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FILED  
STATE OF OREGON  
KLAMATH CIRCUIT COURT

2002 SEP 11 AM 11:40  
CLERK OF COURT  
BY Od

ENTERED  
9/11/02  
BY AGE

1 Jacqueline Bennett, OSB# 96222  
2 MACARTHUR & BENNETT  
3 280 Main Street  
4 Klamath Falls, OR 97601  
5 (541) 851-0571

State of Oregon, County of Klamath  
Recorded 09/17/2002 2:07 p. m.  
Vol M02, Pg 53055-57  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

LINDA KENDALL,

Plaintiff,

vs.

BERNICE DEBARBIERI,

Defendants.

CASE NO. 0202723-CV

DEFAULT JUDGMENT AND  
DECREE VOIDING CONTRACT  
AND DEED  
(Money Judgment)

THIS MATTER having come before the Court on the motion of Plaintiff for Judgment of Default, and the Court having entered said Default, the Court makes the following findings of fact:

1. The parties herein comprise all persons or entities holding ownership to Pleasant Homes Tracts Lot 32, R-3909-002BA-03300-000 and Pleasant Homes Tracts Lot 33, R-3909-002BA-03400-000, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. Title to the Property is held by Plaintiff and Defendant as Tenants in Common

31  
ck

1 after Plaintiff added Defendant to the deed in performance of a contractual obligation  
2 created on or around September 17, 1998. (A copy of the deed is attached and  
3 incorporated by reference herein as Exhibit "A").

4  
5 3. Defendant failed to perform under the terms of the contract by failing to  
6 provide consideration, as a result of which failure Plaintiff has suffered damages in the loss  
7 to Defendant of title to her property.

8 4. Plaintiff has suffered damage in that a deed exists giving Defendant an  
9 ownership interest in Plaintiff's property to which she has no entitlement under the bargain  
10 which induced Plaintiff to transfer the interest.

11 NOW, THEREFORE,

12  
13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the contract between  
14 Plaintiff and Defendant of September 17, 1998 is void for failure of consideration;

15 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the deed to Linda  
16 Kendall and Bernice DeBarbieri dated September 17, 1998, and recorded September 17,  
17 1998 at Vol. M98 Page 34220 of the Deed Records of Klamath County void due to  
18 Defendant's fraud;

19  
20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is awarded  
21 her disbursements and reasonable attorney fees incurred in this matter as a money  
22 judgment against Defendant.

23 SUMMARY OF MONEY JUDGMENT

24 Pursuant to ORCP 70A:

25 1. Judgment Creditor : Linda Kendall  
26 2. Judgment Creditors' Attorney : Jacqueline Bennett, OSB #96222  
27

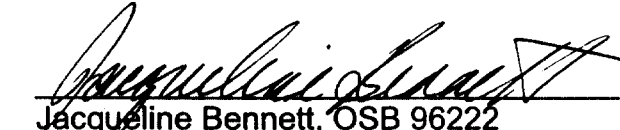
28 2 -- DEFAULT JUDGMENT

1 3. Judgment Debtors : Bernice DeBarbieri  
 2 4. Judgment Debtors' Attorney : N/A  
 3 5. Judgment : \$00.00  
 4 6. Attorney Fees : \$612.50  
 5 7. Costs and Disbursements : \$192.00  
 6 8. Prevailing Party Fee : \$60.00  
 7  
 8 8. Interest at the rate of 9% per annum on the Judgment amount of \$864.50  
 9 Fees and costs from the date of Judgment until paid.

# 10 CERTIFICATE OF JUDGMENT SUMMARY

11 I, Jacqueline Bennett, of attorneys for the Judgment Creditor, certify that the  
 12 information in the above summary accurately reflects the Judgment.  
 13

14 DATED this 10<sup>th</sup> day of September, 2002.

15  
 16   
 17 Jacqueline Bennett, OSB 96222  
 18 Of Attorney's for Plaintiff

19 IT IS SO ORDERED.

20 DATED this 11<sup>th</sup> day of September, 2002.

21  
 22   
 23 Circuit Court Judge

24 County of KLAMATH)  
 25 STATE OF OREGON)

26 I hereby certify that the within is a  
 27 true and correct copy and a true and  
 28 of the original.

Clerk of Court

By 

Date 9/10/02

3 -- DEFAULT JUDGMENT