

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by:

**2018-014339****Klamath County, Oregon****11/28/2018 12:03:01 PM****Fee: \$112.00**

Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference: 260660AM

Please print or type information.

1. AFTER RECORDING RETURN TO –

Required by ORS 205.180(4) & 205.238:

Name: AmeriTitleAddress: 300 Klamath AvenueCity, ST Zip: Klamath Falls, OR 97601**2. TITLE(S) OF THE TRANSACTION(S) –** Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

Document Title(s): Corrected Order to Motion**3. DIRECT PARTY / GRANTOR Names and Addresses –** Required by ORS 205.234(1)(b)
for Conveyances list Seller; for Mortgages/Liens list Borrower/Debtor**Grantor Name:** Richard Paul Gibson**Grantor Name:** _____**4. INDIRECT PARTY / GRANTEE Names and Addresses –** Required by ORS 205.234(1)(b)
for Conveyances list Buyer; for Mortgages/Liens list Beneficiary/Lender/Creditor**Grantee Name:** Susan Diane Gibson**Grantee Name:** _____**5.** For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:**UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO
THE FOLLOWING ADDRESS:**Name: NO CHANGE

Address: _____

City, ST Zip: _____

6. TRUE AND ACTUAL CONSIDERATION –
Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:**\$** 0**7. TAX ACCOUNT NUMBER OF THE PROPERTY if the instrument creates a lien or other interest that could be subject to tax foreclosure. –** Required by ORS 312.125(4)(b)(B)Tax Acct. No.: N/A

County of Klamath)
STATE OF OREGON)

I hereby certify that the within is a
true and correct copy and the whole
of the original.

Clerk of Court

By

Date November 27, 2018

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

In the Matter of the Marriage of:

RICHARD PAUL GIBSON,

Petitioner,

vs.

SUSAN DIANE GIBSON,

Respondent.

CASE NO: 17DR12963

**CORRECTED ORDER TO MOTION
FOR INSTRUCTION REGARDING
PAYMENT**

THIS MATTER having come before the Court on October 31, 2018. Petitioner appeared by and through his attorney; Nathan J. Ratliff of Parks & Ratliff, P.C. and Respondent appeared by and through her attorney James A. Wallan. The Court having heard testimony of both parties and reviewed the documents on file herein and being fully advised in the premises, now therefore:

IT IS HEREBY ORDERED as follows:

The Court has identified five categories of items to be paid from the pending sale of the party's real property.

1. Those items identified as joint debt (JD), shall be paid from the gross proceeds of the sale to be paid to and/or received by third parties. The items to be paid as joint debt are as follows:

- a. All amounts due to the Klamath County Tax Collector or in relation to any past due or unpaid real property taxes on the subject real property.
- b. That Judgment with the principal amount of \$1,061.35;

- c. The appraisal fee in the amount of \$700.00 to be paid to Jason Froheich;
- d. \$600.00 to be paid to Precision Flooring for floor installation;
- e. \$600.00 to Sam Forester for carpet stretching and cleaning

The next group of items, listed in sections two and three, shall be paid from the gross proceeds of the sale directly to the parties prior to the determination of their proportional interest in the sale proceeds, in other words these items shall be paid off the top at the time of the sale.

2. **Items payable to Richard Gibson (RER):**

- a. \$529.00 representing the purchase of a stove;
- b. \$2,347.54 representing the cost of painting the interior and exterior of home, cost of labor and materials, propane and dump fees. It should be noted that the cost of labor and materials, in the amount \$213.00, and labor, propane, dump fees, etc. in the amount of \$495.00, are already previously authorized for re-payment to Mr. Gibson by way of the Order entered into this Court on or about May 15, 2018 and it is not intended to be paid to Mr. Gibson twice, or for these to be double counted in any way. This order as it relates to payment of these items is intended solely for the purpose of explanation as to the manner in which the previous order shall be carried out, but does not impose additional redundant right to reimbursement to Mr. Gibson of these amounts.
- c. Additional flooring costs in the amount of \$200.00;
- d. Water bills listed in the amount of \$205.66 as set forth in Exhibit "A" to Petitioner's Motion.
- e. Power bills in the amount of \$368.03 as set forth in Exhibit "A" to

Petitioner's Motion;

- f. Homeowners Insurance in the amount of \$463.98 as set forth in "Exhibit "A" to Petitioner's Motion; and all home owners insurance, power and water bills not included in Petitioner's Motion but otherwise paid by the Petitioner from August 1, 2018 to closing. Petitioner shall be entitled to reimbursement on these amounts upon submission of the bills and proof of payment to the escrow company.

