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JAN 27 1992

## CIRCUIT COURT OF OREGON

## DESCHUTES COUNTY

STATE OF OREGON, ex rel  
 PAMELA MATTSON, Assistant  
 Director, Department of Human  
 Resources, Administrator,  
 Employment Division,  
 State of Oregon,

No. 90-CV-0254-MS

## AMENDED JUDGMENT

Plaintiff,

v.

TIMOTHY G. WAKEFIELD,

Defendant.

This matter came before the court on November 14, 1991, on the statement of the State of Oregon's charges of contempt against the defendant-contemnor, Timothy G. Wakefield. The State of Oregon, ex rel Pamela Mattson, Assistant Director of the Oregon Employment Division, appeared by and through Victor Levy, Assistant Attorney General, State of Oregon; and defendant-contemnor, Timothy G. Wakefield, appeared in person, pro se.

At the commencement of the hearing, the defendant-contemnor, Timothy G. Wakefield, was advised by the court of his right to be represented by counsel and to have counsel appointed for him if he was indigent; and defendant-contemnor, Timothy G. Wakefield, responded in open court that he did not desire to be represented by counsel. After fully explaining to the defendant-contemnor, Timothy G. Wakefield, the full nature of the proceedings and the possible consequences and punishment in the

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1 event that he was found in willful contempt of court as charged  
2 in the State's statement of charges of contempt, Timothy G.  
3 Wakefield requested the opportunity to meet with the State's  
4 counsel, Victor Levy, prior to the commencement and presentation  
5 of evidence. After being fully advised by the court in  
6 connection with the defendant-contemnor meeting with State's  
7 counsel to discuss the case without being represented by counsel  
8 during such discussions, the defendant-contemnor acknowledged  
9 the court's admonitions and indicated he nevertheless desired  
10 the opportunity to meet with State's counsel. The court  
11 thereupon accordingly recessed the hearing to permit the  
12 defendant-contemnor to meet with and discuss possible resolution  
13 of the contempt charges with the State's attorney.  
14

15 Following recess of the hearing for the purposes described,  
16 the hearing was reconvened and the State's attorney and the  
17 defendant-contemnor, Timothy G. Wakefield, advised the court  
18 that they had reached resolution with respect to the Statement  
19 of The State's Charges of Contempt and of the requested remedial  
20 and punitive sanctions as set out in said Statement. Thereupon,  
21 the State's attorney, Victor Levy, in open court, and in the  
22 presence of the defendant-contemnor, Timothy G. Wakefield, set  
23 forth the specifics as to the resolution reached and in response  
24 to the inquiries of the court, the defendant-contemnor, Timothy  
25 G. Wakefield, acknowledged in open court that the resolution of  
26 the matter as described by the State's attorney was accurate,  
was voluntarily agreed to, that no threats or promises or other

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1 form of inducements were made to the defendant-contemnor to  
2 prompt agreement to the terms of the resolution and the  
3 defendant-contemnor, Timothy G. Wakefield, in further response  
4 to the court's statements and inquiries, stated in open court  
5 that he acknowledged his right to be represented by counsel  
6 before the court entered judgment, that he did not desire to be  
7 represented by counsel and did expressly waive his right to be  
8 so represented; and did further acknowledge in open court that  
9 he was guilty of contempt of court in that he did willfully  
10 violate the court's orders of December 7, 1990, and of February  
11 21, 1991; and the court being otherwise fully apprised in the  
12 premises, the court makes the following  
13

14 FINDINGS OF FACT

15 1. The defendant-contemnor, Timothy G. Wakefield, having  
16 been fully advised by the court of the nature of the proceedings  
17 and of the possible consequences should the court find him in  
18 contempt of court, and of his right to be represented by counsel  
19 at all times, the defendant-contemnor, Timothy G. Wakefield, did  
20 state to the court that he did not desire to be represented by  
21 counsel and did waive his right to be represented by counsel;

22 2. Based on the defendant-contemnor, Timothy G.  
23 Wakefield's acknowledgment and admission in open court that he  
24 did willfully violate the December 7, 1990 and February 21, 1991  
25 orders of the court and was guilty of contempt of court as  
26 charged in the statement of the State's charges of contempt, the  
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1 defendant-contemnor, Timothy G. Wakefield, is guilty of contempt  
2 of court as charged.

