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2010 AUG 10 AM 10:21
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

BARRY JOE STULL,

Plaintiff,

v.

PCRI,

Defendant.

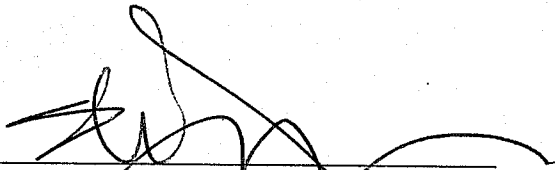
No.: 0704-04569

GENERAL JUDGMENT

BASED ON This Court's Order Granting Defendant's Motion for Summary Judgment,
NOW THEREFORE, IT IS HEREBY ADJUDGED:

1. That Defendant PCRI shall have a General Judgment against the Plaintiff; and
2. There shall be no costs or disbursements awarded, pursuant to Defendant's waiver of such costs or disbursements.

Dated this 9th day of July, 2010.


Edward J. Jones, Circuit Judge

Presented By:

BULLIVANT HOUSER BAILEY
A Professional Corporation

By: 

Nicholas L. Dazer, OSB#002403
Attorneys for Defendant PCRI

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CERTIFICATE OF SERVICE

I certify that on this 20th day of July, 2010, I served the foregoing **GENERAL JUDGMENT** upon the attorney(s) of record herein, by mailing to said attorney(s) a true copy thereof, contained in a sealed envelope, with postage prepaid, addressed to said attorney(s) last known address as shown below, and deposited in the post office at Portland, Oregon.

Barry Joe Stull, *Pro Se*
PO Box 11008
Portland, OR 97211

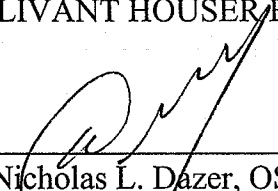
Plaintiff, *Pro Se*

Christie L. Moilanen
Mitchell Lang & Smith
101 SW Main Str., Ste. 2000
Portland, OR 97204

Attorneys for Thomas Flannel

BULLIVANT HOUSER BAILEY PC

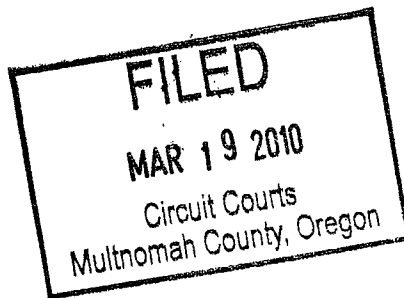
By



Nicholas L. Dazer, OSB #002403
E-Mail: nick.dazer@bullivant.com
Matthew E. Hedberg, OSB #081958
E-Mail: matt.hedberg@bullivant.com

Attorneys for Defendants Portland Community
Reinvestment Initiatives, Inc., Maxine
Fitzpatrick, Mary C. Lucero, Kimberly Mason,
and Ross Johnson

ORIGINAL



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

BARRY JOE STULL,

Plaintiff,

v.

PORTLAND COMMUNITY
REINVESTMENT INITIATIVES, INC.,
MAXINE FITZPATRICK, MARY C.
LUCERO, KIMBERLY MASON, ROSS
JOHNSON, THOMAS FLANNEL, LEAH C.
SYKES, AND BITTNER & HAHS, P.C.,

Defendants.

CASE NO. 0703-02757

DEFENDANT PORTLAND COMMUNITY
REINVESTMENT INITIATIVES' MOTION
TO REACTIVATE AND MOTION FOR
SUMMARY JUDGMENT

Oral Argument Requested

BARRY JOE STULL,

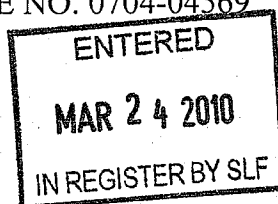
Plaintiff,

v.

PCRI,

Defendant.

CASE NO. 0704-04569



BARRY JOE STULL,

PLAINTIFF,

v.

PORTLAND COMMUNITY
REINVESTMENT INITIATIVES, INC.,
MAXINE FITZPATRICK; MARY C.
LUCERO; KIMBERLY MASON; ROSS
JOHNSON; THOMAS FLANNEL; LEAH C.
SYKES; BITTNER & HAHS, PC; AND
MARGARET LEEK LEIBERAN,

DEFENDANTS.

CASE NO. 0708-09733

CERTIFICATE OF COMPLIANCE WITH UTCR 5.050(1)
AND UTCR 5.010

Counsel for Defendant Portland Community Reinvestment Initiatives, Inc. ("PCRI") certifies that it has conferred in good faith by electronic mail with *pro se* Plaintiff Barry Joe Stull ("Plaintiff") on the issues in dispute, without resolution.¹ PCRI requests oral argument of this Motion and estimate that 30 minutes will be required. Official court reporting services are requested.

MOTION

PCRI brings the following Motion to Reactivate and Motion for Summary Judgment pursuant to ORCP 47. The consolidated cases were stayed so that the Oregon appellate courts could dispose of Plaintiff's appeal of his underlying eviction claim. Plaintiff's appeal has been dismissed, and it appears that the Oregon appellate courts will be taking no further action with regard to Plaintiff's appeal of the underlying eviction case. Defendant now seeks to dismiss with prejudice the consolidated cases because Plaintiff's claims are now moot and/or barred by the doctrines of claim and issue preclusion.²

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¹ Plaintiff has no telephone contact information.

² Plaintiff filed another action related to the eviction against Defendant on April 18, 2008, in Multnomah Circuit Court Case No. 0804-05770. That case was dismissed on January 5, 2009. Plaintiff's appeal was subsequently dismissed by the Oregon Court of Appeals on May 28, 2009.

1 These motions are based on the accompanying Memorandum of Points and
2 Authorities, Declaration of Nicholas Dazer, and the court's docket and file in these matters.

3 DATED: March 19, 2010

4 BULLIVANT HOUSER BAILEY PC

5
6 By 

Nicholas L. Dazer, OSB #002403
E-Mail: nick.dazer@bullivant.com
Matthew E. Hedberg, OSB #081958
E-Mail: matt.hedberg@bullivant.com

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9 Attorneys for Defendant Portland Community
10 Reinvestment Initiatives, Inc.
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CERTIFICATE OF SERVICE

I certify that on March 19, 2010, I served the foregoing **DEFENDANT PORTLAND COMMUNITY REINVESTMENT INITIATIVES, INC'S MOTION TO REACTIVATE AND MOTION FOR SUMMARY JUDGMENT** on the attorney(s) of record herein, by mailing to said attorney(s) a true copy thereof, contained in a sealed envelope, with postage prepaid, addressed to said attorney(s) last known address as shown below, and deposited in the post office at Portland, Oregon.

Barry Joe Stull, *Pro Se*
PO Box 11008
Portland, OR 97211

Plaintiff, *Pro Se*

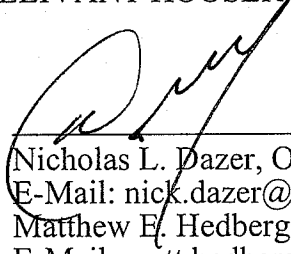
Christie L. Moilanen
Mitchell Lang & Smith
101 SW Main Str., Ste. 2000
Portland, OR 97204

Attorneys for Thomas Flannel

DATED: March 19, 2010.

BULLIVANT HOUSER BAILEY PC

By



Nicholas L. Dazer, OSB #002403
E-Mail: nick.dazer@bullivant.com
Matthew E. Hedberg, OSB #081958
E-Mail: matt.hedberg@bullivant.com

Attorneys for Defendant Portland Community
Reinvestment Initiatives, Inc.

12404437.1

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FILED
2009 DEC -4 AM 10:14
FOR CIRCUIT COURT
MULTNOMAH COUNTY

Presiding Judge, Multnomah County Circuit Court
John R. Barhoum, Dunn Carney Allen Higgins & Tongue (Counsel for Iwata Medea)
Nicholas Dazer, Bullivant Houser Bailey (Counsel for PCRI)

December 4, 2009

Re: Stull v. PCRI, Multnomah County Circuit Court Case Number 0704-04569 and
Stull v. Iwata Medea, Multnomah County Circuit Court Case Number 0802-02612:
Request for ADA Accommodation

ENTERED
DEC 07 2009
IN REGISTER MAIL

Dear Presiding Judge and Counsel:

This serves as notice of my intent to appear ex parte, Multnomah County Courthouse
Room 208, Wednesday December 9, 2009, at 1:30 PM regarding the above referenced cases.

Request for ADA Accommodation

PCRI's unlawful acts were joined and added to by Judge Edward Jones rather than remedied by Judge Jones, which unlawfully served to destroy Stull's physical health and Stull's means to afford medical treatment for Stull's disability (an extremely difficult to manage disabling central neuropathic pain condition) — all in PCRI's and Judge Jones' unlawful effort to thwart Stull's appeal of PCRI's case improperly filed and heard in the Multnomah County Circuit Court—which also destroyed Stull's resources and ability to prosecute *Stull v. Iwata Medea*. This has given rise to Stull's need to have *Stull v. Iwata Medea* reinstated, as matter of fairness, and also as an accommodation of Stull's disability, as required by the Americans With Disabilities Act, ORS 659A.142 and OAR 839-006-0270.

Background and History of *Stull v. PCRI*, Case No. 0704-04569

Stull v. PCRI, No. 0704-04569, was initiated by Presiding Judge Koch as a contempt of court proceeding against PCRI for PCRI's acts obstructing the court's processes arising from

PCRI's unlawful destruction of its opposing party's personal resources on two occasions as the appeal of PCRI's 2005 eviction case and 2006 eviction case were pending.

It is important to note that PCRI's 2005 eviction case had a fatal jurisdictional flaw, since it was filed as a so-called "30 day no cause" under ORS 90.427(2) in violation of the statutory prohibition in ORS 105.120(4) (2003), simply because it was filed at a time Stull's rent was paid in advance and not refunded as ORS 105.120 sets out. Additionally, and importantly, Judge Nely Johnson improperly denied Stull's defenses to the 2005 eviction action ordinarily available through the operation of ORS 105.137 (7), where the court should have properly granted the opposing party, PCRI, a continuance to address the defenses rather than deny Stull's rights to them under ORS 105.137(7).

PCRI's case was fatally flawed and PCRI could only prevail by thwarting Stull's appeal, as PCRI did through lying, cheating and stealing— each which were aided and abetted by Judge Edward Jones who joined PCRI in their unlawful effort to thwart the appeal of the case improperly filed and heard. Of course, *Stull v. Hoke*, 326 Or 72, 948 P2d 722 (1997), defines the event of filing a civil case in Oregon, so we all know that the ORS 105.120 prohibition on filing the case both prohibited PCRI from filing its case as well as prohibiting the court from hearing it. As noted in *State Ex Rel Lucas v. Goss*, 23 Or. App, 501, 504 (1975), the Oregon Constitution prohibits the judiciary from encroaching on the legislative function—and here the legislature clearly removed the Multnomah County Circuit Court's jurisdiction to file and hear PCRI's 2005 eviction case. The doctrine of separation of powers has been ignored by the Multnomah County Circuit Court, and that issue is now a matter of a Civil Rights complaint filed with the United States Attorney for the District of Oregon.

On March 9, 2006, the Oregon Court of Appeals ruled PCRI had effected the eviction in November 2005 in violation of a stay pending appeal. That same day, March 9, 2006, PCRI and Multnomah County Sheriff personnel entered the apartment and began the process of emptying the apartment of its contents and having those items destroyed. PCRI's attorney Leah Sykes wrote on March 28, 2006, the process of emptying the apartment "took about a week."

As time progressed, PCRI claimed a number of issues ultimately proven as false by law enforcement personnel testifying before Judge Edward Jones on July 13, 2007. Through time, PCRI claimed the apartment was empty prior to March 1, 2006 (Leah Sykes pleading), then, once the Court of Appeals issued its order for PCRI to show cause why PCRI should not be held in contempt of court for violating the order to restore Stull's access to the apartment (March 9, 2006) and the second order to restore Stull's property and access to the apartment (March 16, 2006), PCRI claimed the apartment was emptied by close of day March 7, 2006—with the Sheriff entering that empty apartment on March 9, 2006 to retrieve medical marijuana plants inside it on March 9, 2006 (Mary Lucero affidavit), and, ultimately, that no items were in the apartment at the time of the court orders (Margaret Leiberan pleading).

PCRI's property manager, Mary Lucero also signed an affidavit Stull was restored access to the apartment on March 16, 2006 (incorporated in support of Margaret Leiberan's pleading), although PCRI's co-counsel with Ms. Leiberan, Leah Sykes, composed an email on March 28, 2006 that PCRI would allow Stull into the apartment "any time", since PCRI continued to refuse to obey either of the Court of Appeals orders. PCRI's counsel knew their pleadings were false.

