

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

WESTERN BANK, a banking
institution, Conservator for
ERNESTINE PARRISH KIRK,

Plaintiff,

vs.

HARRIET PARRISH and EULOVA
SMITH, formerly EULOVA PARRISH.

Defendants.

Case No. 89-02626-CV

AMENDED JUDGMENT

This Judgment is being amended to include the Summary of
Money Judgment.

THIS MATTER having come before the court for trial on the
28th day of March, 1991, with Ernestine Parrish Kirk appearing on
behalf of plaintiff and by and through Michael L. Brant, attorney
for plaintiff; and defendants appearing in person and by and
through their attorney, Douglas V. Osborne, and the Court having
heard the testimony of the parties and having received exhibits
and having heard the arguments of counsel and being fully advised
in the premises,

AND THE COURT HAVING FOUND THAT Ernestine Parrish Kirk was
incompetent at the time she executed the Bargain and Sale Deed on
July 6, 1971 and that Ernestine Parrish Kirk was under the
complete domination and control of her father, Harol Parrish, and
not exercising her free will at the time she executed the deed,

AND THE COURT FURTHER FINDING THAT Harol Parrish had not
AMENDED JUDGMENT -1-

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MICHAEL L. BRANT
ATTORNEY AT LAW
325 MAIN STREET
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1 been discharged of his duties as Guardian for Ernestine Parrish,
2 now Ernestine Parrish Kirk, when he arranged the deed and that
3 subsequent to July 6, 1971, Harol Parrish was, again,
4 appointed guardian and conservator for Ernestine Parrish and
5 continued as such until his forced removal on December 31, 1985,

6 AND THE COURT FURTHER FINDING THAT Harol Parrish dominated
7 Ernestine Parrish's life, treated her property as his own, and
8 even went to jail rather than properly account to the court for
9 his stewardship,

10 AND THE COURT FURTHER FINDING THAT the estoppel defense was
11 not proven and the statute of limitations did not start to run
12 until Harol Parrish's removal as guardian and conservator of
13 Ernestine Parrish Kirk, now, therefore

14 IT IS HEREBY ORDERED AND ADJUDGED THAT that certain Bargain
15 and Sale Deed dated July 6, 1971 and recorded in the Klamath
16 County, Oregon deed records in Volume M 71 at Pages 11918 and
17 11919 wherein Ernestine Parrish was the Grantor and Harriet C.
18 Parrish and Eulova Comeah Parrish were the Grantees is set aside,
19 cancelled and of no further force nor effect; and

20 IT IS FURTHER ORDERED AND ADJUDGED THAT the interest which
21 Ernestine Parrish, now Ernestine Parrish Kirk had in the property
22 which is the subject of the Bargain and Sale Deed above described
23 prior to July 6, 1971 is hereby restored to her as fully as
24 though said Bargain and Sale Deed had never been executed; and

25 IT IS FURTHER ORDERED AND ADJUDGED THAT plaintiff is
26

1 awarded its costs and disbursements herein incurred.

2 SUMMARY OF MONEY JUDGMENT

3 1. Name of Judgment Creditor: Western Bank, a banking
4 institution, Conservator for Ernestine Parrish, now known
5 as Ernestine Parrish Kirk

6 2. Attorney for Judgment Creditor: Michael L. Brant

7 3. Name of Judgment Debtors: Harriet C. Parrish and Eulova
8 Comeah Parrish as Grantees of that certain Bargain and
9 Sale Deed dated July 6, 1971 and recorded in the Klamath
10 County, Oregon deed records in Volume M 71 at Pages 11918
11 and 11919

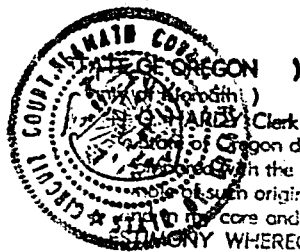
12 4. Nature of Judgment: The Bargain and Sale Deed dated July 6,
13 1971 and recorded in the Klamath County, Oregon deed
14 records in Volume M 71 at pages 11918 and 11919 wherein
15 Ernestine Parrish was the Grantor and Harriet C. Parrish
16 and Eulova Comeah Parrish were the Grantees is set aside,
17 cancelled and of no further force nor effect. Ernestine
18 Parrish Kirk's interest in the property which is the
19 subject of the Bargain and Sale Deed described above prior
20 to July 6, 1971 is restored to her as fully as though said
21 deed had never been executed.

22 5. Costs: Filing Fee \$118.00
23 Service Fee 20.00
24 Prevailing Costs 75.00

25 Total Costs: \$213.00

26 DATED THIS 1st day of April, 1991.

Richard C. Beesley
Circuit Court Judge



LYN G. HARDY, Clerk of the Circuit Court of the County of Klamath
State of Oregon do hereby certify that the foregoing copy has been
examined with the original, and that it is a true and correct
copy of such original as the same appears on file or on record
and is in my care and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and
the seal of said Court, this 2th day of May A.D. 1991

AMENDED JUDGMENT

LYN G. HARDY, Clerk of Court

By [Signature]

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael L. Brant the 10th day
of May A.D., 19 91 at 4:35 o'clock P.M., and duly recorded in Vol. M91
of Deeds on Page 8916

FEE \$38.00

Evelyn Biehn - County Clerk

By [Signature]

Rel:
MICHAEL L. BRANT
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