

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

FILED
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CURRY COUNTY COURTS
GOLD BEACH, OR.

RAYMOND J. PLUTA and
KATHLEEN J. PLUTA,

Plaintiffs,

vs.

RONALD K. RIMA and MIKAEL
BENO,

Defendants.

Case No. 89CV054

JUDGMENT AND DECREE
OF SPECIFIC PERFORMANCE
AND AWARD OF ATTORNEY FEES

ENTERED

11-30-89

By 28

This matter having come on regularly for trial on the 3rd day of October, 1989, before the undersigned Judge on the claim for relief filed by plaintiffs seeking specific performance of a contract and on the counterclaim for fraud filed by defendant Ronald K. Rima;

Plaintiffs having appeared through their attorney, Jerry O. Lesan, and defendant Ronald K. Rima having appeared through his attorney, George Hoselton, and defendant Mikael Beno not having appeared in person nor through an attorney;

The defendant, Ronald K. Rima, through his attorney, George Hoselton having orally dismissed the counterclaim for fraud and the attorneys thereupon made opening statements on behalf of their respective clients, introduced testimony and other evidence in support of their respective cases, and thereafter rested. Written arguments were then submitted to the court on behalf of the respective parties, and the court having reviewed the written arguments of the parties and at the special instance and request of the plaintiffs having issued his letter opinion October 13, 1989, containing findings of fact, conclusions of law and a proposed decree of specific performance; and the plaintiffs having requested additional findings of fact and amendments to those facts previously found; and the court having reviewed plaintiffs' request and thereupon issued additional findings of fact on November 3, 1989, supplementing the original findings which concluded that plaintiffs were entitled to the relief prayed for in plaintiffs' complaint;

And the plaintiffs having duly submitted a statement of attorney fees and costs and the defendant having failed to object to the same, now, therefore, it is hereby

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PAGE

1 - Judgment and Decree

1 ORDERED AND ADJUDGED that:

2 1. The defendants, and each of them, are ordered to
3 convey to plaintiffs as tenants by the entirety, the real
property described as:

4 "That certain tract of land lying in
5 Government Lot 2, Section Nine (9), Township
6 Forty-one (41) South, Range Thirteen (13)
West, Willamette Meridian, Curry County,
Oregon, described as follows:

7 Beginning at an iron pipe driven at a point
8 450.5 feet South and 570.8 feet West of the
Northeast corner of said Government Lot 2;
9 thence South 38° 42' East 291.35 feet to an
iron pipe; thence North 89° 41' East 217.8
10 feet, more or less, to an iron pipe driven on
the approximate southwesterly boundary of
11 Ocean View Drive; (this bearing sometimes
called East); thence northwesterly following
12 the southwesterly boundary of said road to a
point that bears North 70° 58' East from the
13 point of beginning; thence South 70° 58' West
111.3 feet to the point of beginning."

14 The conveyance to be made by good and sufficient warranty
15 deed within thirty days of the date of entry of this judgment,
on payment by plaintiffs of the sum of \$10,000.00 cash plus the
16 delivery of the Pang Ram Kachina depicted in Exhibit 2, said
Kachina to be in a display case containing pieces of broken
17 pottery; said payment and delivery to be made within thirty days
of the date of this judgment.

18 2. The escrow for closure of the sale shall be held at
Curry County Title, 610 Chetco Avenue, Brookings, Oregon.

19 3. Plaintiffs and defendant Ronald K. Rima will share
20 equally all closing costs.

21 4. The \$10,000.00 to be paid in by plaintiffs, shall
upon closure of the sale by Curry County Title, be paid over in
22 full to defendant Mikael Beno.

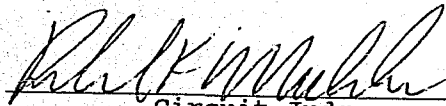
23 5. Plaintiffs shall further have judgment against
defendant Ronald K. Rima for costs and disbursements herein taxed
24 in the sum of \$ 359.14 and a reasonable attorney fee in the
sum of \$ 8,482.00.

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26 ////

MONEY JUDGMENT

1. JUDGMENT CREDITOR: Raymond J. Pluta and Kathleen J. Pluta
2. CREDITOR'S ATTORNEY: Jerry O. Lesan
3. JUDGMENT DEBTOR: Ronald K. Rima
4. ATTORNEY FEES: \$ 8,682.00
5. COSTS AND DISBURSEMENTS: \$ 359.14
8. POSTJUGMENT INTEREST: Simple interest at the rate of 9% per annum on the total of items 4 and 5 which total \$ 9,041.14 from the date judgment is entered until fully paid.

Dated at Gold Beach, Oregon, this 27th day of Nov, 1989.


Circuit Judge

RICHARD K. MICKELSON
PROTEM

Submitted by:

Jerry O. Lesan
OSB No. 67074
405 North Fifth Street
P. O. Box 359
Coos Bay, Oregon 97420
269-5565
Of Attorneys for Plaintiffs

RECEIVED

NOTICE TO CREDITORS

IN THE CIRCUIT COURT OF THE STATE OF OREGON

County of Klamath

IN RE: ESTATE OF JERRY O. LESAN

Debtor

Notice is hereby given that the undersigned, County Clerk of the County of Klamath, State of Oregon, has filed for record and publication of the foregoing Notice to Creditors in the Circuit Court of the State of Oregon, County of Klamath, and a copy of the same has been published in the Klamath Falls Herald-Examiner, a newspaper published in Klamath Falls, Oregon, on the 12th day of January, 1990.

Given under my hand and the seal of said Court, at Klamath Falls, Oregon, this 12th day of January, 1990.

[Signature]
County Clerk

NOTICE TO CREDITORS
IN THE CIRCUIT COURT OF THE STATE OF OREGON
County of Klamath
IN RE: ESTATE OF JERRY O. LESAN
Debtor
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Given under my hand and the seal of said Court, at Klamath Falls, Oregon, this 12th day of January, 1990.

Return: Jerry O. Lesan
P.O.Box 359
Coos Bay, Or. 97420

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Jerry O. Lesan

on this 12th day of Jan A.D., 19 90
at 2:58 o'clock P.M. and duly recorded
in Vol. M90 of Co. Lien Page 921

Evelyn Biehn

By

Pauline M. Nickerson

County Clerk

Deputy.

Fee, \$20.00