The Oregon Court of Appeals refused Stull's request for a hearing, leaving Stull with no opportunity to subpoena witnesses, then dismissed its contempt of court proceedings following

discounting Stull's copies of law enforcement reports -- reports contrary to PCRI's pleadings and affidavits-- as having "little weight" since they were unsworn. After discounting the police reports and denying a hearing where those law enforcement personnel could be drawn to testify under subpoena, the Oregon Court of Appeals dismissed its contempt of court proceedings without a hearing and specifically stated that Stull's property was not the subject of the appeal.

In October 2006, PCRI again entered the apartment and removed and destroyed \$4,775 of Stull's personal possessions -- as Stull had warned the Multnomah County Sheriff Civil Unit Deputy PCRI would, as that deputy testified before Judge Edward Jones on July 13, 2007.

In light of unopposed and irrefutable testimony establishing the meat of the contempt of court proceeding issued by Presiding Judge Koch -- that PCRI had committed perjury and filed false pleadings, and PCRI twice removed and destroyed its opponent's resources pending appeal--PCRI's counsel stated in open court he had warned PCRI's Executive Director Maxine Fitzpatrick to be prepared to go to jail on the contempt of court, since Ms. Fitzpatrick was present for the July 13, 2007 hearing. In stark contrast, Judge Edward Jones took no action against PCRI. Judge Jones consolidated the contempt of court proceedings with the civil cases brought by Stull against PCRI (and also against PCRI as Portland Community Reinvestment Initiatives, Inc.). That binding of the cases has left Judge Jones' bogus rulings unripe for appeal until each of the cases is finalized--- and event unlikely with one of the parties physically disabled and hampered by the lack of resources lost as well as the eviction record evidenced here.

Subsequently, Judge Jones relieved PCRI of liability for the ongoing consequences of PCRI's misdeeds, refused to make PCRI pay even the \$4,775 PCRI admitted was owed to Stull for PCRI's October 2006 destruction of Stull's musical instruments, medical equipment and

goods – then, absent anything in the record supporting his claim, Judge Jones issued an order stating the parties agreed to allow Judge Jones to determine the damages, when neither party made any such statement. Judge Jones also determined the Court of Appeals had addressed the matter of PCRI's March 2006 destruction, where the Oregon Court of Appeals obviously did not, and had merely dismissed its contempt of court proceedings without a hearing where Stull could effect sworn witness testimony.

Judge Jones was briefed that PCRI's claim of issue and claim preclusion could not possibly stand, given that PCRI lacked most of the five of the required elements as set out in *Nelson v. Emerald People's Utility District*, 318 Or 99, 862 P.2d 1293 (1993). There had not been a "full and fair hearing" to any conclusion (*Nelson* element numbers 2 and 3). While those two missing elements each alone would bar PCRI's claim of preclusion, the higher burden of proof of the contempt of court proceeding (clear and convincing evidence) would not bar a subsequent proceeding under the lower burden of proof under a civil action (preponderance of the evidence), as set out in *Nelson* (*Nelsen* element number 5). Three of the five required elements in *Nelson* were absent—and knowing that Judge Edward Jones found otherwise.

In sharp contrast to the facts before him, and in obvious conflict with the standards set out by the Oregon Supreme Court, in *Nelson* and subsequent opinions, Judge Jones found the damages arising from PCRI's March 2006 destruction of Stull's possessions to be \$ 0. No damages, in spite of Stull having submitted a property list detailing over \$14,000 of specific items, and where Stull left open the value of Stull's research materials for a book PCRI knew Stull was writing as a matter for the jury to decide. Judge Jones continued his cheating on behalf of PCRI by entering an order finding the damages of PCRI's October 2006 destruction to be only

the \$4,775 PCRI admitted was its value, and Judge Jones omitted any of the statutory damages under both of ORS 90,425(15) and ORS 90.425(17) and each and every one of Stull's other claims for relief. Judge Jones unlawfully allowed PCRI to escape in excess of \$100,000 of statutory liability alone--- but the record is clear: Judge Jones is not very keen on either being fair or following the proscriptions set out by either the Oregon Constitution or unambiguous language of statutes presented to Judge Jones in the pleadings.

On June 21, 2008, Stull filed a timely Appellant's Opening Brief. The Oregon Court of Appeals struck that brief in its entirety, and mandated Stull resubmit it in the 13 point font new rules required, rather than the 12 point font the rules in effect at the time the appeal was filed called for. Lacking the tens of thousands of dollars worth of personal resources destroyed by PCRI, and in addition, thousands of dollars in out of-pocket expenses for court fees and burdened by the lack of housing PCRI's misdeeds predictably wrought, Stull requested accommodation to Stull's disability, and the same Oregon Judicial Department which began the unconstitutional case in the beginning, ended it by dismissing the appeal for want of prosecution knowing PCRI had destroyed tens of thousands of dollars worth of Stull's resources as the appeal was pending and knowing the case was filed against the statutory prohibition of ORS 105.120. That, of course, raises the question, "What level of articulation must a person with a disability require to express court error on appeal, when resources to maintain health are unlawfully destroyed pending appeal of a case which lacked subject matter jurisdiction and was improperly filed?" That question will be answered by the federal courts, since it is clear Oregon courts lack the integrity to admit when they have overstepped their bounds. Meanwhile, there is the matter of *Stull v. Iwata Medea*.

PCRI's Contempt of Court is Important Regarding *Stull v. Iwata Medea*

Important to Iwata Medea,, PCRI's misdeeds have interfered with their case also, since PCRI destroyed Stull's resources at a time that case was ripe for prosecution, and Stull should have otherwise had the resources PCRI unlawfully interfered with, rather than being made too ill to prosecute any matter through what can only be characterized as an extra-judicial mugging on the part of the Multnomah County Circuit Court- which --acting without jurisdiction --set the tone for the abuses the record evidences.

PCRI's counsel, Nick Dazer, knows that Judge Jones' claim the parties agreed to allow Judge Jones to determine the damages cannot be supported by the record, and I challenge Mr. Dazer to produce any evidence that his party or myself rescinded our various demands for trial by jury—a right the Oregon Constitution says “remains inviolate.” Also, since PCRI's misdeeds unlawfully thwarted the appeal, and now has increased the damages arising from PCRI's contempt of court which Judge Jones has yet to rule on in case 0704-04569, how can we assess the increased damages to PCRI for the contempt of unlawfully thwarting an appeal of a fatally flawed case, and how can we rationally expect Judge Jones to rule fairly when Judge Jones himself unlawfully thwarted the appeal? Judge Jones allowed PCRI's proven perjury, and unlawful interference with the orderly appellate review our system affords, to continue unabated, when it's clear the appeal was made impossible by both repeated misdeeds of the respondent on appeal, PCRI, and also by Judge Jones himself through unlawful acts outside his constitutional authority—each to the benefit of PCRI—the same party which unlawfully filed its cases in the same circuit court Judge Jones practices in?

Since PCRI's acts ruined any reasonable opportunity to prosecute any other matters, including *Stull v. Iwata Medea*, the burden should be on PCRI, not Stull, as far as any costs Iwata Medea feels they should be awarded as a condition of reinstatement.

There is no reason PCRI should not bear any such cost as a damage prayed for in the contempt of court proceedings initiated by Presiding Judge Koch.

While it certainly would be an appropriate remedy (as provided for through the contempt of court proceedings) to vacate PCRI's case filed without jurisdiction and filed and heard in violation of the Oregon Constitution, that still deprives us all the priceless value of yet another reversal of the Multnomah County Circuit Court and the guidance to all the courts the appellate opinion would give. What value is that? We can estimate from Stull's previous appellate record.

For example, the Oregon Supreme Court opinion in *Stull v. Hoke*, has been cited in over 60 appeal opinions since 1997, and continues to shape our culture as it frames discussions such as the Oregon State Bar CLE, INTERPRETING OREGON LAW (OSB Legal Pubs 2009). The Oregon Court of Appeals opinion in *Stull v. Hoke* has been cited by Oregon courts and the United States Court for the District of Oregon, since it's important in federal cases where state rules play a regulatory role. Though cited less frequently than the Supreme Court opinion, the Court of Appeals opinion appears far and wide, such as in *South Carolina Law Review Vol 51, p 2* (2000). For individuals such as Jane Marie Williams, the appellate record created in *Stull v. Hoke* means the difference between having a medical malpractice case or not.

PCRI should not escape liability for its proven misdeeds because Judge Jones is a cheat, as the record clearly establishes--- nor should Iwata Medea.

Iwata Medea's Defenses Are Limited By Preclusion

Through The Oregon Employment Appeals Board Decision

In its November 6, 2009, Opposition To Plaintiff's Motion To Reinstate, Iwata Medea claims the complaint fails to establish a meritorious claim, because there is no allegation, and there is no way to prove, that the plaintiff invoked the protections of the ADA or Oregon Statute regarding persons with disabilities; there is no provision under Oregon law requiring an employer to accommodate medical marijuana in the workplace. Iwata Medea participated in an Administrative Hearings process, and Stull prevailed on appeal through the Administrative Law Judge and further appeal to the level of the Oregon Employment Appeals Board, which each reached the conclusion the employment termination was not based on misconduct, although

Iwata Medea tried to base the denial of Unemployment Insurance benefits on possession of illegal drugs in the workplace, and that issue was raised and considered. That frames the issue—it was litigated to a final result and is the type of proceeding which the Oregon Supreme Court has already determined has a preclusive effect: an Unemployment Insurance claim.

The Oregon Supreme Court, in the *Nelson* case, noted that some, but not all types of administrative proceedings are appropriate to establish issue preclusion. The factors used in determining whether administrative proceedings will establish issue preclusion are: "(1) whether the administrative forum maintains procedures that are "sufficiently formal and comprehensive; (2) whether the proceedings are "trustworthy;" (3) whether the application of issue preclusion would "facilitate prompt and fair problem resolution;" and (4) whether the "same quality of proceedings and the opportunity to litigate is present in both proceedings." (citations omitted).

Nelson, 318 Or at FN4.

Unfortunately for Iwata Medea, even if its assertion were true (it isn't), there were many other issues raised in the complaint in addition to the precluded point Iwata Medea poses, including improper retaliation for addressing workplace safety issues— a claim set out in the complaint not related to medical marijuana at all, but rather Iwata Medea's lack of a mandated OR-OSHA Safety Committee and the adversarial relationship Iwata Medea fostered, which, of course, such a Safety Committee is, as mandated by Oregon Administrative Rule, designed to eliminate.

Under any analysis, before this claim against Iwata Medea would be properly dismissed, Iwata Medea would first have to have a (fair) hearing—where Iwata Medea might argue its defenses, but its November 6, 2009 pleading cannot properly stand alone to establish a lack of a claim—especially in light of the ruling in *Schmidt v. Safeway* where Judge Redden pointed out that the reasonable accommodation interactive process is triggered when the employer is made aware of the employee or applicant's disability and the employee requests an accommodation, and no "magic words" are required. An employer is presumed to know when the employee gives notice, or the employer becomes aware of the condition through any other means. *Schmidt v. Safeway, Incorporated*, 864 F.Supp. 991, 993 (D. Or. 1994). An employer who is not aware of the legal significance of the facts it knows, is still required to reasonably accommodate, as long as the employer is aware of those facts. The complaint clearly contains an allegation Dr. Robert Grimm's chart notes and other medical records were provided to Iwata Medea as each became available, and those records, and the manner in which they were presented and discussed, triggered the interactive process, which Iwata Medea failed to participate in. Claims also include reasonable inferences drawn from allegations. Why provide medical records to an employer?

Conclusion

For the reasons stated, PCRI should be held liable for its unlawful obstruction of the court's processes, as pled in Case No. 0704-04569 and governed by ORS 33.015 *et. seq.* and as evidenced in the record after the July 13, 2007 hearing on that matter, and PCRI's unlawful obstruction should include the matters then ripe for prosecution thwarted by both PCRI's contemptuous acts and contemptuous omissions -- including this claim against Iwata Medea.

There is no rational or legal reason why PCRI should be allowed to benefit from its proven perjury and twice unlawful removal and destruction of its opponent's medical equipment and valuable goods, and by that same token, there is no rational or legal reason why Stull should continue to bear the ongoing consequences of PCRI's misdeeds by continuing to finance them,

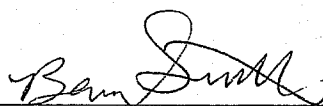
rather than having the resources PCRI owes.

Given that ORS 31.565 provides for advance payments for property damages, and payment by PCRI, which has the resources to do so, to Stull—who suffers torture daily without those resources, is only just, especially since Stull only lacks those same resources arising from PCRI's proven misdeeds, and Judge Edward Jones' obviously unconstitutional and otherwise unwarranted efforts to thwart Stull's ability to obtain the relief our Oregon Constitution guarantees us all, with the predictable result of those misdeeds being the worsening of Stull's disability and inability to finance prosecution or defense of any matter.

ORCP 1 E. Certification: I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Respectfully submitted,

DATED December 4, 2009



Barry Joe Stull, pro se

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH JAN 23 AM 8:57

PRCI.

Plaintiff,

vs.

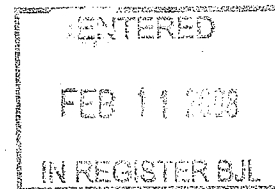
BARRY JOE STULL,

Defendant.