3. **Items Payable to Susan Gibson (SER):**

- a. \$800.20 representing home insurance premiums paid by her.

The following items set forth in paragraphs four and five are to be deducted from the share of the net proceeds to which each party is entitled to receive in accordance with the General Judgment in this matter setting forth that they were entitled to receive one-half of the net proceeds.

The following amounts shall be deducted from the net proceeds due to:

4. **Richard Gibson (RD):**

- a. \$4,000.00 contribution to closing costs; and
b. All monies due and payable by that trust deed listed as a first mortgage on the preliminary title report in the face amount of \$25,000.00.

5. **Susan Cummings (SD):**

- a. A judgment with the principal amount of \$3,000.00 set forth in the General Judgment in this case, plus any accrued interest, payable to Richard Gibson;
b. Rent in the amount of \$2,388.57 payable to Richard Gibson;
c. A judgment for attorney's fees in the amount of \$1,380.00, plus any accrued interest, payable to Richard Gibson;

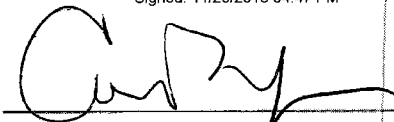
6. The Trust Deed recorded on February 23, 2018, with the Klamath County

1 Clerk at page two, with a face value in the amount of \$135,000.00, executed by Susan
2 Cummings naming Kevin Cummings as a beneficiary, is hereby declared null, void, invalid
3 and of no legal force and affect, ab initio, such that the subject real property, more properly
4 described as:

5 Lot 4 in Block 2 of TRACT 1267 – NORTH RIDGE ESTATES, according to the
6 official plat thereof on file in the office of the County Clerk of Klamath County,
7 Oregon;

8 can be conveyed free and clear from any obligation, encumbrance or cloud upon the title
9 whatsoever, relating in any way from this Trust Deed and with no obligation to make any
10 payment in satisfaction thereof. If necessary this Order can be recorded with the Klamath
11 County Clerk for any reason, including, but not limited to, the purposes of assuring the
12 removal of any lien relating to this Trust Deed and assuring that the title to the subject real
13 property is clear as to this encumbrance.

Signed: 11/20/2018 04:47 PM



Circuit Court Judge Cameron F. Wogan

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17 SUBMITTED BY:
18 PARKS & RATLIFF, P.C.
19 /s/ Nathan J. Ratliff
20 Nathan J. Ratliff, OSB# 034269

21 I hereby certify that I mailed a certified copy of the above entitled document to James
22 A. Wallan, attorney for Respondent at the address listed below on November 6, 2018.

23 James A. Wallan
24 Attorney at Law
25 14 N. Central Avenue, Suite 104
26 Medford, OR 97501

email: jaw@roguelaw.com

/s/ Nathan J. Ratliff
Nathan J. Ratliff, OSB# 034269

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A. I, Nathan J. Ratliff, attorney for Petitioner, hereby certify that a certified true copy

- B. This proposed order of judgment is ready for judicial signature because:**

- (1) ☐ Each opposing party affected by this order of judgment was stipulated to the

1 statute, rule, or otherwise.

2 (7) ☐ This is a proposed judgment that includes an award of punitive damages and
3 notice has been served on the Director of the Crime Victims' Assistance
4 Section as required by subsection (4) of UTCR 5.100.

5 DATED this 20th day of November, 2018.

6 PARKS & RATLIFF, P.C.

7 */s/ Nathan J. Ratliff*

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Nathan J. Ratliff, OSB# 034269
Of Attorneys for Petitioner