approximately \$7,500.00 from. He had furniture that Mrs. Spaulding now values at, according...to Exhibit "C", at the sum of \$8,210.00 and which he placed a value of \$3,175.00. He had a savings and checking account of approximately \$1,000.00... Mrs. Spaulding had household furniture, she had a sufficient amount of furniture and fixtures to apparently accommodate herself and her four children, she did have a bank account...it is quite apparent from the testimony that Mr. Spaulding had a considerable amount more in the way of assets at the time of the marriage than Mrs. Spaulding, however, during the marriage it is quite apparent that Mrs. Spaulding, because of her greater earning ability, because of her children's Social Security,

"contributed a great deal towards the assets that the parties have at the present time. Now, Mrs. Spaulding requests credit in the sum of \$7,250.00 for the payments that she made on the mortgage on the view property and the payment of taxes and other things on the Lake of the Woods property. The law is pretty well settled that if one spouse is to receive benefit of payments that have been made on the property that he should pay half...Mr. Spaulding is going to benefit by the payments that Mrs. Spaulding paid on the mortgage, the taxes and the insurance, and, therefore, I think she should get credit for half of the \$7,250.00, not the full amount, but the half which would be a credit of \$3,625.00...on the household furniture and fixtures, that Mr. Spaulding owned prior to the marriage. I am going to set a value on those items at \$4,250.00 ...On the other items that are listed on respondent's Exhibit "D" which includes the bedroom set, washer, dryer, refrigerator and all other miscellaneous furniture that is not on either of these documents which includes the stereo, the TVs and other items, I am going to set a value of \$1,500.00. On the Lake of the Woods property because of the water problem I am going to set a value of \$16,000.00...On the 1976 Ford I am going to set a value of \$3,250.00. The 1974 Plymouth, I am going to set a value of \$2,500.00...Now, the view place, I guess it is on Valley View Road, all the parties have referred to it as the view place, I am going to set a value of \$67,500.00...after taking the \$12,000.00 mortgage, leaves an equity of \$55,500.00. The Volkswagen will be valued at \$1,400.00 and the boat and motor will be valued at \$1,200.00. I think that the boat and motor should go to whoever receives the Lake of the Woods property. Now, I would just assume that the proper way to divide it is to give to Mrs. Spaulding all of the household furnishings and fixtures, give to Mr. Spaulding the Lake of the Woods cabin and the boat and motor, give to him his Ford, give to her her Plymouth, give him the Equitable Savings account, give to her the Valley View residence, the Credit Union savings, her credit for one-half of the payments she had made on the mortgage and taxes, and give to her the...Volkswagen..."

16461

The parties married on June 7, 1969. During the marriage petitioner contributed in wages \$88,000.00, respondent contributed in wages \$118,000.00 and the children's Social Security benefits amounted to \$57,000.00. These amounts went to support the parties and Mrs. Spaulding's children by her prior marriage. Out of the Social Security amounts \$7,800.00 was deposited in the names of the children and it was agreed during the hearing on January 16, 1979, that this amount should be held in trust for the children. See *Bates v. Bates* (1974), 17 Or. App. 641.

The Court makes the following division of the property:		
	Petitioner	Respondent
Equity in view property		\$ 55,500.00
Lake of the Woods property	\$ 16,000.00	
Household furniture and fixtures		5,750.00
Flymouth Station Wagon		2,500.00
Credit Union account		1,023.71
First National account		4,227.09
Boat and Motor	1,200.00	
Equitable account	7,815.31	
Ford vehicle	3,250.00	
Credit for 1/2 mortgage & tax payment		- 3,625.00
Volkswagon		1,400.00
Totals	\$28,265.31	\$ 66,775.80

16462

Petitioner came into the marriage with at least \$17,500.00 more than respondent. The above figures are all estimates and the Court has to estimate the amount that respondent should pay to petitioner to equalize the division of the assets. The petitioner's contributions to the assets of the parties over and above the \$17,500.00 is approximately one-third and the Court concludes that respondent should pay to petitioner the sum of \$14,000.00 to equalize the division of the assets. This will give petitioner approximately \$25,000.00 in addition to the \$17,500.00 and give respondent approximately \$52,000.00, which is approximately a one-third - two-thirds division.

The Court will allow the parties an opportunity to determine the method of paying the \$14,000.00 prior to entering its final decree. If they cannot, the Court will determine what should be paid.

Counsel may prepare an appropriate decree.

Dated this 23rd day of February, 1979.

*[Signature]*

Circuit Judge

Mr. Steven P. Pickens

Mr. William A. Mansfield

IT IS HEREBY STIPULATED that the above opinion was in error as the Credit Union account should be \$123.71 rather than \$1023.71 and the Volkswagen should not have been considered as an asset as it was purchased from the funds of the First National Bank Account.

Because of the error the Court changes the sum from \$14,000.00 to \$12,460.00.

Memorandum Opinion - 4

*[Signature]*

Circuit Judge

Aug 20 3 55 PM '79  
DOCKETED BY  
WALBERT TERRY  
CLERK

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AND  
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FEB 23 1979

JACKSON COUNTY

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CUSHING, HABERLACH, HANSON & BLACK  
ATTORNEYS AT LAW  
31 NEWTOWN  
MEDFORD, OREGON 97501

STATE OF OREGON  
County of Jackson

I, Waldene Terry, County Clerk of the above named County and State and Clerk of the Circuit Court of the County of Jackson and State of Oregon do hereby certify that the foregoing copy has been by me compared with the original, and that it is a transcript therefrom, and of the whole of such original as the same appears on file or of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 27 day of August A.D. 1980

Waldene Terry, Jackson County Clerk

By Louise H. McCormack Deputy

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of August A.D., 1980 at 3:12 o'clock p M., and duly recorded in Vol 180 of Deeds on Page 16457.

FEE \$21.00

WM. D. MILNE, County Clerk

By Bernetha H. Helwick Deputy