05f-015732

ORDER SETTING DAMAGES

FILED



BARRY JOE STULL

Plaintiff,

vs.

PCRI,
et al.,

Defendants.

0703-04569

BARRY JOE STULL

Plaintiff,

vs.

PCRI

Defendants.

0704-04569

The parties previously agreed that an award of damages for the destruction of plaintiff's property is appropriate and that the Court could determine the appropriate amount of those damages without further hearing, but disagreed as to whether those damages included losses from both evictions (in March and in October of 2006). Defendants contend that the issues related to any damages from March have been resolved and that only damages arising from the October eviction are at issue here.

Upon review of the record in case # 05F 015732 the court concludes that the damage issues from March have been previously resolved by the Court of Appeals.

This award therefore covers the plaintiff's losses from the October eviction.

The court, after consideration of the documentation filed, awards the plaintiff \$4,775.00 in damages.

Signed this 20th day of January, 2008.

A handwritten signature in black ink, appearing to read 'Edward Jones', written over a horizontal line.

**Edward Jones,
Circuit Court Judge**

M

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

BARRY JOE STULL

Plaintiff

PCRI

Defendant (s)

Case No. 070404569

**ORDER:
ASSIGNING CASE TO JUDGE
EDWARD J. JONES**

IT IS HEREBY ORDERED that the above matter is assigned to Judge Edward J. Jones for all
purposes.

SIGNED: September 7, 2007

Dale R. Koch

Dale R. Koch
Presiding Judge

4th JUDICIAL DIST.
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FILED

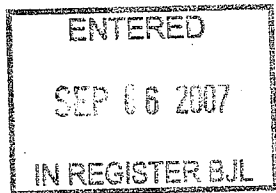
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CIRCUIT COURT
FOR MULTNOMAH COUNTY



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

9 PCRI,

Plaintiff,

v.

No.: 05F 015732

DEFENDANTS' PCRI, FITZPATRICK,
LUCERO AND MASON'S ANSWER
AND AFFIRMATIVE DEFENSES

12 BARRY JOE STULL,

Defendant.

JURY TRIAL DEMANDED

BARRY JOE STULL,

Plaintiff,

v.

Case No. 0703-02757

PORTLAND COMMUNITY
REINVESTMENT INITIATIVES, INC.,
MAXINE FITZPATRICK, MARY C.
LUCERO, KIMBERLY MASON, ROSS
JOHNSON, THOMAS FLENNEL, LEAH C.
SYKES, AND BITTNER & HAHS, P.C.,

Defendants.

BARRY JOE STULL,

Plaintiff,

v.

Case No. 0704-04569

PCRI,

Defendant.

1 For their answer to plaintiff's Complaint, defendants Portland Community
2 Reinvestment Initiatives, Inc. ("PCRI"), Maxine Fitzpatrick, Mary Lucero, and Kimberly
3 Mason admit, deny and allege as follows:

4 1.

5 Defendants PCRI, Maxine Fitzpatrick, Mary Lucero, and Kimberly Mason deny each
6 and every allegation of plaintiff's Complaint, and the whole thereof.

7 2.

8 Defendants PCRI, Maxine Fitzpatrick, Mary Lucero, and Kimberly Mason demand a
9 trial by jury.

10 **FIRST AFFIRMATIVE DEFENSE**

11 **(Failure to State a Claim)**

12 3.

13 Plaintiff's Complaint fails to state a claim against defendants upon which relief can be
14 granted.

15 **SECOND AFFIRMATIVE DEFENSE**

16 **(Res Judicata)**

17 4.

18 Plaintiff's claims are barred by the doctrine of *res judicata*.

19 **THIRD AFFIRMATIVE DEFENSE**

20 **(Collateral Estoppel)**

21 5.

22 Plaintiff's claims are barred by the doctrine of collateral estoppel.

23 WHEREFORE, having fully answered Plaintiff's Complaint, Defendants PCRI,
24 Maxine Fitzpatrick, Mary Lucero, and Kimberly Mason pray for relief as follows:

25 (1) That Plaintiff's Complaint be dismissed with prejudice;

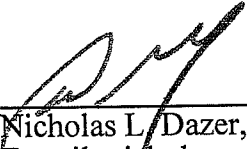
26 (2) That Defendants PCRI, Maxine Fitzpatrick, Mary Lucero, and Kimberly

1 Mason be awarded their costs and disbursements incurred herein; and
2 (3) For such other and further relief as the court deems just and equitable.

3 DATED this 30^h day of August, 2007.

4 BULLIVANT HOUSER BAILEY PC

5
6 By


Nicholas L. Dazer, OSB #002403
E-mail: nick.dazer@bullivant.com

7
8 Attorneys for Defendants, PCRI, Fitzpatrick,
9 Lucero and Mason

10 10400372.1

1 **CERTIFICATE OF SERVICE**

2 I, Nicholas Dazer, certify that on August 30, 2007, I served the foregoing

3 **DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES** on the attorney(s) of
4 record herein, by mailing to said attorney(s) a true copy thereof, contained in a sealed
5 envelope, with postage prepaid, addressed to said attorney(s) last known address as shown
6 below, and deposited in the post office at Portland, Oregon.

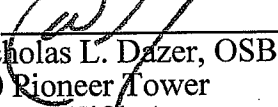
7 Barry Joe Stull, Pro Se
8 PO Box 11008
9 Portland, OR 97211

Paul Xochihua,
Davis Rothwell Earle & Xochihua
1300 SW 5th Avenue, Ste 1900
Portland, OR 97201

10 Plaintiff

Attorney for Leah Sykes and Bittner & Hahs

11
12 DATED this 30th day of August, 2007.

13
14 By 
15 Nicholas L. Dazer, OSB No. 002403
16 300 Pioneer Tower
17 888 SW Fifth Avenue
18 Portland, Oregon 97204-2089
19 Telephone: 503.228.6351
20 Facsimile: 503.295.0915

21 Attorneys for Defendants, PCRI, Fitzpatrick, Lucero and
22 Mason
23
24
25
26

KMS

FILED
07 JUL -9 PM 4:19
CIRCUIT COURT
FOR MULTNOMAH COUNTY

ENTERED
JUL 12 2007
IN REGISTER BY SLF

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

BARRY JOE STULL,

Plaintiff,

v.

PORTLAND COMMUNITY
REINVESTMENT INITIATIVES, INC.,

Defendant.

Case No.: 0704-04569

DEFENDANT'S RESPONSE TO APPEAR
AND SHOW CAUSE RE REMEDIAL
CONTEMPT

Defendant, Portland Community Reinvestment Initiatives, Inc. responds to Plaintiff's
Motion to Appear and Show Cause regarding remedial contempt as follows:

IMPROPER PROCEEDING

Plaintiff is requesting contempt sanctions be entered against defendant Portland
Community Reinvestment Initiatives, Inc., ("PCRI") under ORS 33.015, *et al* This request is
being made in a separate action from the one in which plaintiff contends PCRI acted in
contempt.

ORS 33.055 sets forth the procedure for the imposition of remedial sanctions. ORS
33.055(3) states:

"A motion to initiate a proceeding under this section shall be
filed in the proceeding to which the contempt is related, if there
is a related proceeding."

///

1 The proceeding to which plaintiff's alleged contempt is related is: *Portland*
2 *Community Reinvestment Initiatives, Inc., v. Barry Joe Stull*, Case No. 05F 015732,
3 Multnomah County.

4 Plaintiff admits this fact in his "Pleading to Initiate Proceedings to Find PCRI in
5 Contempt of Court Pursuant to ORS 33.055." Plaintiff wrote in his pleading "[t]his matter is
6 properly before this Court because an earlier pleading regarding the same issues and the
7 same parties could not be prosecuted owing to this Court lacking jurisdiction under that case
8 number, since that case, Multnomah Circuit Court Case No. 05F 015732, is currently on
9 appeal." The existence of the appeal does not bar plaintiff from seeking an order of
10 contempt. As such, this second and independent proceeding for contempt is improper. The
11 Court should dismiss this proceeding as being procedurally deficient.

12 CONCLUSION

13 Despite plaintiff's efforts, this independent proceeding to seek imposition of contempt
14 is improper and the Court should dismiss this case with prejudice. ORS 33.055(3).

15 DATED this 9th day of July, 2007.

16 BULLIVANT HOUSER BAILEY PC

17
18 By 

Robert C. Muth, OSB #971710

E-mail: robert.muth@bullivant.com

Nicholas L. Dazer, OSB #002403

E-mail: nick.dazer@bullivant.com

21 Attorneys for Defendant Portland Community
22 Reinvestment Initiatives, Inc.

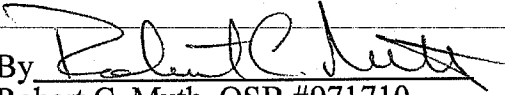
23 10380688.1
24 00098/0012
25
26

1
2
3 **CERTIFICATE OF SERVICE**

4 I certify that on July 9, 2007, I served the foregoing **DEFENDANT'S RESPONSE**
5 **TO APPEAR AND SHOW CAUSE RE REMEDIAL CONTEMPT** on the attorney(s) of
6 record herein, by mailing to said attorney(s) a true copy thereof, contained in a sealed
7 envelope, with postage prepaid, addressed to said attorney(s) last known address as shown
8 below, and deposited in the post office at Portland, Oregon.

9 Barry Joe Stull, *Pro Se*
10 PO Box 11008
11 Portland, OR 97211

12 Plaintiff, *Pro Se*

13 By 
14 Robert C. Muth, OSB #971710
15 E-mail: robert.muth@bullivant.com
16 Nicholas L. Dazer, OSB #002403
17 E-mail: nick.dazer@bullivant.com


18 Attorneys for Defendant Portland Community
19 Reinvestment Initiatives, Inc.

AS

MULTNOMAH COUNTY CIRCUIT COURT CASE NUMBER 0704-04569

ORS 33.085 NOTICE OF INTENT TO COMPEL TESTIMONY OF WITNESSES

Plaintiff, Barry Joe Stull, hereby gives notice of intent to compel the testimony of Defendant PCRI's former employees Ross Johnson and Mary C. Lucero, in Multnomah County Circuit Court Case Number 0704-04569, and for those witnesses to appear in Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland Oregon, Room 208 at 9 o'clock AM on July 13, 2007.


Barry Joe Stull, plaintiff, pro se

FILED
07 JUN 29 PM 4:36
CIRCUIT COURT
FOR MULTNOMAH COUNTY

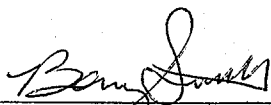
CERTIFICATE OF SERVICE AND CERTIFICATE OF FILING

I, Barry Joe Stull, hereby certify that I served the Attorney General of Oregon with a copy of the above notice of intent to compel testimony of witnesses pursuant to ORS 33.085, by personally delivering that copy to the office of the Attorney General maintained at 1515 SW Fifth Avenue, Portland Oregon on June 29, 2007.

I further certify that I served a copy of the above notice of intent to compel testimony of witnesses pursuant to ORS 33.085, by personally delivering that copy to the office of the Multnomah County District Attorney located in the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland Oregon on June 29, 2007.

I further certify that I served a copy of the above notice of intent to compel testimony of witnesses pursuant to ORS 33.085, on Thomas A. Ped OSB #95376, attorney for Defendant PCRI, by personally delivering a copy to the person on duty at his office located at 888 SW Fifth Avenue, Portland Oregon, on June 29, 2007.

I, Barry Joe Stull, further certify that I filed the original Notice of Intent to Compel Witnesses and Certificate of Service in the Multnomah County Circuit Court on June 29, 2007.


Barry Joe Stull, plaintiff, pro se



MULTNOMAH COUNTY SHERIFF'S OFFICE

12240 NE GLISAN ST., • PORTLAND, OR 97230

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 255-3600 PHONE
(503) 251-2484 TTY
www.sheriff-mcso.org

County: MULTNOMAH
Court Case: 070404569
MCSO Case #: 2007-148781
Court: CIRCUIT

RE: STULL, BARRY JOE

VS.

PCRI

I hereby certify that the attached

MISCELLANEOUS ORDER

was/were delivered to me for service on the 09 day of May, 2007, and was/were
duly certified to be true copy by .

I further certify that I served the papers upon

PCRI

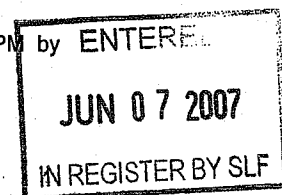
at 6329 NE MARTIN LUTHER KING BLVD on the 31 day of May, 2007 at 2:27:00 PM by ENTEREL
delivering a copy of the papers to MAXINE FITZPATRICK
the registered agent, or clerk on duty in the office of the registered agent.

