

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

in the Matter of the
Guardianships and
Conservatorships of

LELA M. LAWVOR,

and

LUSCOMBE LAWVOR,

and

MARY M. LAWVOR,

56 Incapacitated persons.)

No. 55-33-G/C

No. 59-69-G/C

No. 59-70-G/C

ORDER TERMINATING AUTHORITY
AND RESPONSIBILITY OF GUARDIAN
FOR LELA M. LAWVOR, REMOVING
PREVIOUS GUARDIANS,
APPOINTING NEW GUARDIAN FOR
LUSCOMBE LAWVOR AND MARY M.
LAWVOR, VOIDING AN INTEREST
IN REAL PROPERTY, REFORMING
DEED, AND DIRECTING RECONVEYANCE
BY MELROSE CURRAN; JUDGMENT.

This matter came before the court upon the September 19,
1985 petitions of Edwin Lawver for the removal of previous
guardians and for the appointment of himself as guardian for
the three incapacitated persons Lela, Luscombe and Mary M.
Lawvor, and upon the January and February 1985 objections of
interested persons to the most recent annual accounting of
the conservator of each of the protected persons. A consolidated
hearing was held on March 10 through 15, 1986. Edwin Lawver
was represented by Philip H. Lowthian, Melrose Curran Ryan

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was represented by Mark Runnels, and First Interstate Bank was represented by Robert F. Nichols. During the hearing the court entered an order respecting a resignation of the guardian Michael D. Brant, who had been previously empowered by an order entered September 26, 1984. At the conclusion of the hearing the court ordered from the bench that Kathy Hundley be appointed guardian of the three incapacitated persons, and about March 17, 1986 entered an order to that effect, while taking under advisement the petition of Edwin Lawver and the objections to the conservator's 33-84 annual accountings. On March 27, 1986 Lela Lawvor died at the age of 88 years. On April 2, 1986 the court rendered a written opinion which contained within it an order granting specific powers to Edwin Lawver pending the entry of this order.

The court FINDS as follows:

1. Venue is properly laid in this court and no other court in this state has acquired jurisdiction of this matter.
2. Notices as required by ORS 126.007 and ORS 126.127 have been given to the persons entitled thereto, the time for filing objections to the petitions of Edwin Lawver in the guardianship matters has expired, Melrose Curran Ryan filed an objection to the petition of Edwin Lawver in the guardianship of Luscombe Lawver, and no other person has filed objection to the petitions.
3. Lela M. Lawvor is deceased. Luscombe Lawvor and Mary M. Lawvor are incapacitated. Guardians prior to Kathy

Hundley have ceased to serve, and Kathy Hundley has served as the court directed. Appointment of a guardian is necessary as a means of providing continuing care and supervision of the persons of the surviving wards. Edwin Lawver is a qualified and suitable person to act as guardian.

4. The judgment of Melrose Curran Ryan as to what is in the best interests of the wards has not been good in recent times. Mr. Pat Ryan, husband of Melrose Curran Ryan, has subjected the wards to inappropriate conduct, his residence in the home of the wards is a disruptive and undesirable influence on the wards, and the wards have suffered therefrom.

5. The surviving wards are elderly, have recently been moved from their former residence of several years, now live at 2400 Lindley Way in Klamath Falls, and ought not be moved again without better reasons than now exist--considering the alternatives immediately available to the court, the recent death of Lela Lawvor, and the circumstances disclosed during the hearing and since the hearing by the reports of the guardian Kathy Hundley.

6. The real property located at 2400 Lindley Way, and described in the deed recorded August 14, 1984 at Volume M84 of Deeds, page 13933, Klamath County records, was a cash purchase with funds of the three wards Lela, Luscombe and Mary M. Lawvor during the period covered by the annual accountings. Objection has been made to the expenditure and the adequacy of the consideration received for it. The three wards each received one-fourth

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interests in the Lindley Way property, and their guardian Melrose Curran Ryan received the other one-fourth interest. On October 1, 1984 Melrose Curran Ryan conveyed the wards that interest in real property which she had received by the earlier decree of distribution in the estate of Lucille Lawvor, deceased. On October 10, 1984 the decree of distribution was attacked for having been fraudulently entered, and is presently a subject of litigation. The most recent annual accountings, to which objections have been made, do not reflect the wards' receipt of property conveyed to them by Melrose Curran Ryan. Conservator intends to reflect that receipt in the next of its annual accountings. Objecting interested persons intend to object to that receipt on various grounds. The court intends to so reform the conveyance to Melrose Curran Ryan that the wards receive all of the interests paid for by the wards and conveyed by their grantors. The court further intends to fairly compensate Melrose Curran Ryan for her October 1, 1984 conveyance to the wards.

NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The authority and responsibility of the guardian for Lela Lawvor terminated on the death of that ward.
2. All guardians appointed heretofore are removed from the office of guardian of Luscombe Lawvor and Mary M. Lawvor, and letters of guardianship issued heretofore are hereby cancelled.

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3. Edwin Lawvor is appointed guardian of Luscombe Lawvor and Mary M. Lawvor, incapacitated persons.

4. The bond of the guardian of Edwin Lawvor is fixed in the amount of \$5,000.00, in each guardianship.

5. Letters of guardianship shall issue to Edwin Lawvor upon filing a bond approved by the court in each guardianship in the sum set out at paragraph three above.

6. The August 10, 1984 acquisition by Melrose Curran Ryan of an interest in the real property paid for by the wards is disapproved, and disallowed. The deed from Samuel W. Raymond and Marian M. Raymond recorded August 14, 1984 at Volume M84 of deeds page 13933 is reformed as to the grantees as follows:

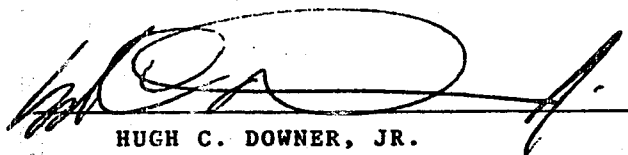
"FIRST INTERSTATE BANK OF OREGON, N.A., as conservator of the estates of Lela M. Lawvor, Luscombe Lawvor and Mary Magdalene Lawvor, each as to an undivided 1/3 interest, all as tenants in common."

7. Melrose Curran Ryan is ordered and commanded to convey, by special warranty deed in the form prescribed by ORS 93.855(1) and (2), unto First Interstate Bank of Oregon, N.A., as conservator of the estates of Lela M. Lawvor, Luscombe Lawvor and Mary M. Lawvor, that same property as was conveyed to Melrose Curran by the deed of August 10, 1984 now recorded at volume M84 of Klamath County deed records page 13933 and page 13934. Should Melrose Curran Ryan fail to so deed as hereby ordered then this order and decree shall stand as such deed.

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8. Paragraphs 1 through 5 of this order are final orders and judgments. It is determined that there is no just reason for delay as to paragraphs 1 through 5 of this order. The clerk is directed to enter judgement on them.

DATED THIS 14th day of May, 1986.



HUGH C. DOWNER, JR.
CIRCUIT COURT JUDGE

Ret: Will Pick Up -

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 27th day
of May A.D., 19 86 at 9:56 o'clock A M., and duly recorded in Vol. M86
of _____ Deeds on Page 9086.

FEE \$25.00

By Evelyn Biehn, County Clerk
PAm Smith