

11222

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

RECORDED - 3 AM 9 01

BY Cathy Kelly

RAY YUNCK,

Plaintiff,

vs.

NO. 84 - 569 CV

MOTION

MICKI M. JUDKINS, aka MICKI MARY GAIL
JUDKINS, aka MICKI M. ATKINS, and
ARTHUR L. JUDKINS; SHARON SANDERS;
UNITED STATES OF AMERICA; KLAMATH
BASIN COLLECTION SERVICE, INC., an
Oregon Corporation; and CARTER-JONES
COLLECTION SERVICE INC., an Oregon
Corporation,

Defendants.

COMES NOW the Plaintiff, by and through his attorney, William L. Sisemore,
and in respect to the answer and cross-complaint filed by Defendant Micki M.
Atkins moves the Court for an Order as follows:

1. Striking Paragraphs III, IV and V on the grounds that the allegations
contained therein are a sham, irrelevant and frivolous and do not amount to a
defense to the Plaintiff's Complaint.

2. Dismissing the Defendant Micki M. Atkins' first cause of action against
the Plaintiff, Ray Yunck, on the grounds that the allegations contained therein
fail to state ultimate facts sufficient to constitute a claim against Ray Yunck.

3. Dismissing the Defendant Micki M. Atkins' second cause of action against
Ray Yunck, on the grounds that the allegations contained therein fail to state
ultimate facts sufficient to constitute a claim against the Plaintiff.

ARGUMENT

From the allegations contained in the second cause of action and the exhi-
bits relative thereto, it appears that Ray Yunck was the legal title holder of
the subject real property. He sold this property to Arthur L. Judkins and

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90 FEB 9 PM 4 00

1 Micki M. Judkins on an unrecorded contract of sale; the Defendants' Judkins
 2 executed a deed in favor of Edgar Sanders and Sharon Sanders, and insurance was
 3 obtained on the property which insured Ray Yuncck as having an interest in the
 4 property.

5 William L. Sisemore
 6 William L. Sisemore
 7 Attorney for Plaintiff

8 I hereby certify that I am attorney for Plaintiff
 9 in the within-entitled cause; I served the within and foregoing Motion

10 on Micki M. Atkins, ~~XXXXXX~~ Plaintiff
 11 therein, in Klamath County, Oregon, on the 2nd day of April, 1985, by
 12 placing a true and correct copy thereof, duly certified as such copy by me, as such
 13 attorney, in a sealed envelope plainly addressed to Micki M. Atkins, P. O. Box
 14 163406, Sacramento, California 95816

15 of with postage fully prepaid, and deposited the same in the U. S. Mail at Klamath Falls,
 16 Ylli G. Oregon, Clerk of the Circuit Court of the County of Klamath
 17 the State of Oregon do hereby certify that the foregoing copy has been
 18 compared with the original, and that it is a transcript therefrom, and
 19 whole of such original as the same appears on file or of record
 20 and in my care and custody.

21 WILLIAM L. SISEMORE have hereto set my hand
 22 of said Court, this Feb day of 1985
 23 Attorney at Law
 24 540 Main Street
 25 Klamath Falls, Oregon 97601
 26 WILLIAM L. SISEMORE Attorney for Plaintiff

THIS MOTION WILL BE HEARD MONDAY, APRIL 8, 1985.

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WILLIAM L. SISEMORE
 Attorney at Law
 540 Main Street
 KLAMATH FALLS, ORE.
 97601
 503/882-7229

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Micki Atkins the 9th day
 of Feb. A.D., 19 90 at 4:00 o'clock P.M., and duly recorded in Vol. M90
 of Deeds on Page 2779

FEE \$10.00

Evelyn Biehn - County Clerk
 By Rauline Muelendore