3 Now, therefore, based upon all of the foregoing and the  
4 findings of the court,

5 IT IS HEREBY ORDERED AND ADJUDGED as follows:

6 1. The defendant-contemnor, Timothy G. Wakefield, is  
7 hereby found in contempt of court for his willful violation of  
8 the court's orders of December 7, 1990 and February 21, 1991;

9 2. Pursuant to Oregon Laws 1991, chapter 724, section  
10 9(2)(a), the defendant-contemnor, Timothy G. Wakefield, is  
11 hereby fined \$500.00 and ordered to pay said amount to the State  
12 of Oregon, said payment to be made to the clerk of the Deschutes  
13 County Circuit Court on or before the close of business on  
14 December 16, 1991;

15 3. The defendant-contemnor, Timothy G. Wakefield, shall  
16 deliver the following papers, documents and items to the Oregon  
17 Employment Division office, Tax Section, 1007 SW Emkay Drive,  
18 Bend, Oregon, on or before December 16, 1991:

19 a) All payroll records for the Tim Wakefield Logging  
20 business for the period January 1, 1987 through the closing  
21 of the Tim Wakefield Logging business;

22 b) All check registers for the Tim Wakefield Logging  
23 business for the period January 1, 1987 through the closing  
24 of the Tim Wakefield Logging business;

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1 c) All 1099 forms and W-2 forms for the period  
2 January 1, 1987 through the closing of the Tim Wakefield  
3 Logging business; and

4 d) Any and all other payroll and business records of  
5 the Tim Wakefield Logging business covering the period  
6 January 1, 1987 through the closing of the Tim Wakefield  
7 Logging business requested by the Oregon Employment  
8 Division tax auditor responsible for conducting a tax audit  
9 of the Tim Wakefield Logging business for the period  
10 January 1, 1987 through the closing of the Tim Wakefield  
11 Logging business.

12 The defendant-contemnor, Timothy G. Wakefield, shall in all  
13 respects fully cooperate with the Oregon Employment Division tax  
14 auditor conducting the tax audit and shall make every reasonable  
15 effort to stay in communication with the tax auditor and to  
16 promptly provide all relevant business information and produce  
17 any and all payroll records, business records and documents, or  
18 other papers and items relevant and necessary to enable the tax  
19 auditor to conduct a routine tax audit. In the event that the  
20 defendant-contemnor, Timothy G. Wakefield, fails to comply with  
21 this item 3, then, pursuant to Oregon Laws 1991, chapter 724,  
22 section 9(1)(c)(d), he shall pay to the Oregon Employment  
23 Division the sum of \$1,500.00 as compensation for the effects of  
24 the continuing contempt.

25 4. Judgment is hereby granted in favor of Pamela Mattson,  
26 Assistant Director, Department of Human Resources, Administrator,

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1 Employment Division, State of Oregon, against the defendant-  
 2 contemnor, Timothy G. Wakefield, in the sum of \$5,321.75, as and  
 3 for reasonable attorney fees, expenses and costs suffered as a  
 4 result of the defendant-contemnor's acts of contempt of court.

5 MONEY JUDGMENT

- 6 1) Judgment Creditor: State of Oregon, Department of  
 7 Human Resources, Employment Division  
 8 2) Judgment Creditor's Attorney: Victor Levy, Assistant  
 9 Attorney General  
 10 3) Judgment Debtor: Timothy G. Wakefield  
 11 4) Principal Amount of Judgment: \$500.00  
 12 5) Prejudgment Interest: None  
 13 6) Costs, Attorney Fees and Expenses: \$5,321.75  
 14 7) Postjudgment Interest: 9% per annum simple interest  
 15 on the sum of \$5,321.75 from December 20, 1991, until  
 16 the Judgment is fully paid.

17 DATED this 6 day of January, 1992, nunc pro tunc  
 18 November 14, 1991.

19   
 20 THE HONORABLE MICHAEL C. SULLIVAN  
 21 Circuit Judge

22 Submitted by:

23 Victor Levy #61049  
 24 Assistant Attorney General  
 25 Of Attorneys for State of Oregon  
 26 1515 SW 5th Avenue, Suite 410  
 Portland, OR 97201  
 Telephone: (503) 229-5725

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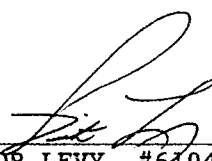
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## CERTIFICATE OF SERVICE BY MAIL

I certify that on January 2, 1992, I served the foregoing form of AMENDED JUDGMENT upon the parties hereto by mailing, regular mail, postage prepaid, a true, exact and full copy thereof to:

Timothy G. Wakefield  
PO Box 189  
Crescent, OR 97733

Defendant-Contemnor, Attorney Pro Se

  
\_\_\_\_\_  
VICTOR LEVY #61049  
Assistant Attorney General  
Of Attorneys for State of Oregon

Return: Dept. of Justice  
1515 SW 15th Ave. #410  
Portland, OR. 97201

STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Dept. of Justice  
on this 30th day of Jan. A.D., 19 92  
at 9:50 o'clock A M. and duly recorded  
in Vol. M92 of Co. Lien Page 2030  
Evelyn Biehn Docket  
County Clerk  
By Pauline Muelandore  
Deputy.

Fee, \$40.00



CERTIFIED TRUE COPY, OF THE ORIGINAL  
DATED THIS 15th DAY OF Jan, 19 92  
CIRCUIT AND DISTRICT COURTS,  
DESCHUTES COUNTY  
STATE OF OREGON  
BY: Pauline Muelandore