50	107	THIS IS THE ONLY COPY AVAILABLE. CERTIFICATION ON PAGE 3.
		ORIGINAL Vol <u>M85</u> Page: 9322
	1 2 3	ADDENN KEVIN CROWLEY, ESQ. Suite 333, The Swenson Building 777 North First Street San Jose, California 95112 408/295-2522 (ENDORSED) MAY 2 3 1985
	4	Attorney for Plaintiff Richard B. Scholes BY
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	7	IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 PH 2 H8	8	IN AND FOR THE COUNTY OF SANTA CLARA
	9	PALO ALTO BRANCH
	10	RICHARD B. SCHOLES,) No. 441206
	11	Plaintiff,) ORDER AFTER HEARING AND JUDGMENT
	12	νς.
	13	HOMER F. BARNES, et al.,
	14	Defendants }
	15 16	and related cross-action
M	17	The motion of plaintiff, Richard B. Scholes, for an Order
101 101	18	enforcing the Stipulation as Judgment, was heard on May 14, 1985,
	19	at 9:30 a.m. in Dept. 2, before the Honorable Homer B. Thompson,
	20	presiding.
	21	John Kevin Crowley, Esq. appeared on behalf of plaintiff and
	22	no other parties or counsel were present.
	23	ORDER
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Q	28 11HGHAM,	entered as follows:
7. 5.	MUAB' TH W	
	-5112 -2522	$\ \mathbf{I}\ $

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

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

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

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

STARINO WINNINGHAM. TENENBAUM, LAMSEY & HALSETH FORNEYS AT LAW NORTH FIRST STREET JOSE, CALIF. 95112 408) 295-2522

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

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

prejudice. Dated: MAY 22 1985, 1985.

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26 27 28 HOMER B. THOMPSON

HOMER B. THOMPSON Judge of the Superior Court



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

JUN 7 1985 1751 BRACE K. MAMAKAWA **Gounty Clerk** County Clerk and ex-officio Clark of the Superior Court of the State of California in and for the County of Sente Clare. ву⊻

TARINO, WINNINGHAM, ENARD, TENENBAUN, AMSEY & HALSETH TORNEYS AT LAW NORTH FIRST STREET JOSE, CALIF. 95112 408) 295-2522

11 (date) (place) 12 (Signature) 13 (Signature) 14 PROOF OF SERVICE BY MAIL (1013a, 2015 5 C. C. P.) 15 STATE OF CALIFORNIA, COUNTY OF SANTA CLARA 1 am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within of action; my business address is: 16 action; my business address is: 17 N. First St., #333, San Jose, CA 95112 17 5/21 0n .19 18 On 0n .19 .10 .19 .11 .19 .11 .10 .12 .10 .13 .10 .14 .10 .15 .10 .16 .11 .17 N. First St., #333, San Jose, CA 95112 .18 .10 .19 .11 .10 .12 .11 .12 .12 .13 .13 .13 .14 .14 .15 .14 .16 .10	
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ATE OF OREGON: COUNTL OF REARTH.35 hereby certify that the within instrument was received and filed for cord on the <u>20th</u> day of <u>June</u> A.D., 19 <u>85</u> at 2:48 o'clock cord on the <u>20th</u> day of <u>June</u> (ounty Lien Docket) on pa	с. 20 т стан стан стан стан стан стан
duly recorded in Vol_ <u>M85</u> , of <u>County Lien Docket</u> on pa	
EVELYN BIEHN, COUNTY CLEF	bage

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