BERNIE GIUSTO, Sheriff
Multnomah County, Oregon

By: _____

LAIZURE, BRENT DPSST#: 32272

FILED
07 JUN -4 PM 2:07
CIRCUIT COURT
FOR MULTNOMAH COUNTY



#1 Served:		Civil	Court
At:		Case: 2007-148781	Case #: 070404569
		Serve on Date:	
		Appear On Date:	6/14/2007 9:00:00AM
		Expire Date:	
		#1: PCRI	
Date:	Time:	#2:	
5-31	1427	#3	
Deputy:		Address:	6329 NE MLK JR BLVD
32272			PORTLAND
		Remarks:	050907 RA MAXINE FITZPATRICK
Type of Process:	MISC	ORDI	

[illegible]

PCRI 6329 NE MLK Jr Blvd Portland OR

Maxine Fitzpatrick, Registered Agent
148781

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

Barry Joe Stull,

Plaintiff,

v.

PCRI,

Defendant.

0704-04569
Case No. ~~0407~~-04569

ORDER TO APPEAR AND

SHOW CAUSE

RE REMEDIAL CONTEMPT

PURSUANT TO ORS 33.015 TO

ORS 33.155

07 MAY -9 PM 3:30

Based on the motion and exhibits of Barry Joe Stull filed with this court on April 23, 2007,

YOU ARE HEREBY ORDERED to appear in person before the court ^{for call} in Room 208, at the

Multnomah County Courthouse, Portland, Oregon, on the 14th day of June,

2007, at 9 o'clock [a.m./p.m.] ^{for assignment for hearing on 6/15/07 to} and show cause why:

1. You should not be found in contempt of court for willfully interfering with the opposing pro se party in a continuing and repeating process of unlawfully overcharging and unlawfully interfering with and unlawfully destroying plaintiff's resources when plaintiff has been the opposing party as case number 05F015732 progressed in this court and on appeal in the Oregon Court of Appeals.

2. You should not be found in contempt of court for willfully refusing to act promptly and in good faith to compensate plaintiff for plaintiff's personal property you destroyed in October 2006, when you through counsel, in order to avoid the court finding you in contempt, promised the court on October 31, 2006, that you would compensate plaintiff for plaintiff's personal property you destroyed.

3. The following remedial sanctions as defined in ORS 33.045 (4) should not be imposed through the authority of and authorized by ORS 33.105 (1) (f) :

a) An amount calculated to be equal to the unwarranted fees for back rent and late fees and fees for damages to the premises charged to plaintiff in violation of ORS 90.425; and

Page 1- ORDER TO APPEAR AND SHOW CAUSE

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

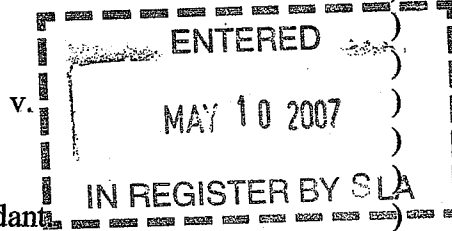
FILED
2007 MAY 10 AM 9:10
4TH JUDICIAL DIST.

Barry Joe Stull,

Plaintiff,

PCRI,

Defendant,



0704 - 04569
Case No. ~~0407~~-04569

ORDER TO APPEAR AND

SHOW CAUSE

RE REMEDIAL CONTEMPT

PURSUANT TO ORS 33.015 TO

ORS 33.155

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Multnomah County Courthouse, Portland, Oregon, on the 14th day of June,

2007, at 9 o'clock [a.m./ p.m.] ^{for assignment for hearing on 6/15/07 to} and show cause why:

1. You should not be found in contempt of court for willfully interfering with the opposing pro se party in a continuing and repeating process of unlawfully overcharging and unlawfully interfering with and unlawfully destroying plaintiff's resources when plaintiff has been the opposing party as case number 05F015732 progressed in this court and on appeal in the Oregon Court of Appeals.

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3. The following remedial sanctions as defined in ORS 33.045 (4) should not be imposed through the authority of and authorized by ORS 33.105 (1) (f) :

a) An amount calculated to be equal to the unwarranted fees for back rent and late fees and fees for damages to the premises charged to plaintiff in violation of ORS 90.425; and

Page 1- ORDER TO APPEAR AND SHOW CAUSE

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

b) An amount calculated to be equal to the unwarranted legal fees billed to plaintiff in violation of ORS 90.255; and

c) An amount calculated to be equal to any other unwarranted assessments incorporated in the defendant's "Total move out charges" of November 7, 2006.

4. The following remedial sanctions as defined in ORS 33.045 (4) should not be imposed as provided by ORS 33.105 (1) (a), (b), (c), (e):

a) Pursuant to ORS 33.105 (1) (a), payment of a sum of money sufficient to compensate plaintiff for loss, injury or costs suffered by the plaintiff as a result of the contempt of court; and

b) Pursuant to ORS 33.105 (1) (b), confinement for so long as the contempt continues, or six months, whichever is the shorter period; and

c) Pursuant to ORS 33.105 (1) (c), an amount not to exceed \$500 or one percent of the defendant's annual gross income, whichever is greater, for each day the contempt of court continues as a fine or to compensate plaintiff for the effects of continuing contempt; and

d) Pursuant to ORS 33.105 (1) (e), payment of all or part of any attorney fees incurred by plaintiff as a result of the contempt of court.

DATED MAY 09 2007, 2007.

Don R. Kocl

Circuit Court Judge

ymop

Submitted by:

Barry Joe Stull

Barry Joe Stull, pro se
P.O. Box 11008
Portland, Oregon 97211

Page 2- ORDER TO APPEAR AND SHOW CAUSE

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

IN THE JUDICIAL COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Barry Joe Stull

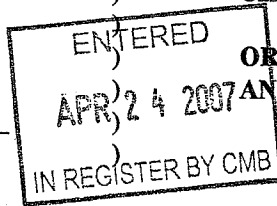
Plaintiff

Case No.

0704-04569

PCRI

Defendant



**ORDER FOR DEFERRAL OF FEES
AND PAYMENT AGREEMENT**

FILED
2007 APR 23
MULTNOMAH COUNTY

The Court having reviewed the affidavit of Barry Joe Stull
IT IS HEREBY ORDERED that the fees and costs in the above captioned case are hereby deferred, and the full amount of the fees and costs, less payments, is due 30 days after final written disposition of this case, including dismissal, whichever is earlier.

1. \$ 218.00 to be paid in full.
2. Arbitrator's Fee Pursuant to ORS 36.420(3)

APR 23 2007

Date: _____

Alan R. Koch

Circuit Judge or Designee

****IMPORTANT NOTICE - PLEASE READ****

You have been granted a deferral of fees. These fees are **not waived** and remain an obligation owed by you to the State of Oregon according to the payment terms above. If the amount of fees deferred is not paid within 30 days of final written disposition an order to cover the cost of establishing and maintaining your account a fee of \$25.00 is added to any deferred payment up to \$249.99 and a fee of \$50.00 is added to any deferral greater than \$250.00. Failure to pay these fees will result in a judgment against you, and in favor of the State of Oregon, for any unpaid deferred fees. Failure to pay will also result in the assignment of the amount due to the Oregon Department of Revenue or a private collections agency for collection. The Oregon Department of Revenue may seize your assets, garnish your wages or tax refunds, or proceed with other collection efforts as authorized by state law. If your account is assigned to the Oregon Department of Revenue or a private collections agency, an additional fee will be added based on a percentage of your outstanding debt to cover the cost of collection.

To avoid collection, comply with the terms of payment. Check or money orders payable to the State of Oregon may be mailed, or cash payments brought to:

Multnomah County Courts
1021 SW 4th Avenue, Room 210
Portland, OR 97204

This will be the only notice you will receive from this Court regarding this payment. Extensions will not be granted. Subsequent costs, including trial or hearing fees, will be added. Your signature indicates receipt of the notice and understanding of the payment terms.

Signature: _____

Barry Stull

Social Security No.: * 202-52-8974

Address: _____

PO Box 11008

Phone No. () no phone

Portland OR 97211

*I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it or be denied consideration solely for the failure to provide it. It may be used to verify my identification, credit and employment information, and used for collection purposes for any court-imposed obligations.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Barry Joe Stull

Plaintiff

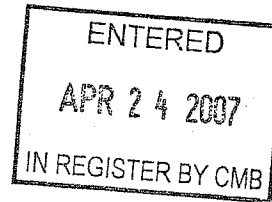
vs.

PCRI

Defendant

Case No. 0704-04569

MOTION AND AFFIDAVIT TO DEFER FEES



Motion

Based on the following Affidavit, Plaintiff ☒ Defendant ☐ (check one) moves the Court for an Order Deferring (check all that apply)

<input checked="" type="checkbox"/> Filing Fee	\$ <u>190.00</u>
<input checked="" type="checkbox"/> Service Fee	<u>28.00</u>
<input checked="" type="checkbox"/> Copy Costs	_____
<input checked="" type="checkbox"/> Form Fee	_____
<input checked="" type="checkbox"/> Arbitration Appeal Fee	_____
<input checked="" type="checkbox"/> Arbitrator's Fee Pursuant to ORS 36.420(3)	_____

TOTAL FEES & COSTS

\$ 218.00

CIRCUIT COURT
FOR MULTNOMAH COUNTY

2007 APR 23 PM 1:29

FILED

AFFIDAVIT

STATE OF OREGON)

) ss.

County of Multnomah)

I, Barry Joe Stull,

affirm under penalty of perjury, that the following information is true:
I am a litigant in the above referenced litigation and I have insufficient income and resources to pay the fees and costs noted in the above motion.

My financial condition is as follows:

A. INCOME

1. Gross wages (before withholding)
2. Take home pay
3. Income from other sources
busking (street musician)

TOTAL MONTHLY INCOME

\$ 0
\$ 0
\$ 300
\$ 300.00

B. ASSETS

1. Cash on hand
2. Bank account(s)
3. Other personal property (include a car if you own one; do not include clothing and household goods)

\$ 62.00

15.07

500.00 (1973 VW)

TOTAL ASSETS AVAILABLE

\$

C. MONTHLY LIVING EXPENSES

1. Rent (or mortgage)
2. Utilities
3. Food
4. Car payment(s)
5. Other payments

\$ 0

0

Oregon Trail #50769300190-32487

135.00 for
storage unit

135.00

TOTAL MONTHLY LIVING EXPENSES

\$ 135.00

D. I have ☒ legal dependents. (Do not count yourself.)**E. DEBTS AND LIABILITIES**

You need not list payments that you are making as a result of a court order for child or spousal support (alimony), or to satisfy overdue support, or that you are making as a result of a court order to satisfy a civil debt.

Name of Creditor

Balance Due

Payment

I have approximately
\$40,000 in outstanding
student loans due, but
PCR1 destroyed those
records in 2006

\$

Since I lost my housing
and personal property, I
have been unable to
address financial matters
due to my disabilities.

TOTAL DEBTS AND LIABILITIES

\$

*****IMPORTANT INFORMATION - PLEASE READ BEFORE SIGNING*****

The information contained in this affidavit is true and accurate to the best of my knowledge and belief. I understand that a deliberate misrepresentation can result in a penalty under the laws of the State of Oregon, and that such penalty could include jail or a fine or both. I understand that I am requesting these fees and costs to be deferred and that they remain an obligation owed to the Court. I further understand that if not paid when due, the obligation can be transferred to the State Department of Revenue for collection. I agree that any money paid through the Court as a result of a judgment in my favor, in any case in this court, will first go to repay any unpaid deferred fees. I also agree that, without further notice, a judgment may be entered against me in favor of the State of Oregon in the amount of any unpaid deferred fees pursuant to ORS 21.605(1)(c).

Signature

Bany Smith

Address

PO Box 11008
Portland OR 97211

Telephone No. () no phone

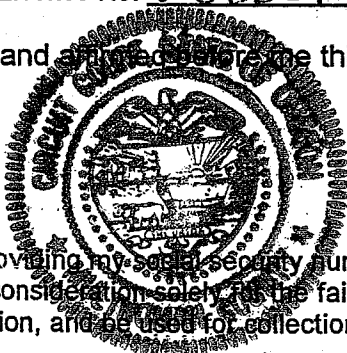
Social Security No.* 202-52-8974

Driver's License No. 3058839 State OR Date of Birth: 09/24/1958

Signed and sworn before me this

day of

APR 23 2007



Glenn A. Caveney
Court Clerk/Notary Public
(My Commission Expires:)

*I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it or be denied consideration solely for the failure to provide it. It may be used to verify my identification, credit and employment information, and be used for collection purposes for any court-imposed monetary obligations.

ENTERED

APP 23 2007

IN REGISTER BY LR

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

04569

Barry Joe Stull,

Plaintiff,

v.

PCRI,

Defendant.

Case No. **0704-04569**

PLEADING TO INITIATE

PROCEEDINGS TO FIND PCRI

IN CONTEMPT OF COURT

PURSUANT TO ORS 33.055

PLEADING AND MOTION

Plaintiff, Barry Joe Stull, pro se, pleads to initiate proceedings to find defendant PCRI in contempt of court, pursuant to this court's authority to find a party in contempt through its inherent judicial authority and the authority granted through ORS 33.015 to ORS 33.155. This matter is properly before this court because an earlier pleading regarding the same issues and the same parties could not be prosecuted owing to this court lacking jurisdiction under that case number, since that case, Multnomah County Circuit Court case number 05F015732, is currently on appeal. ORS 33.055(3) states the matter of contempt should be filed in the proceeding to which the contempt is related; that approach being barred by the pending appeal, the issues are properly before the court in the above numbered case.

