

2013-002188
Klamath County, Oregon



02/27/2013 03:32:08 PM

Fee: \$52.00

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by the person presenting the
attached instrument for recording. Any error in this cover sheet
DOES NOT affect the transaction(s) contained in the instrument itself.

Returned to County

1. AFTER RECORDING, RETURN TO:

Required by ORS 205.180(4) & 205.238

Boivin, Uerlings & DiIaconi, P.C.
Attn: Barbara M. DiIaconi
803 Main Street, Suite 201
Klamath Falls, OR 97601

2. TITLE(S) FOR THE TRANSACTION(S):

Required by ORS 205.234(1)(a)

Order Striking and Releasing Encumbrances and Award of Costs and Attorney Fees

3. PARTIES

Required by ORS 205.234(1)(b)

JOHN M. MOSBY, Trustee of the MOSBY FAMILY TRUST - Plaintiff
SCOTT RUNELS and MARGIE RUNELS - Defendants
Klamath County Circuit Court Case No. 880241CV

County of KLAMATH)
STATE OF OREGON)

I hereby certify that the
true and correct copy and
of the original.

Clerk of Court

By

Date

2/19/13



IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

JOHN M. MOSBY, Trustee of the MOSBY
FAMILY TRUST,

Plaintiff,

v.

SCOTT RUNELS AND MARGIE RUNELS,

Defendants.

880241CV
No. 8800241CV

**ORDER STRIKING AND
RELEASING ENCUMBRANCES
AND AWARDING COSTS AND
ATTORNEY FEES**

1.

This matter came before this court on the Petition of Defendants, Scott and Margie Runels, appearing by and through their attorney, Barbara M. DiIaconi of Boivin, Uerlings & DiIaconi, P.C., for an Order Striking and Releasing Encumbrances and Awarding Costs and Attorney Fees. A decision having been made from the bench regarding striking and releasing encumbrances, and a letter opinion having been issued, dated January 23, 2013, regarding the award for costs and attorney fees, a copy of which is attached and incorporated by this reference.

2.

Now, therefore, it is hereby

ORDERED AND ADJUDGED that

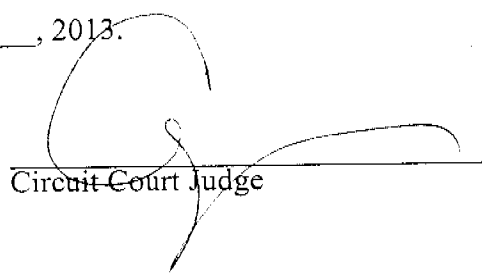
1. The encumbrances (lis pendens) filed or recorded against Defendants, Scott and Margie Runels, by Plaintiff, John Mosby, volume no. M04 on page 86800 in the County of Klamath, office of the County Clerk, is stricken and released; and

**ORDER STRIKING AND RELEASING ENCUMBRANCES AND AWARDING COSTS AND
ATTORNEY FEES**

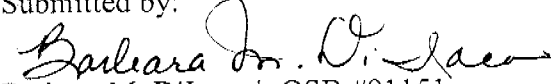
Klamath County Circuit Court Case No.: 8800241CV

1 2. Defendants are awarded their costs and attorneys fees which were incurred after
2 November 15, 2011, as set forth in the Attorney Fee Affidavit and Cost Bill.

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4 Dated this 13th day of Feb, 2013.

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6 
7 Circuit Court Judge

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11 Submitted by:

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13 Barbara M. Dilaconi, OSB #91151
14 Of Attorneys for Defendants
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CAMERON F. WOGAN
Circuit Judge

Circuit Court of the State of Oregon
for KLAMATH COUNTY
316 Main Street
KLAMATH FALLS, OREGON 97601
(541) 883-5624, ext. 244
Fax: (541) 882-6109

Beth Dunaway
Judicial Assistant

Sandra Goebel
Court Clerk

January 23, 2013

Dr. John Mosby
Post Office Box 56
Summerland, California 93067

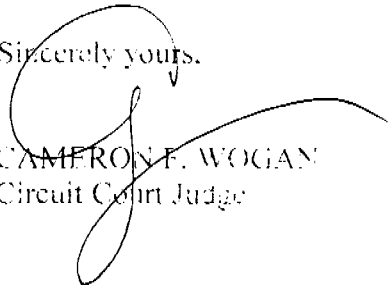
~~Barbara DiIaconi~~
Bovin, Uerlings & DiIaconi
803 Main Street
Klamath Falls, Oregon 97601

Re: Mosby v. Runels
Case No. 88-240CV

Dear Dr. Mosby and Ms. DiIaconi:

The defendants are entitled to their costs and attorney's fees. However, the recoverable attorney's fees are only those that were incurred after Ms. DiIaconi's letter dated November 15th, 2011. Ms. DiIaconi should submit an appropriate order and affidavit of fees

Sincerely yours,


CAMERON F. WOGAN
Circuit Court Judge

CFW/bad



RECEIVED
1-24-13