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FILED

STATE OF OREGON

KLAMATH

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CLERK OF COURT

BY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH
Department of Domestic Relations

In the Matter of the Marriage)
of)

No. 9602972CV

JOSEPH F. CARAHER)

MODIFIED STIPULATED ORDER OF
SPOUSAL SUPPORT PURSUANT TO
ORS 108.110

Petitioner,)

and)

MARCELLA M. CARAHER)

Respondent.)

This matter having come before the Court upon the petition
of JOSEPH F. CARAHER for support from his wife, MARCELLA M.
CARAHER, and the transfer of certain marital assets to
petitioner;

The Court having reviewed the Petition for Support and the
Memorandum in Support of the Petition; and

1 - MODIFIED STIPULATED ORDER OF SPOUSAL SUPPORT AND TRANSFER OF
ASSETS TO PETITIONER

Baker & Meyer
Attorneys at Law
1500 N.E. Irving, Suite 480
Portland, Oregon 97232
(503) 236-5152

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1 The respondent being represented by and through her
2 guardian-ad-litem, and the guardian-ad-litem having been informed
3 of his duties to insure that the respondent's financial and other
4 interests in this proceeding are fully protected; and

5 The petitioner and the respondent (through her guardian-ad-
6 litem) having waived service of process and consented to the
7 action herein taken; and

8 The previous Stipulated Order of Spousal Support dated July
9 23, 1996 having inaccurately stated that Notice of Time for
10 Filing Objections was sent to the State of Oregon, Senior and
11 Disabled Services Division, and this Modified Order having now
12 been submitted omitting such statement; and

13 Otherwise being fully informed of the relevant facts and
14 circumstances

15 IT IS HEREBY ORDERED AND DECREED as follows:

16 1. The petitioner is awarded the real property located at
17 2166 Harvard, Klamath Falls, Oregon, as legally described as
18 follows:

19 See attached Exhibit A;

20 2. Petitioner is awarded all of the assets described as
21 follows with the exception of \$1000:

22 Klamath First Federal Savings and Loan,
23 Account #0970053849

24 Klamath First Federal Savings and Loan,
25 Account #0980011878

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1 First Interstate Bank (Wells Fargo),
2 Account #0640059005 -

3 Crabbe-Huson,
4 Account #00000013887

5 Elliot-Ledgerwood/Ragan MacKenzie,
6 Brokerage Account,
7 Account #020-04817-18-091

8 3. Petitioner and respondent are authorized to continue to
9 own a bank account as joint owners with right of survivorship for
10 purposes of convenience;

11 4. Petitioner is authorized to transfer respondent's
12 interest in the assets awarded to petitioner from respondent to
13 petitioner, to be held in petitioner's name only and to be only
14 for his use and benefit;

15 5. The respondent is awarded her tangible personal property
16 and the sum of \$1000;

17 6. The Community Spouse Resource Allowance is revised
18 pursuant to 42 USC 1396r-5(2)(c) to \$174,000 plus petitioner is
19 awarded the 1993 Taurus automobile and the petitioner's tangible
20 personal property;

21 7. Respondent shall pay the sum of \$17 per month to
22 petitioner for his support and maintenance. The first support
23 payment will be due August 1, 1996, and be due on the first day
24 of each month for the rest of the respondent's life. Support
25 payments shall be increased annually by \$25 per month. Support

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1 payments shall be deposited directly to a bank checking account,
2 to be designated by the petitioner in writing.

3 8. The Community Spouse Income Allowance is established at
4 \$2400 per month or that amount otherwise calculated by the Oregon
5 Administrative Rules governing the Community Spouse Income
6 Allowance, whichever is greater;

7 9. For other equitable relief as the Court may deem just.

8 MONEY JUDGEMENT

9 a. Creditor: JOSEPH F. CARAHER
10 b. Creditor's Attorney: Donna R. Meyer
11 1500 N.E. Irving
12 Suite 480
Portland, OR 97232
13 c. Debtor: MARCELLA M. CARAHER
14 d. Total Amount of Support: \$17 per month
15 e. Beginning Date for Support
Payments: August 1, 1996
16 f. Ending Date for Support
Payments: Respondent's death

17 DATED this 21 day of August, 1996,
18 effective July 1, 1996, nunc pro tunc.

19 *Paul C. Bevil*
20 Circuit Court Judge

21 Petitioner

22 I, JOSEPH F. CARAHER, do hereby stipulate to the foregoing
23 ORDER OF SPOUSAL SUPPORT AND TRANSFER OF ASSETS.

24 *Joseph F. Caraher*
JOSEPH F. CARAHER, Petitioner

25 /////

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1 Respondent

2 I, J. GILLIS HANNIGAN, guardian-ad-litem for the Respondent
3 herein, do hereby waive service of process and any time periods
4 within which to respond to the PETITION FOR SPOUSAL SUPPORT
PURSUANT TO ORS 108.110, and stipulate to the entry of the
foregoing ORDER OF SPOUSAL SUPPORT.

5 
6 J. GILLIS HANNIGAN, Guardian-ad-litem
7 For MARCELLA M. CARAHER

8 Submitted by:
9 Donna R. Meyer, OSB #76250
Attorney for Petitioner
10 1500 N.E. Irving
Suite 480
11 Portland, Oregon 97232
(503) 236-5152

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Lots 1 and 2 in Block 44 of BUENA VISTA ADDITION to the City of Klamath Falls, Oregon, except the Southerly 20 feet thereof and also EXCEPT that portion thereof described as follows: Beginning at an iron pin on the Easterly line of said Lot 1, said point being S. 8°09' E. a distance of 115.5 feet from the Northeasterly corner of said Lot 1; thence S. 85°27' W. a distance of 82.8 feet to an iron pin; thence S. 76°11' W. a distance of 37.5 feet to the line common to Lots 2 and 3, said Block 44, said point being S. 8°09' E. a distance of 114.0 feet from the Northeasterly corner of said Lot 3; thence S. 8°09' E. along the line common to said Lots 2 and 3 a distance of 6.0 feet; thence N. 81°51' E. parallel with and 20.0 feet distant at right angles from the Southerly line of said Lots 1 and 2 a distance of 120.0 feet to the easterly line of said Lot 1; thence N. 8° 09' W. along the Easterly line of said Lot 1 a distance of 4.5 feet, more or less, to the point of beginning, containing 877.0 square feet, more or less.

SUBJECT TO:

1. Reservations and restrictions in the Dedication of Buena Vista Addition.
2. Transmission Line Easement, including the terms and provisions thereof, given by Klamath County, Oregon to United States of America, dated December 12, 1951, recorded December 12, 1951, on page 508 of Volume 251 of Deeds, records of Klamath County, Oregon, and conveyed to The California Oregon Power Company by deed dated March 31, 1954, recorded April 12, 1954, Vol. 266 of Deeds, page 316, records of Klamath County, Oregon.
3. Reservations and restrictions in deed from W. H. Totton and Mary H. Totton, to Richard J. Hicks and Letty L. Hicks, dated November 26, 1957, recorded December 3, 1957, on page 84 of Vol. 296 of Deeds, Records of Klamath County, Oregon, as follows: "1. Not more than one dwelling house to be constructed on said Lots 1 and 2 except the Southerly 20 feet, Block 44, Buena Vista Addition. 2. The cost of any dwelling house to be constructed on said lot shall not be less than \$15,000.00."