Plaintiff moves this court for an order for defendant PCRI to appear and show cause why it should not be held in contempt of court for defendant PCRI's continuing and repeating process

Page 1- PLAINTIFF'S PLEADING TO INITIATE ORS 33.055 CONTEMPT PROCEEDINGS

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

willfully overcharging and unlawfully interfering with and unlawfully destroying plaintiff's resources when plaintiff has been the opposing party as case number 05F015732 progressed in this court and on appeal in the Oregon Court of Appeals. Defendant PCRI repeatedly unlawfully overcharged plaintiff and repeatedly interfered with and repeatedly destroyed plaintiff Barry Joe Stull's personal property and resources evidencing PCRI's willful resistance to, obstruction of and violation of the court's authority, process, orders or judgments. This motion is pursuant to ORS 33.055 and is filed in lieu of the one filed in the proceeding to which the contempt is related, as this court lacks jurisdiction under that case number as the appeal progresses (ORS 33.055(3)). Supporting documents to give defendant notice of the specific acts alleged to constitute contempt are attached as exhibits (ORS 33.055(4)).

FACTS AND AUTHORITIES

Plaintiff alleges:

Beginning on March 9, 2006, defendant PCRI (defendant), through its agents, entered 4066 NE Grand Avenue Apartment 5, Portland Oregon (apartment) and removed and destroyed plaintiff Barry Joe Stull's (plaintiff) property contained in the apartment. Defendant's destruction of plaintiff's property followed the March 1, 2006 order from the Oregon Court of Appeals reinstating the appeal of case number 05F015732, and the March 9, 2006 order from the Oregon Court of Appeals restoring defendant's occupation of plaintiff's rental property pending appeal.

Commencing with the Multnomah County Sheriff's Office removing defendant's medical marijuana for safekeeping on March 9, 2006, the removal of plaintiff's property continued for an extended period following both the March 9, 2006 and March 16, 2006 orders from the Oregon Court of Appeals to restore defendant's access to the apartment (pursuant to the March 9, 2006

order and March 16, 2006 order) and belongings (pursuant to the March 16, 2006 order). The March 9, 2006 order is attached as Exhibit A and the March 16, 2006 order is attached as Exhibit B. ORS 33.055 (4).

The March 9, 2006 Multnomah County Sheriff's Office report documenting the removal of plaintiff's medical marijuana from the apartment is attached as Exhibit C. The Multnomah County Sheriff's Office report describing the installed medical marijuana garden and equipment in the apartment is attached as Exhibit D.

The November 17, 2005 Notice of Abandoned Property, and the subsequent October 16, 2006 Notice of Abandoned Property, did not specify that the plaintiff landlord intended to destroy the property due to the landlord's reasonable belief that the value of the property was so low as to be below the cost of holding a public sale, a specific statutory requirement prior to a landlord's destruction of the evicted tenant's property under authority of ORS 90.425. The November 17, 2005 Notice Abandoned Property is attached as Exhibit E. The October 16, 2006 Notice of Abandoned Property is attached as Exhibit F.

ORS 90.425 (5) (h) states the written notice required under ORS 90.425 (3) must state that "If the landlord reasonably believes that the personal property will be eligible for disposal pursuant to subsection (10) (b) of this section and the landlord intends to dispose of the property if the property is not claimed, the notice shall state that belief and intent."

At the time defendant unlawfully destroyed the plaintiff's personal items, defendant was aware of plaintiff's continuing effort to maintain the apartment pursuant to a stay and supersedeas bond pending the resolution of the appeal, and was aware that the plaintiff's possessions included a number of costly items essential to plaintiff's well-being and physical ability to address court

Page 3- PLAINTIFF'S PLEADING TO INITIATE ORS 33.055 CONTEMPT PROCEEDINGS

matters. Defendant knew plaintiff maintained health through plaintiff's continued operation of the medical marijuana garden and associated equipment installed in the apartment. The medical marijuana garden was established pursuant to the Oregon Medical Marijuana Act and the Oregon Department of Human Services operated Oregon Medical Marijuana Program, where the plaintiff was a Registry Identification Cardholder (patient) and registered with that agency at that apartment.

In March 2006, defendant unlawfully removed from the apartment and then destroyed the entire contents of plaintiff's home office, including a desk, and several file cabinets and the files those items housed, when defendant was aware that plaintiff was successful in motion practice in the Oregon Court of Appeals against plaintiff's counsel and that plaintiff had previously prosecuted Stull v. Hoke before the Oregon Supreme Court and the Oregon Court of Appeals.

Defendant was aware that plaintiff is debilitated by a post surgical central neuropathic pain condition and dysesthesia and defendant, through counsel Leah C. Sykes, was in possession of the sworn testimony of plaintiff's neurologist Dr. Robert J. Grimm specifically noting that plaintiff's physical condition is worsened by emotional stress when defendant unlawfully destroyed plaintiff's personal possessions.

Defendant unlawfully destroyed plaintiff's possessions which included valuable artworks and historically significant items, and which also included research plaintiff gathered over decades, which defendant was aware plaintiff possessed for plaintiff's ongoing process of writing a book following defendant's August 2005 discussion with a publisher, facts which defendant's legal counsel and agents became informed of during the earlier FED trial. A copy of the trial transcript evidencing that plaintiff was writing a book is attached as Exhibit G.

Defendant was aware that emotional impact on plaintiff wrought by the defendant's unlawful destruction of the plaintiff's property would cause plaintiff additional physical pain, when defendant was also aware plaintiff's neurologist stated medical marijuana was the plaintiff's best medical option, at the time defendant unlawfully destroyed plaintiff's means to produce medical marijuana, including soil and containers to house it, lighting equipment, environmental controls, and appliances to manage humidity, clean air, and otherwise produce medical marijuana under the authorization of the Oregon Medical Marijuana Act and Oregon Health Division Medical Marijuana Program.

Following defendant unlawfully emptying the apartment and unlawfully destroying the entirety of plaintiff's property contained in the apartment in March 2006, defendant unlawfully intentionally over billed defendant \$193 for March 2006 then initiated a new FED case in April 2006 to evict plaintiff for not paying the amount defendant had overcharged plaintiff.

Following the unsubstantiated 2006 FED case, which defendant voluntarily dismissed, albeit without the required notice to plaintiff causing plaintiff to appear in court pursuant to the summons in that case, defendant initiated a number of other attempts to oust plaintiff. Defendant made unfounded claims in a motion to the Oregon Court of Appeals that plaintiff had "allowed waste", where defendant claimed that increased water use was due to a leaking pipe in the apartment, when it was clear that the increased water use was due to plaintiff living in the apartment following the apartment being vacant from November 17, 2005 through March 29, 2006, in addition to other seasonal increased water use including the landscape was being irrigated since it was summer.

Defendant unlawfully refused plaintiff's request for reasonable accommodations to plaintiff's disability, unlawfully refused to engage in the interactive process essential to determining reasonable accommodations, and instead continued, through defendant's agents, to harass and otherwise interfere with plaintiff's interests. That harassment and interference included defendant's property manager Mary Lucero's continuing contact with plaintiff, including to serve what amounted to be a merit less pleading filed in the Oregon Court of Appeal, which followed plaintiff's request that defendant find any other employee to interact with plaintiff. Plaintiff found Ms. Lucero's continuing practice of lying against plaintiff's interests to be particularly hurtful to plaintiff, due to plaintiff's neuropathic pain being worsened by emotional stress.

After defendant destroyed plaintiff's property in broad daylight as witnessed by neighbors and in blatant disregard of the March 9, 2006 and March 16, 2006 orders of the Oregon Court of Appeals, that court issued an order for defendant to show cause why defendant should not be held in contempt of the Oregon Court of Appeals. Defendant responded to that court's order to show cause with affidavits that the apartment was emptied of plaintiff's personal possessions by the close of day on March 7, 2006, although Leah C. Sykes, defendant's counsel on the appeal, was aware that the process of emptying the apartment commenced on March 9, 2006 and continued for about a week following, and in spite of ORS 9.460(2) which limits an attorney's assertions to those supported by evidence and based on the truth. Leah C. Sykes' fax missive of March 28, 2006 is attached as Exhibit H. Importantly, defendant knew those affidavits were perjury because defendant, through agents, made arrangements with the Multnomah County Sheriff's Office, whose deputies removed plaintiff's medical marijuana contained in the

apartment for safekeeping on March 9, 2006, in the presence of defendant's agents on that date.

Plaintiff maintained contact with the Portland Police Bureau and ordered and received copies of the report of Officer Eugenio, who witnessed plaintiff's possessions inside of the apartment, and outside of the apartment, on March 15, 2006. On September 5, 2006, Portland Police Bureau Officer Manzella investigated the matter of PCRI's agents having committed perjury in their affidavits produced in response to the Oregon Court of Appeals order to show cause. Officer Manzella produced his report documenting the conflict between PCRI's affidavits and the prior Portland Police Bureau investigation and the Sheriff's report regarding the March 9, 2006 seizure of plaintiff's medical marijuana for safekeeping. Officer Eugenio's report is attached as Exhibit I. Officer Manzella's report is attached as Exhibit J.

Defendant did not compensate plaintiff in any way for its negligent destruction of plaintiff's property in March 2006, as required by the express language of ORS 90.425 (17), which provides for double actual damages paid to the tenant and relief from back rent owed by the tenant for the landlord's violation of ORS 90.425. Instead, defendant, through its agents, and with the authority of the upper management of the corporation, and with assistance of legal counsel, intentionally misrepresented facts regarding the amount and value of the plaintiff's property destroyed and the timing of the removal and destruction of the property in sworn affidavits filed in the Oregon Court of Appeals by defendant's counsel.

Plaintiff realized that defendant was continuing its unlawful behavior, and since plaintiff knew defendant's agent had unlawfully entered the apartment in 2005, knew defendant's agents committed perjury during the FED trial in 2005, and knew defendant had unlawfully destroyed plaintiff's property in March 2006, plaintiff opted out of the occupation of the apartment pending

Page 7- PLAINTIFF'S PLEADING TO INITIATE ORS 33.055 CONTEMPT PROCEEDINGS

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

appeal following a discussion with plaintiff's neurologist. Dr. Grimm recognized that defendant was a constant source of emotional stress physically hurtful to plaintiff due to plaintiff's dysesthesia and that plaintiff's medical marijuana was not safe from defendant's interference, in light of defendant's performance up to the time of plaintiff's September 28, 2006 office visit and examination by Dr. Grimm. Dr. Grimm's neurological assessment and chart notes and plaintiff's application for the Oregon Medical Marijuana Program were included in materials provided by letter to defendant's Executive Director Maxine Fitzpatrick on October 13, 2006, which are attached as Exhibit K.

On October 12, 2006, defendant, through its agent Mary Lucero, applied for a Judgment Order of Restitution. Defendant did not serve a Notice of Restitution, a specific statutory requirement of ORS 105.151, but instead, through agent Assistant Director Ross Johnson, arrived with the Multnomah County Sheriff's Office Civil Unit Deputies to have plaintiff evicted on October 16, 2006.

That same day plaintiff informed defendant through defendant's agent Benjamin Lostis, then on duty as receptionist, that none of the items in the apartment were considered abandoned by plaintiff and that plaintiff intended to remove the possessions pursuant to the Residential Landlord Tenant Act.

On October 17, 2006, defendant's agent Ross Johnson was again informed of plaintiff's intention to remove the remainder of the possessions from the apartment, following plaintiff retrieving possessions from the apartment on October 17, 2006 by appointment with PCRI and Ross Johnson.

On October 25, 2006, plaintiff filed an ORCP Rule 71 Motion for Relief from the

Page 8- PLAINTIFF'S PLEADING TO INITIATE ORS 33.055 CONTEMPT PROCEEDINGS

Judgment, which defendant's counsel received on October 26, 2006 (the first page of which is attached as Exhibit L), and on October 26, 2006, defendant once again destroyed the entirety of plaintiff's possessions locked up by defendant's with no authority under any Oregon law to destroy the what was the opposing party's property.

On October 27, 2006, unaware of defendant's unlawful action the day earlier, plaintiff again notified defendnat that plaintiff wanted to retrieve possessions from the locked apartment. Defendant's October 27, 2006 letter to defendant is attached as Exhibit M. Plaintiff learned defendant destroyed plaintiff's possessions upon plaintiff's arrival to the apartment on October 30, 2006.

