

DEC 11 1992

1 Keith Y. Boyd, OSB No. 76070
 Carolyn G. Wade, OSB No. 83212
 2 BOYD & WADE, P.C.
 921 Country Club, Suite 100
 3 Eugene, OR 97401-2238
 (503) 342-5558

U.S. BANKRUPTCY COURT
 DISTRICT OF OREGON
 FILED

NOV - 4 1992

4 Of Attorneys for Plaintiff/Trustee
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SCIENCE H. DUNN, CLERK
 OF DISTRICT COURT

7 MTC 28785-KR

8 IN THE UNITED STATES BANKRUPTCY COURT
 9 FOR THE DISTRICT OF OREGON

10 In re:

11 BRIAN BETZ and DEANNA BETZ,
 12 Debtors.

Case No. 691-61295-R7

13 MICHAEL A. GRASSMUECK, INC.,
 14 Trustee in the Bankruptcy
 Estate of Brian Betz and
 15 Deanna Betz,

16 Plaintiff,

Adversary Proceeding
 No. 691-6246-R

17 v.

ORDER OF FINAL JUDGMENT

18 BRIAN BETZ; DEANNA BETZ;
 19 RANDY D. SINES; IRENE C.
 SINES; PARK PLACE REAL
 20 ESTATE, INC.; and MOUNTAIN
 TITLE COMPANY OF KLAMATH
 21 COUNTY,
 22 Defendants.

23 THIS MATTER having come before the Court on the motion of
 24 the plaintiff for a final judgment as to all defendants and on
 all issues; the Court finding from the files and records herein
 25 that all defendants have been found in default with the exception
 of defendant, Park Place Real Estate; the Court finding from the
 files and records that the plaintiff and defendant, Park Place
 26 Real Estate, have compromised, that notice thereof has previously

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Return to:
 Mountain Title Co.

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1 | been given to creditors and interested parties, that no objec-
2 | tions or requests for hearing have been filed and the time for
3 | filing has expired; the Court finding no just reason to delay the
4 | entry of final judgment herein; and the Court being otherwise
5 | fully advised; it is, therefore,

6 | ORDERED that judgment is awarded in favor of plaintiff and
7 | against defendant, Park Place Real Estate, avoiding the asserted
8 | security interest of Park Place Real Estate in the proceeds of
9 | the sale of the real estate known as 925 & 933 Washington Avenue,
10 | Klamath Falls, Oregon and subordinating the claim of homestead of
11 | the debtors, if any, to the lien of the avoided security interest
12 | which is preserved for the benefit of the plaintiff.

13 | IT IS FURTHER ORDERED that Mountain Title Company of Klamath
14 | County is directed to disburse to the plaintiff from escrow
15 | number 24787 all payments which would have previously been dis-
16 | bursed to Park Place Real Estate, Inc., including all payments
17 | held in escrow number 24787 pursuant to the Order Granting
18 | Preliminary Injunction entered herein on August 14, 1991.

19 | IT IS FURTHER ORDERED that the Assignment of Note and Trust
20 | Deed entered into between the debtors and Randy and Susan Sines
21 | dated January 9, 1991 is avoided; defendants, Randy and Susan
22 | Sines, are awarded a lien on said Note and Trust Deed and the
23 | proceeds thereof for the first \$11,500.00 distributable to the
24 | Sines on account of said interest according to the terms of the
25 | instructions of escrow number 24787; and subordinating the claim
26 | of homestead of the debtors, if any, to the lien of the avoided
security interest which is preserved for the benefit of the
plaintiff.

IT IS FURTHER ORDERED that Mountain Title Company of Klamath
County is directed to disburse to defendants, Randy and Susan
Sines, the first \$11,500.00 of proceeds in escrow number 24787
which are to be disbursed to defendants, Randy and Susan Sines,
according to the terms of the instructions therein, and there-
after to disburse to plaintiff all additional proceeds which
would have previously been disbursed to the Sines.

IT IS FURTHER ORDERED that the Preliminary Injunction
entered herein on August 14, 1991 is terminated and discharged.

IT IS FURTHER ORDERED that plaintiff is awarded judgment
against defendants, Randy Sines and Susan Sines, for plaintiff's
costs and disbursements incurred herein.


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Eugene, Oregon 97401-2238
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1 IT IS FURTHER ORDERED that this shall be a final judgment as
2 to all defendants on all issues herein and that execution shall
3 issue hereon.

4 
ALBERT E. RADCLIFFE
U.S. Bankruptcy Judge

5 PRESENTED BY:

6 BOYD & WADE, P.C.

7
8 By: 

9 Keith Y. Boyd, OSB No. 76070
Of Attorneys for Trustee

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PAGE 3 - ORDER OF FINAL JUDGMENT

BOYD & WADE, P.C.
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(503) 342-5558

1 STATE OF OREGON)
 2 County of Lane) ss.

3 I certify that on October 5, 1992, I served the attached
 4 document on the persons specified below by depositing a true,
 5 full and exact copy thereof in the United States Post Office at
 6 Eugene, Oregon enclosed in a sealed envelope, with postage paid,
 7 or if persons listed below are marked with an asterisk (*) then
 8 service was made via B&J/Barrister's Aide, Inc. and the document
 9 was received by a representative of B&J/Barrister's Aide, Inc. on
 10 the same date listed above, addressed to:

11 Paul J. Garrick, Esq.
 12 Assistant U.S. Trustee
 13 44 West Broadway, Suite 500
 14 Eugene, OR 97401

Michael A. Grassmueck, Inc.
 Trustee in Bankruptcy
 P.O. Box 1783
 Medford, OR 97501

15 Brian and Deanna Betz
 16 c/o Leslie Klein, Esq.
 17 426 Main Street
 18 Klamath Falls, OR 97601-6030

19 Randy D. and Irene C. Sines
 20 4056 S. Madelia
 21 Spokane, WA 99203

22 Park Place Real Estate, Inc.
 23 c/o Neal G. Buchanan, Esq.
 24 First Interstate Bank Bldg.
 25 601 Main Street, Suite 215
 26 Klamath Falls, OR 97601-6607

Mountain Title Company
 of Klamath County
 Michael L. Spencer, Esq.
 123 N. 4th Street
 Klamath Falls, OR 97601

BOYD & WADE, P.C.

By: 

22 I certify that the foregoing is a true, exact and full copy
 23 of the original thereof.

BOYD & WADE, P.C.

By: _____

Keith Y. Boyd
 Of Attorneys for Trustee

1 - AFFIDAVIT OF MAILING

BOYD & WADE, P.C.
 921 Country Club, Suite 100
 Eugene, Oregon 97401-2238
 (503) 342-5558

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 4th day
 of Dec. A.D. 19 92 at 11:28 o'clock A.M., and duly recorded in Vol. M92
 of Deeds on Page 28770

Evelyn Biehn - County Clerk

By 

FEE \$25.00