

Annuls vacation filed 2/13/2019 as 2019-3036

Douglas County Official Records Daniel J. Loomis, County Clerk	2024-001007 01/30/2024 02:35:01 PM
VAC-VAC Cnt=1 Str=13 KGSTUTZM	\$0.00

DOUGLAS COUNTY CLERK, OREGON



FILED
Date: 1/31/2024 By: JC
FOR This survey consists of:
Map: VS PG 26
Narrative: _____
Corner Rpt: CS 67/53-8
DOUGLAS COUNTY SURVEYOR

CERTIFICATE PAGE

IAW ORS 205.180

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C.S. FILE 67/53-8
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7 Email: steve@roseburglaw.com
8 Attorney for Plaintiff

9 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
10 FOR THE COUNTY OF DOUGLAS

11 BLUE HERON ENTERPRISES, LLC,)
12) Case No. 22CV12482
13 Plaintiff,)
14) GENERAL JUDGMENT
15 v.)
16)
17 DOUGLAS COUNTY,)
18 DEWEY F. GIBSON, CHERYL GIBSON,)
19 CHRISTOPHER M. MEYER,)
20 JUDY A. KAZMIERKOSKI,)
21 GUILD MORTGAGE COMPANY, and)
22 WELLS FARGO BANK, N.A.,)
23)
24 Defendants.)

25 The matter came before the Court on plaintiff's writ of review. The Court reviewed the
26 record returned by defendant Douglas County, including the supplementation of the record by
27 agreement of the parties to include Exhibit 1 of plaintiff's motion for summary judgment filed
28 herein.

29
30 The Court finds that plaintiff is an abutting owner under the statutory scheme of ORS
31 368.326 to ORS 368.426. The Court adopts as findings its letter opinion of November 3, 2023.
32 The Court finds that Douglas County failed to follow the procedure applicable to the matter before
33 it.

34
35 The Court hereby annuls the order of the Douglas County Board of County Commissioners
36 which vacated a portion of Seventh Street and which was recorded as instrument 2019-3036,
37 Official Records of Douglas County, Oregon.

DOLE COALWELL
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Roseburg, Oregon 97470
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Certified True Copy of the Original
Dated This 24th Day Of 1, 20 24
Trial Court Administrator
By: *[Signature]*

CS 67/53-8
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The matter is remanded to Douglas County for further proceedings not inconsistent with this general judgment.

The Court orders the return to plaintiff of the \$100 cash undertaking deposited with the Court in this matter.

11/17/2023 11:29:37 AM



George W. Ambrosini, Circuit Court Judge

WALTON, PEGGY
11/17/2023 11:29:37 AM
KUMAR, ANUPAM
11/17/2023 11:29:37 AM

CS 67/53-8
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CERTIFICATE OF SERVICE

I certify that I served a true copy of the proposed General Judgment upon the following by email and by depositing it in the United States Post Office at Roseburg, Oregon, on November 9, 2023, in a sealed envelope, postage paid, addressed to:

Paul E. Meyer
321 Douglas County Courthouse
Roseburg, Oregon 97470
pemeyer@co.douglas.or.us
County Counsel

Alexandra P. Hilsher
Hershner Hunter LLP
P.O. Box 1475
Eugene, Oregon 97440
ahilsher@hershnerhunter.com
Attorney for Defendants Gibson, Meyer, and Kazmierkoski

Matthew R. Cleverley
701 Fifth Avenue, Suite 2710
Seattle, Washington 98104
matthew.cleverley@fifth.com
Attorney for Defendants Guild Mortgage Company, Mortgage Express LLC,
and Wells Fargo Bank, N.A.

Date: November 17, 2023

/s/ Stephen Mountainspring
Stephen Mountainspring, OSB #903468
Of Attorneys for Plaintiff

UTCRC 5.100 CERTIFICATE

This proposed order or judgment is ready for judicial signature because:

- 1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to UTCRC 5.100(3), or by statute, rule, or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Date: November 17, 2023 DOLE COALWELL

/s/ Stephen Mountainspring
Stephen Mountainspring, OSB #903468
Attorney for Plaintiff

CS 67/53-8
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