Following defendant's destruction of the entirety of plaintiff's possessions under defendant's control for the second time in calendar year 2006, and since the ORCP Rule 71 Motion filed October 25, 2006 concerned the fraud on the court by both defendant's agents and legal counsel, plaintiff moved the Multnomah County Circuit Court for an order finding defendnat in contempt of court. Plaintiff's motion was dismissed without prejudice, with the provision that the motion for contempt may be renewed if defendant failed to honor its claim to the court that defendant would send plaintiff photographs of the items negligently destroyed and compensate plaintiff for plaintiff's loss.

Defendant did not comply with its claim to the court that it would compensate plaintiff's loss. Instead, defendant offered to subtract whatever value plaintiff claimed as damages from what it claimed was plaintiff's outstanding bill. This was done through an October 30, 2006 letter written to plaintiff by defendant's agent Mary Lucero which included photographs of the destroyed possessions. Plaintiff's October 30, 2006 letter to defendant, without photographs, is

attached as Exhibit N.

Once again, plaintiff found defendant to be continuing its practice of harassing plaintiff, since akin to the March 2006 destruction of plaintiff's property, the October 26, 2006 destruction merited double damages for the violation of the provisions of ORS 90.425 due to the inadequate notice as well as the unreasonable destruction of clearly valuable musical instruments, office equipment, tools, and once again, plaintiff's garden equipment and medical marijuana paraphernalia located at the address ^{defendant} plaintiff knew plaintiff registered with the Oregon Medical Marijuana Program.

On November 7, 2006, defendant sent a document to plaintiff which noted that defendant had elected to keep plaintiff's \$500 security deposit, which defendant incorporated as payment against what defendant claimed was "Total move out charges" of \$20,499.81. A copy of defendant's agent Mary Lucero November 7, 2006 notice pursuant to ORS 90.300 is attached as Exhibit O.

Distrain for rent was abolished long ago, ORS 90.420 (2), "Distrain for rent is abolished." In spite of the provisions of ORS 90.420(2) and 90.425, and following defendant's admitted negligent destruction of plaintiff's personal property, defendant included in its "Total move out charges" back rent, charges for alleged damages, and a host of other unfounded charges. Defendant charged plaintiff for both cost of and damages caused by defendant's agents during their unlawful removal of the entire contents of the apartment in March, as defendant knows from its own photographs of the apartment taken by defendant's agent Mary Lucero on March 29, 2006, and also evidenced by the movie of the defendant's restoration of the empty apartment to plaintiff that day taken by Randall Givens and subsequently supplied to defendant's

legal counsel.

Defendant incorporated in its "Total move out charges" rent from 2005, which through operation of ORS 90.425 (17) (a) is not due to defendant because of defendant's negligent destruction of plaintiff's property in March 2006, and for back rent from 2006, which on those same terms is not due to defendant because of defendant's negligent destruction of plaintiff's property in October 2006. Defendant also claimed fees for damage to the premises caused by conduct that was not deliberate, intentional or grossly negligent. Instead of charging plaintiff, defendant should be paying plaintiff twice the actual damages sustained by plaintiff for defendant's negligent act, available through operation of ORS 90.425 (15) as well as relief from liability for unpaid rent, damage to the premises and "up to twice the actual damages sustained by" plaintiff available through operation of ORS 90.425 (17) (a).

Even if the back rent was available to defendant, which it isn't following the negligent destruction of the tenant's property and ORS 90.425 (17) (a), the so called "late fees" are not permitted by Oregon Residential Landlord and Tenant Act in the absence of a written rental agreement providing for imposition of late fees. ORS 90.260(1)(b).

Defendant also incorporated in its "Total move out charges" legal fees generated by the appeal of the eviction, which is pending, where the authorized legal fees pursuant to ORS 90.255 are limited to "prevailing party fees" upon the final judgment.

ARGUMENT

Defendant's concoction of "Total move out charges" coupled with its offer to deduct whatever damages plaintiff claims for the damages arising from the destruction of plaintiff's musical equipment, home office equipment, tools and other goods in October 2006 from that

conflated billing is not compensation, but continued interference. Judge Lawrence Weisberg's October 31, 2006 order providing for renewal of the contempt proceedings if PCRI "fails to promptly act in good faith to compensate" Stull "for improper removal or destruction of personal property." is attached as Exhibit P.

Defendant has demonstrated a continuing and well documented pattern of actions covered by the clear language of ORS 33.015, most obviously at ORS 33.015 (2) defining "Contempt of court" as "Disobedience of, resistance to, or obstruction of the court's authority, process, orders or judgments". Defendant has resisted and obstructed the court's process by repeatedly unlawfully overcharging and repeatedly unlawfully interfering with and repeatedly unlawfully destroying the opposing party plaintiff's property in a manner calculated to be hurtful to plaintiff, all in defendant's effort to prevent plaintiff from being physically or financially able to continue to address to the courts the clearly evidenced misdeeds by defendant.

DEFENDANT CORPORATION IS LIABLE FOR CONTEMPT

It is clear, in light of defendant PCRI's Executive Director Maxine Fitzpatrick being repeatedly informed by plaintiff of the misdeeds of defendant's agent Mary Lucero, including those misdeeds as are documented by the police reports, and in light of the unlawful destruction of plaintiff's property when defendant's Assistant Director Ross Johnson knew plaintiff hadn't abandoned the personal property and the time allowed by statute for plaintiff to remove items from the apartment was still in effect, that defendant is liable for contempt as provided for in ORS 33.25 (2) (c) as being "knowingly tolerated by a high managerial agent acting within the scope of employment and on behalf of the corporation", and for which subsection (3) of that section subjects the board of directors and high managerial agents to liability.

Page 12- PLAINTIFF'S PLEADING TO INITIATE ORS 33.055 CONTEMPT PROCEEDINGS

Request For Sanctions

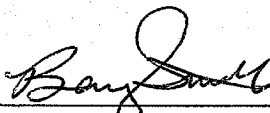
Pursuant to the authority of ORS 33.045 (4), plaintiff requests remedial sanctions in the amount calculated to be equal to the unwarranted fees for back rent and late fees and fees for damages to the premises charged to plaintiff in violation of ORS 90.425, unwarranted legal fees billed to plaintiff in violation of ORS 90.255, and other unwarranted assessments incorporated in the defendant's "Total move out charges" of November 7, 2006, as an effective remedy for the contempt as authorized by ORS 33.105 (1) (f) and for further remedial sanctions as provided by ORS 33.105 (1) (a), (b), (c), (e).

Plaintiff is entitled to initiate this proceeding through the authority of ORS 33.055 (2) (a), as a party aggrieved by the alleged contempt of court.

Pursuant to ORS 33.045 (5), any sanction imposed by a court for contempt is in addition to any civil remedy or criminal sanction that may be available as a result of the conduct constituting contempt.

Respectfully submitted,

DATED April 23, 2007



Barry Joe Stull, pro se

TABLE OF EXHIBITS

Exhibit A	March 9, 2006 Oregon Court of Appeals Order
Exhibit B	March 16, 2006 Oregon Court of Appeals Order
Exhibit C	March 9, 2006 Multnomah County Sheriff Report
Exhibit D	November 17, 2005 Multnomah County Sheriff Report
Exhibit E	November 17, 2005 Notice of Abandoned Property
Exhibit F	October 16, 2006 Notice of Abandoned Property
Exhibit G	Excerpt of FED trial transcript
Exhibit H	Leah C. Sykes Fax missive of March 28, 2006
Exhibit I	Portland Police Officer Eugenio's Report
Exhibit J	Portland Police Officer Manzella's Report
Exhibit K	October 13, 2006 letter to PCRI Executive Director Maxine Fitzpatrick including Dr. Robert J. Grimm chart notes of September 28, 2006, and Stull's Oregon Medical Marijuana Program Application with Dr. Grimm's Attending Physician Statement of October 3, 2006
Exhibit L	October 25, 2006 ORCP Rule 71 Motion, first page only
Exhibit M	October 27 .2006 letter to PCRI from Stull
Exhibit N	October 30, 2006 letter to Stull from Lucero
Exhibit O	November 7, 2006 letter to Stull from Lucero
Exhibit P	October 31, 2006 Order by Judge Lawrence Weisberg

IN THE COURT OF APPEALS OF THE STATE OF OREGON

PCRI,)	
	)	Multnomah County Circuit
Plaintiff-Respondent,	)	Court No. 05F015732
)	
v.	)	CA A130567
)	
BARRY JOE STULL,	)	ORDER GRANTING MOTION AND
	)	STAYING ENFORCEMENT OF
Defendant-Appellant.	)	JUDGMENT PENDING APPEAL

Appellant has appealed from a judgment of restitution of possession of real property. Appellant has moved to stay enforcement of the judgment pending resolution of this appeal and to vacate the writ of restitution that issued to enforce the judgment.

Although appellant purported to move for relief under ORS 19.350, entitlement to a stay of enforcement of a judgment for the transfer of possession of real property is governed by ORS 19.335(2). Under that statute, a party may obtain a stay of enforcement of a judgment for the transfer of possession of real property by filing a supersedeas undertaking. Although appellant moved in this court under ORS 19.350, in that motion appellant demonstrated the following facts:

The trial court entered the judgment for restitution of premises on October 25, 2005. Appellant timely filed notice of appeal on October 28, 2005, and on November 1, 2005, he filed a supersedeas undertaking that appears to comply with ORS 19.335(2). Respondent did not file an objection to the supersedeas undertaking. Consistent with ORS 19.335(2), the court determines that the filing of the supersedeas undertaking as a matter of law resulted in a stay of enforcement of the judgment for restitution of the premises.

Notwithstanding that stay, on November 4, 2005, respondent issued a notice to appellant purporting to require him to vacate the premises; on November 10, 2005, a writ of restitution issued, and on November 17, 2005, the sheriff's office executed on the writ and locked appellant out of the subject premises.

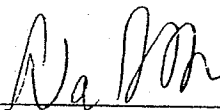
Respondent objects to appellant's motion on two grounds: that appellant relied on ORS 19.350, which is inapplicable here; and that this court had dismissed the appeal. Appellant's reliance on ORS 19.350 already has been addressed. Regarding the second ground, by order dated March 1, 2006, the court reinstated the appeal.

The last factor considered by the court is whether, in light of the passage of time, the court can grant effective relief. It appears from appellant's motion that respondent has not rented the apartment to another renter; indeed, it appears that respondent has not caused appellant's belongings to be removed from the apartment.

Therefore, appellant's motion is granted and enforcement of the judgment of restitution of premises is stayed pending appeal. Respondent will take such steps as are necessary to restore appellant to possession of the premises as soon as practicable, and in no event more than seven days from the date of this order.

The motion to vacate the writ of restitution of premises is denied as moot, because the writ already has been executed and therefore no longer has effect.

If not vacated sooner by order of the court, the stay of enforcement arising from this order will be vacated upon issuance of the appellate judgment terminating this appeal.



David V. Brewer, Chief Judge

MAR 09 2006

Date

c: Barry Joe Stull
Leah C. Sykes
Multnomah County Circuit Court

REPLIES SHOULD BE DIRECTED TO THE STATE COURT ADMINISTRATOR, RECORDS
SECTION, SUPREME COURT BUILDING, 1163 STATE STREET, SALEM, OR 97301-2563

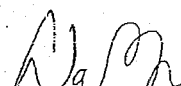
021006ca.wpd,p21

IN THE COURT OF APPEALS OF THE STATE OF OREGON

PCRI,)	
	)	Multnomah County Circuit
Plaintiff-Respondent,	)	Court No. 05F015732
)	
v.	)	CA A130567
)	
BARRY JOE STULL,	)	ORDER DENYING RECONSIDERATION
)	
Defendant-Appellant.)	

On March 9, 2006, the court issued an order granting appellant's motion to stay enforcement of the judgment pending appeal. Respondent moves for reconsideration of that order on the grounds that, contrary to this court's findings in the order, respondent (1) did file an objection to appellant's supersedeas undertaking in the trial court; and (2) has already disposed of appellant's belongings.

Although respondent includes a copy of the trial court register for the purpose of showing that it did object to the supersedeas undertaking, as well as an order prepared for the trial judge's signature, that order remains unsigned, and no ruling on the objection was entered. Therefore, the motion for reconsideration is denied, and this court's order staying the judgment remains in force. Respondent is hereby ordered to restore appellant's access, as well as his belongings, to the apartment no later than two days from the date of this order.



