

ORIGINAL

Ret
JOHN KEVIN CROWLEY, ESQ.
Suite 333, The Swenson Building
777 North First Street
San Jose, California 95112
408/295-2522

Attorney for Plaintiff
Richard B. Scholes

(ENDORSED)

FILED

MAY 23 1985

GRACE K. YAMAKAWA
County Clerk

Clerk

BY

DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
PALO ALTO BRANCH

RICHARD B. SCHOLES,

Plaintiff,

vs.

HOMER F. BARNES, et al.,

Defendants

and related cross-action

No. 441206

ORDER AFTER HEARING
AND JUDGMENT

The motion of plaintiff, Richard B. Scholes, for an Order enforcing the Stipulation as Judgment, was heard on May 14, 1985, at 9:30 a.m. in Dept. 2, before the Honorable Homer B. Thompson, presiding.

John Kevin Crowley, Esq. appeared on behalf of plaintiff and no other parties or counsel were present.

ORDER

Upon proof made to the satisfaction of the Court, and good cause appearing therefor,

IT IS HEREBY ADJUDGED, ORDERED, AND DECREED that plaintiff's motion to enforce the Stipulation as Judgment be granted and entered as follows:

1 1. Homer F. Barnes, defendant, shall assign all his right
2 title, and interest in the Lakeshore Village Property located in
3 Oregon, by assigning his promissory note evidenced by the
4 security document to said property, to Richard B. Scholes,
5 plaintiff.

6 2. Richard B. Scholes, plaintiff, will quit claim his
7 interest in the Klamath Falls property, located in Oregon to
8 Homer Barnes, defendant. Homer Barnes will thereafter execute a
9 promissory note and deed of trust on the Klamath Falls property
10 to plaintiff, Richard Scholes, equal to current taxes on the
11 Lakeshore Village property, which amount is estimated to be
12 approximately Twenty Thousand Dollars (\$20,000.00) and attorney's
13 fees in the amount of Eight Thousand Dollars (\$8,000.00), or
14 totaling Twenty-Eight Thousand (\$28,000.00) to be secured on the
15 Klamath Falls property. Said amount shall be due and payable
16 upon sale of the Klamath Falls property.

17 3. This order shall be enforceable within fourteen (14) days
18 of this date and within that time, Homer Barnes, defendant, may
19 go to Klamath Falls and view the property. If it is determined
20 through formal appraisal that the fair market value of said
21 property is less than the amount set forth in the appraisal
22 made by Henry J. Caldwell, Jr., of July 20, 1984, and submitted
23 to Mr. Barnes this date, then Homer Barnes, defendant must
24 fulfill condition of clause 5 hereinafter set forth.

25 4. The Kalmath Falls property is improved at an estimated
26 amount of Forty Thousand Dollars (\$40,000.00) and those
27 improvements have not been included in the Caldwell, Jr.
28 appraisal of July 20, 1984. Said property is also encumbered in

1 the amount of approximately Forty Thousand Dollars (\$40,000.00)
 2 with additional taxes due in the amount of Eight Thousand Dollars
 3 (\$8,000.00). These obligations will not be grounds to set aside
 4 the Stipulation.

5 5. At the conclusion of the fourteenth (14th) day from this
 6 date, if Homer Barnes, defendant, has not contacted the attorney
 7 for plaintiff, informing said attorney that his written
 8 appraisal, subject to the conditions hereinabove set forth is
 9 less than the appraisal of Caldwell, Jr. or less than One
 10 Hundred Five Thousand Dollars (\$105,000.00) for Parcel One and
 11 less than Thirty-Nine Thousand Dollars (\$39,000.00) for Parcel
 12 Two. Further, on the occurrence of said condition, the action
 13 against Virginia Barnes, defendants, shall be dismissed with
 14 prejudice.

15 Dated: MAY 22 1985, 1985.

HOMER B. THOMPSON

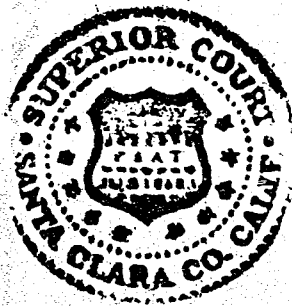
HOMER B. THOMPSON
 Judge of the Superior Court

The foregoing instrument is a
 correct copy of the original
 on file in this office.

FILED JUN 7 1985
 GRACE K. YAMAKAWA
 County Clerk

County Clerk and ex-officio Clerk of the
 Superior Court of the State of California
 in and for the County of Santa Clara.

BY [Signature] DEPUTY



(VERIFICATION -- 446, 2015.5 C. C. P.)

(ENDORSED)

FILED

MAY 23 1985

Clerk

STATE OF CALIFORNIA, COUNTY OF

I am the

in the above entitled action or proceeding; I have read the foregoing

BY

GRACE K. YAMAKAWA
County Clerk

DEPUTY

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ (date) at _____ (place), California

(Signature)

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

SANTA CLARA

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

777 N. First St., #333, San Jose, CA 95112

On 5/21, 1985, I served the within Stipulation for Entry of Judgment and Order and the Order After Hearing and Judgment

following parties

on the _____ in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the

United States mail at San Jose, CA
addressed as follows:

Dr. Homer Barnes
1661 Interlachen Rd., 286G
Seal Beach, CA 90740

Patrick McMahon, Esq.
485 North First St.
San Jose, CA 95112

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 5/21/85 at San Jose, California
(date) (place)

(Signature)

Rhonda Kirk

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 20th day of June A.D., 19 85 at 2:48 o'clock P M, and duly recorded in Vol M85, of County Lien Docket on page 9372.

EVELYN BIEHN, COUNTY CLERK

by: Ram Smith, Deputy

Fee: \$ 17.00