David V. Brewer, Chief Judge

MAR 16 2006

Date

c: Leah C. Sykes
Barry Joe Stull

REPLIES SHOULD BE DIRECTED TO THE STATE COURT ADMINISTRATOR, RECORDS
SECTION, SUPREME COURT BUILDING, 1163 STATE STREET, SALEM, OR 97301-2563

030206ca.wpd,p18

Exhibit B

Time: 12:26 PM

Pages: 3

03/28/2006 12:27 FAX
MAR-28-2006 12:55 From:

BITTNER HÄHS

Tel: 5032288566


004/004

P. 3/3

Rotl Det SUJ War Dir CrPr CrAn Rlv SI DA					MULTNOMAH COUNTY PROPERTY INVENTORY RECEIPT SHERIFF'S OFFICE					PRO NCIC/L WANT CHECK SRMS EX SD BY		RELATED REPORTS <input type="checkbox"/> Incident <input type="checkbox"/> Prop/Evidence <input type="checkbox"/> Accident <input type="checkbox"/> Info/Evidence <input type="checkbox"/> Customs <input type="checkbox"/> Vehicle <input type="checkbox"/> Quotation			
JDH OPS DMV C6cr PPB					1. Incident NARCOTICS INVESTIGATION					2. Case Number 05406045					
QPD TPD FBI Flng					3. Location 1400 NW GRAND ST #5					4. Date 1-1-80		Source			
Other					5. Rec'd Date 1-1-80		6. Time 1100		7. Occured Date to		8. Time		9. Premise		
TYPE		10. CONFISCATED EVIDENCE FOUND <input checked="" type="checkbox"/> RECOVERED SAFEKEEPING OTHER			PERSONS Owner Compl. Finder Det. Suspect		11. Name First Middle Sex/Race 12. DOB			13. Address City State Zip 14. Phone					
		15. Name First Middle Sex/Race 16. DOB					17. Address City State Zip 18. Phone								

NARRATIVE:

RECOVERED STOLEN PROPERTY ☐INVENTORY LISTING ☐[illegible]

Reporting Officer(s) 	Off. I.D. Number <div style="border: 1px solid black; padding: 2px; display: inline-block;">12354</div>	
Property Delivered To Lab <input type="checkbox"/> Prop. Rm. <input type="checkbox"/>	Locker No. or Location	Date
Do Not Write in Space Below — For Property Room Use Only		
Inventoried and Accepted in Property Room <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Date: _____ Time: _____ By: _____ </div>		

~~WHITE-Property Copy~~

CANARY-File Copy

PINK-Inspection

GOLDENROD-Receipt Copy

PS-65

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 ۱۰۱
 ۱۰۲
 ۱۰۳
 ۱۰۴

03/28/2006 TUE 11:53 [TX/RX NO 8328] 003

3.

Exhibit C

Case No. 05-406675

Multnomah County
Sheriff's Office**SPECIAL REPORT**☒ Inform
☐ Clearance☐ Continuation
☐ SupplementalPage
1 of 1Case No.
05-406675

Refer Case No.

Classification
EVICTION☐ 1. Unfounded ☐ 3. Suspended ☐ 5. Exceptional
☐ 2. Pending ☐ 4. Ctr By Arrest ☐ 6. ReferredOriginal Report Date / Time
11/17/05 / 1300This Report Date / Time
11/17/05 / 1930

Location Of Occurrence

4066 NE Grand #5, Portland, OR 97218

Person

CO-Complainant

SB-Subject

SI-Sick/Injured Cared for

PE- Park Exclusion

Code
SB

Name

Last

First

Middle

SID C2N

Sex
MRace
WDOB
09/24/58

Stull, Barry

Address

4066 NE Grand Ave. #5, Portland, OR

ZIP

97218

Phone

N/A

Subject of this Report

During Eviction, Indoor Marijuana Grow Found

Property Receipt No.
82795☐ CR PREV

NARRATIVE/PROPERTY

S-STOLEN

L-LOST

F-FOUND

D-DAMAGED

K-SAFEKEEPING

R-RECOVERED

☐ RIV PAT(ITEM)
SIZECODE
VALUE

ITEM

BRAND

MODEL/STYLE

SERIAL NO.

COLOR

ENGRAVING/PECULIARITIES

☐ DMV☐ OLCC☐ GRESH☐ FRVW☐ INTEL☒ KA☒ Sili☒ Snitker**SUMMARY:**

On 11/17/05 at approximately 1300 hours, I evicted Barry Stull and all others from 4066 NE Grand #5. Mr. Stull was not there. Upon clearing the house, we found what appeared to be an indoor 16-plant marijuana grow operation.

MENTIONED:

Barry Stull, DOB 09/24/58

Civ. Dep Brian Whalen, DPSST#

Sr. Civ. Dep. Ralph Baker, DPSST #

Mary Lucero, Property Manager

Dep. Scott Timms, DPSST #30408

Dep. Lars Snitker, DPSST# 23519

ACTION TAKEN:

On 11/17/05 at approximately 1300 hours, Dep. Whalen and myself went to 4066 NE Grand #5 to evict Barry Stull and all others from that residence. (Case #05F015732) After several knocks, we announced ourselves by stating "Sheriff's office! Court order to enter." We continued to knock several more times and announce ourselves. After a couple of minutes of no response, we entered with a key provided by the Property Manager, Ms. Mary Lucero. While performing an officer safety sweep of the residence, I found what appeared to be an indoor marijuana grow operation in the bathroom of the residence. Based on my training experience as a Civil Deputy I recognized the plants as being marijuana plants. I was previously informed by Dep. Ralph Baker (who was informed by our Special Investigations Unit) that Mr. Stull was a patient on the Oregon medical marijuana plan and was not to have more than seven plants. I located sixteen marijuana plants. I saw an irrigation system, circulation system, and observed grow lights that were operating. I noticed that the potted plants were in blue 55-gallon containers that had been cut down. The area they were in also had aluminum around them. I notified Det. Scott Timms with S.I.U. I also notified Sr. Civil Dep. Ralph Baker and afternoon Sgt. Wayne Lofton. Dep. Baker came to our location with a camera and bags. Dep. Baker took pictures. After pictures were taken, Dep. Whalen and I seized nine plants and left seven plants. I took the 9 plants back to the Multnomah County Sheriff's Office Hansen Building and placed them in property room locker #6. Via MDT, I also informed Mr. Stull's probation officer.

STATEMENTS:

None

EVIDENCE:

Refer to Multnomah County Property Receipt #82795

ACTION RECOMMENDED:

Forward Special Report to MCSO S.I.U./Dep. Snitker

Computer
Entry☐ Person☐ Vehicle☐ Crime/Prop☐ Book

Reporting Deputy)

Ofelia C. Villavicencio

DPSST #
36538

Rif/Shift

Assn/Dist

Supervisor's Signature

Exhibit D

NOTICE OF ABANDONED PROPERTY

FORM
19

DATE: 11/17/05 TENANT(S): Barry Joe Stull
UNIT ADDRESS: 4066 NE GRAND #J
CITY: PORTLAND STATE: OR ZIP: 97212

SECTION 1: SERVICE OF NOTICE

☐ This notice has been served by personal delivery to the tenant; OR

This notice has been sent to the tenant at the following addresses:

☒ The premises named above:

☒ A Post Office Box held by the tenant and known to the landlord as: P.O. Box 11008, PHID OR AND

☐ The forwarding address provided by the tenant or actually known to the landlord as: 97211

SECTION 2: DECLARATION OF ABANDONMENT

Pursuant to ORS 90.425(5) you are hereby notified that the landlord named below believes that the tenant has abandoned goods and/or personal property at the above described premises which are being held at the premises or place of safekeeping. The landlord hereby declares the property to be abandoned.

SECTION 3: DATE BY WHICH ABANDONED PROPERTY MUST BE CLAIMED

To claim the abandoned property, the tenant MUST contact the landlord at the address and/or phone number listed below prior to the following date: 11-28-05

This date allows the tenant at least five days from personal delivery or eight days if mailed by first class mail to contact the landlord and/or claim such property.

If the tenant fails to contact the landlord by the specified date, or after that contact, fails to remove the personal property within 15 days, the landlord will conclusively determine the property to be abandoned.

SECTION 4 : STORAGE CHARGES

The landlord has determined that abandonment was pursuant to ORS 90.425(2)(a) or (b), and the landlord:

☐ will require payment of storage charges accumulating at _____ per day from the date of abandonment prior to claiming the abandoned property. The property was declared abandoned as of: _____

☐ will not require payment prior to claiming the personal property.

SECTION 5: DISPOSITION OF ABANDONED PROPERTY

☐ Abandoned animals have been turned over to the humane society or similar group.

Name and location: _____

☐ The landlord has disposed of rotting food.

☐ The fair market value of the abandoned property is estimated to be \$500. or less or so low that storage and conducting a public sale exceeds the amount that would be realized from the sale. If unclaimed within the statutory time, the landlord intends to destroy or otherwise dispose of the personal property.

☐ The fair market value of the abandoned property is estimated to be valued at more than \$500. The landlord intends to sell the property, if unclaimed within the statutory time, to satisfy outstanding amounts due the landlord.

OWNER/AGENT: PCRI
ADDRESS: 6329 NE MLK
TELEPHONE: 503-288-2923

Exhibit E

0261



ABANDONED PROPERTY NOTICE

DATE 10-16-06 PROPERTY NAME / NUMBER Kafoury Court Apartments
 RESIDENT NAME(S) Barry Stull, et al
 UNIT NUMBER 5 STREET ADDRESS 4066 NE Grand
 CITY Portland STATE OR ZIP 97212
 RESIDENT'S POST OFFICE BOX (IF KNOWN): PO Box 11008 Portland, OR 97211
 FORWARDING ADDRESS LEFT BY RESIDENT: _____

You are hereby notified that the undersigned owner/agent reasonably believes you have abandoned goods or personal property at the above described premises. These goods or personal property are being held in a place of safekeeping. The owner/agent shall not be responsible for any loss to the resident resulting from storage of property in compliance with the statute unless the loss is caused by the owner/agent's deliberate or negligent act. The abandoned property is generally described as follows:

LOCATION OF PROPERTY: 4066 NE Grand #5 Portland, OR 97212

You are hereby notified that you must contact the owner/agent and arrange for the removal of the personal property from the location identified above by no later than 10-21-06 (not less than five days after personal delivery of this notice or eight days after mailing first class to the premises, any actually known P.O. Box and any actually known forwarding address) or the property will be sold or otherwise disposed of. If you give actual notice to the owner/agent prior to the expiration date set forth above of your intention to remove the property, the date for disposal or sale will be extended 15 additional days from the date of your notice. If the property is not removed: the owner/agent may sell the property at a public or private sale; or the owner/agent may destroy or otherwise dispose of the property if the owner/agent reasonably determines that the value of the property is so low that the cost of storage and conducting a public sale probably exceeds the amount that would be realized from the sale; or the owner/agent may sell certain items and destroy or otherwise dispose of the remaining property.

The owner/agent will make the property available for removal by the resident by appointment at reasonable times.

☐ If this box is checked, the owner/agent has reasonably determined that the value of the property is less than \$500 or so low that the cost of storage and conducting a public sale probably exceeds the amount that would be realized from the sale. Therefore, owner/agent intends to dispose of the property if you do not claim it.

The owner/agent is entitled to the cost of storage and any costs of removal of the personal property to the place of storage. The owner/agent may require payment of removal and storage charges prior to releasing the personal property unless the tenant has been removed by the sheriff. In such event the owner/agent will make the property available for removal by the tenant without any prior payment of costs, charges or other sums.

Owner/Agent PCRI
 Address 6329 NE MLK Jr Blvd Telephone 2882923 (503)

Form M004 OR © November 2005 Metro Multifamily Housing Association® NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION rev. 11/21/05

Exhibit F

1 So, so the fundamental point on that regard is, without
2 a conversation to understand what production of medical marijuana
3 is, you can see a barrel in the living room and say "this is
4 wrong." But if you saw that as, as an essential item of the
5 element of medical marijuana production, you might not find that
6 so offensive.

7 And the ridiculous aspect of this, Your Honor, perhaps
8 as ridiculous as me using a light bulb when I could easily grow
9 outdoors in other circumstances, is that I'm here essentially
10 testifying to a felony, a federal felony, because we're under,
11 under that system, and that produces its own problems.

12 But the, the issue is if there was a conversation and
13 there was an understanding of whether this is, particular item is
14 necessary for medical production or it will be necessary for
15 medical production or, or how, you know, where we are in the
16 process of that, there wasn't any conversation.

17 → However, because I have some other things pressing,
18 when Ms. Lucero came over in June, I said, "look, I've got three
19 cases in the Court of Appeals right now, plus I've got a
20 Workman's Compensation case. I am, and I'm trying to write a
21 book. You know, this is not something that I want to engage in.
22 You know, I'm, I'm busy." ←

23 And so I was given a bunch of demands and I didn't want
24 to come here and fight them. I wanted to address them.

25 THE COURT: Uh-huh.

Exhibit G

Date: 3/28/2006

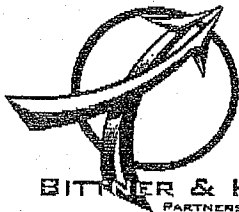
Time: 12:43 PM

Pages: 4

03/28/2006 12:43 FAX

BITTNER_HAHS

001/004



BITTNER & HAHS, P.C.

PARTNERS FOR SUCCESS

ATTORNEYS AT LAW

4949 SW MEADOWS ROAD
SUITE 260
LAKE OSWEGO, OREGON 97035-3157
503.228.5626
FAX 503.228.9566

FAX TRANSMISSION COVER SHEET

FROM: Leah C. Sykes DATE: 3/28/06
FILE NO: 4072 - 0000
REGARDING: BARRY JO STULL

NUMBER OF PAGES TRANSMITTED (INCLUDING COVER SHEET): 4

SEND TO	FAX NO.	VERIFICATION NO.
Craig Colby Wall & Colby	(503) 223-0903	(503) 223-6066

COMMENTS

Here is the only information I have from my clients on the chronology of this.

On January 5, 2006 Mr. Stull came with a moving van and picked up some of his items.

On January 19, 2006 his stay was dismissed along with the appeal and the court ordered him to have everything out by Feb. 2. He did not have everything out by then.

Clients hung on another month to make sure the appeal wasn't reinstated. Then on March 6, they signed up a contractor to get rid of his items. Attached is a copy of that contract. The work started up that week and took about a week to deal with.

On March 9, 2006 the Sheriff's office came in and confiscated Mr. Stull's plants. Also on this date the court ordered the stay. They mailed out their order and it was not received by my clients until March 13, 2006.

My clients had no idea that anything had happened regarding the stay until that date. They knew the appeal had been reinstated but thought (and still believe) that no stay was in place as it had already been dealt with by the trial courts.

Exhibit H

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the United States Postal Service. Thank you.

JRTLAND POLICE BUREAU		SPECIAL REPORT		INFORMATION CONTINUATION		<input type="checkbox"/> CLEARANCE <input type="checkbox"/> SUPPLEMENTAL		PAGE/OF 1/1	
CASE NO. 06 27789		REFER CASE NO.		CLASSIFICATION Landlord/Tenant Dispute		782			
<input type="checkbox"/> 1. UNFOUNDED <input checked="" type="checkbox"/> 2. PENDING		<input type="checkbox"/> 3. SUSPENDED <input type="checkbox"/> 4. CLR BY ARREST		<input type="checkbox"/> 5. EXCEPTIONAL <input type="checkbox"/> 6. REFERRED		ORIGINAL REPORT DATE/TIME 031506/2320		THIS REPORT DATE/TIME 032506/1907	
LOCATION OF OCCURRENCE 4055 NE GRAND #5									
PERSON CO—Complainant SB—Subject SI—Sick/Injured/Cared For PE—Park Exclusion									
CODE 38		NAME STULL, BARRY		FIRST JOE		MIDDLE JOE		DOB 092458	
ADDRESS 4066 NE GRAND AVE., PDX 97217		ZIP 97217		PHONE NO PHONE		PROPERTY RECEIPT NO.			
SUBJECT OF THIS REPORT CIVIL DISPUTE									
NARRATIVE/PROPERTY (ITEM) CODE ITEM BRAND MODEL/STYLE SERIAL NO. COLOR ENGRAVINGS/PECULIARITIES SIZE VALUE									
6. DAVE #23726 PARTNER/DRIVER									
8. WHILE ON PATROL WE WERE FLAGGED DOWN BY (SS) AT NE 42ND/NE KIMMINGSWORTH. (SS) TOLD US HE HAD BEEN EVICTED FROM 4066 NE GRAND #5 AND WAS HAVING CIVIL PROBLEMS WITH HIS LANDLORD. AFTER HEARING THE ENTIRE STORY WE ADVISED (SS) THAT WE WOULD NOT BE FILING A BURGLARY REPORT, WE TOLD HIM WE WOULD GO TO THE APARTMENT AND DOCUMENT WHAT WE SAW. WE WENT TO THE LOCATION AND FOUND A LARGE PIECE OF PLYWOOD, WITH TWO CORNERS BROKEN OFF, SITTING OUT FRONT OF THE APARTMENT. SITTING NEXT TO IT WAS A WOODS COFFEE/END TABLE. AS I LOOKED THRU THE DAMAGED BURS IT APPEARED AS IF THE APARTMENT HAD BEEN RAISACKED. THERE WERE ITEMS SITTING ON THE FLOOR AND THE FRONT ROOM WAS GENERALLY A MESS. WE DID NOT SEE ANY SIGNS OF FORCED ENTRY ON THE FRONT DOOR. I AGREED WITH THIS REPORT.									
Exhibit I									
REPORTING OFFICER(S) EUGENIO									
BPST 39877									
PREC/DIV NE/1									
RLF/SHFT A									
ASSN/ST 6449/10									
SUPERVISOR SIGNATURE Sgt. Wheelwright, #29519									

2591

06 89044

- COPIES
- ☐ DET
- ☐ CENT
- ☐ EAST
- ☐ NORTH
- ☒ NE
- ☐ SF
- ☒ DVD
- ☐ ID
- ☐ Crim Prev
- ☐ Intel
- ☐ JUV
- ☐ JDH
- ☐ SOSCF
- ☐ CAT
- ☐ C/S
- ☐ DVCS
- ☒ (4)
- COMPUTER ENTRY
- ☐ Person
- 33733
- OPR
- ☐ Vehicle

- OPR
- ☒ Crime/Prop
- 4588
- OPR
- ☐ Book

OPR

PORTLAND POLICE BUREAU		INVESTIGATION REPORT				PAGE/OF 115 1/3		CRIME ANALYSIS INFORMATION 3 CODE UNIT	
CASE NO. 06 89044		REFER CASE NO. 06-27789		CLASSIFICATION Theft by deception		CLR		1	
DATE/TIME REPORTED 090506/1626		DATE/TIME OCCURRED 030706		TYPE ACTIVITY <input type="checkbox"/> PHONE-IN (P) <input checked="" type="checkbox"/> S1 (S) <input type="checkbox"/> RADIO (R)				110	
LOCATION OF OCCURRENCE 4066 NE Grand Ave #5								N ⊕	
ONE SENTENCE SUMMARY OF INCIDENT co requests perjury report against A1 + B2									
PERSONS CO-COMPLAINANT OW-OWNER WI-WITNESS BU-BUSINESS PF-PROPERTY FINDER								ADDITIONAL PERSONS IN NARRATIVE? Y X	
CODE NAME		CRN		SEX		RACE		DOB	
20 Stull, Barry J		559588		M		W		092458	
HOME ADDRESS		ZIP		HOME PHONE					
4066 NE Grand Ave #5		97211		None					
BUSINESS/SCHOOL ADDRESS		WORK HOURS		WORK PHONE					
CODE NAME		CRN		SEX		RACE		DOB	
								97	
HOME ADDRESS		ZIP		HOME PHONE					
						97			
BUSINESS/SCHOOL ADDRESS		WORK HOURS		WORK PHONE					
CODE NAME		CRN		SEX		RACE		DOB	
								970	
HOME ADDRESS		ZIP		HOME PHONE					
						97			
BUSINESS/SCHOOL ADDRESS		WORK HOURS		WORK PHONE					
A1,B2-SUSPECTS MI-Missing RW-Runaway DK-Drunk DE-Deceased OD-Overdose AS-Attempt Suicide ME-Mental								ADDITIONAL SUSPECTS OR ANOTHER INCIDENT? Y X	
CODE NAME		CRN		SEX		RACE		DOB	
A1 Lucero, Mary		NO DOB		F		U		unk	
AKA/ALIAS		HT		WT		HAIR		EYES	
		unk		unk		unk		unk	
ADDRESS work		PHONE		OTHER DESCRIPTION					
6329 NE MIK Blvd									
CODE NAME		CRN		SEX		RACE		DOB	
B2 Flannel, Thomas A		2176411		M		B		020857	
AKA/ALIAS		HT		WT		HAIR		EYES	
		un		unk		blk		brn	
ADDRESS		PHONE		OTHER DESCRIPTION					
5305 N Arlington PL PHD		503890-8182							
VEHICLE S-Stolen R-Recovered L-Locate A-Abandoned T-Towed V-Victim's Vehicle X-Suspect Vehicle								ADDITIONAL VEHICLE IN NARRATIVE? Y N	
CODE		LICENSE NO.		STATE		LIC YR		TYPE	
VEH YR		MAKE		MODEL		STYLE		COLOR	
DELIV PAYMENTS		KEYS IN VEHICLE		THEFT INSUR.		PERMISSION GIVEN		TRANSMISSION	
Y N		Y N		Y N		Y N		<input type="checkbox"/> STANDARD <input type="checkbox"/> AUTO	
CHARGE/CITE NO.		HOLD		Y N		REASON:			
TOWED BY/TOWED TO		<input type="checkbox"/> DEPT REQUEST <input type="checkbox"/> PRIVATE REQUEST		UNIT & PERSON NOTIFIED					
O.R.S. 162.375 SECTION 212 INITIATING A FALSE REPORT. (1) A PERSON COMMITS THE CRIME OF INITIATING A FALSE REPORT IF HE KNOWINGLY INITIATES A FALSE ALARM OR REPORT WHICH IS TRANSMITTED TO A FIRE DEPARTMENT, LAW ENFORCEMENT AGENCY OR OTHER ORGANIZATION THAT DEALS WITH EMERGENCIES INVOLVING DANGER TO LIFE OR PROPERTY (2) INITIATING A FALSE REPORT IS A CLASS C MISDEMEANOR.									
<input type="checkbox"/> I UNDERSTAND THAT I AM LIABLE FOR ALL TOWING AND STORAGE COSTS INCURRED DURING THE RECOVERY OF THIS VEHICLE. <input type="checkbox"/> I WILL TESTIFY AS A WITNESS AGAINST THE DEFENDANT WHEN HE/SHE IS CHARGED WITH A CRIME.									
<input type="checkbox"/> RELEASED PROPERTY/VEHICLE TO <input type="checkbox"/> THE NAMED CHILD (ADULT) IS PRESENTLY A RUNAWAY (MISSING) AND I REQUEST THAT HE/SHE BE TAKEN INTO CUSTODY FOR THEIR OWN PROTECTION.									
SIGNATURE OF PERSON REPORTING THE INCIDENT									
Exhibit J-1									
CRIME PREVENTION INFO DESIRED? Y X		IDENTIFICATION DIVISION NOTIFIED? Y X		OUTSIDE AGENCY NOTIFIED/REFERRED TO? Y N		WHICH ONE: DA			
REPORTING OFFICER(S) Marzella		DPSS 37242		PREC/DIV NE		RLF/SHIFT A		ASSN/DIST 605	
								SUPERVISOR'S SIGNATURE Palmiser	

PORTLAND
POLICE BUREAU

CONTINUATION REPORT

PAGE/OF
3/3

CASE NO.	CASE NO 0E 89044		CLASSIFICATION		TYPE OF CONTINUATION <input checked="" type="checkbox"/> INCIDENT <input type="checkbox"/> TRAFFIC ACCIDENT <input type="checkbox"/> CUSTODY <input type="checkbox"/> SPECIAL		
	SUBJECT'S NAME Still, Barry J		CRN	SEX M	RACE W	DOB 092458	
	LOCATION OF OCCURRENCE 4066 NE Grand Ave #5						
	<p>NARRATIVE - The order of appearance for additional information will be:</p> <p>ITEM 1: ADDITIONAL PERSON INFO - List additional people (not suspects) and identify their involvement with the appropriate code. Additional person info includes contacts.</p> <p>ITEM 2: ADDITIONAL SUSPECT INFO - Report all suspect info on additional incident reports. Each suspect must have coded crime analysis descriptors. Detail in the narrative only suspect info not covered in the boxes.</p> <p>ITEM 3: ADDITIONAL VEHICLE INFO - List additional vehicles in the same fashion as reported in the vehicle section. Include the identifying code.</p> <p>ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS - Record multiple worthless documents on a multiple worthless document form and attach as additional pages. Record in the narrative the number of worthless documents written.</p> <p>ITEM 5: ADDITIONAL PROPERTY - Record no more than four additional items of property in the narrative and/or use a special report and attach as additional pages.</p> <p>ITEM 6: ADDITIONAL OFFICERS - List all officers present and identify their involvement with the incident being reported.</p> <p>ITEM 7: SUMMARY - A short summary is necessary if the narrative is more than one full page in length.</p> <p>ITEM 8: NARRATIVE - List in chronological order all of the relevant details in the incident and/or elements of the crime or violation.</p>						
ITEM	CODE	<p>8 In reading actual affidavit by A1 it reads as if she stated PCR1 contracted with BZ landscaping company to clean unit and dispose items.</p> <p>* Delay in report because I wanted to talk to dep DA Hayden who advised perjury case does exist if a person make the false sworn statement in regard to a material issue, knowing it to be false.</p> <p>This seems to be a slight change in wording by the attorney for PCR1 which was not the sworn statement of A1 or BZ.</p> <p>At this time no attempt to contact A1 or BZ made until requested by DA office for possible prosecution.</p>					
<p>REPORTING OFFICER(S) Manzella</p> <p>BPST 37242</p> <p>PREC/DIV WE</p> <p>RLF/SHIFT A</p> <p>ASSN/DIST 605</p> <p>SUPERVISOR'S SIGNATURE</p>							

Exhibit J-3

CONTINUATION REPORT

PAGE/OF ,

Exhibit J-4

October 13, 2006

REC'D OCT 13 2006

Maxine Fitzpatrick
Executive Director, Portland Community Reinvestment Initiatives
6329 NE Martin Luther King Blvd.
Portland, Oregon 97211

Dear Maxine:

On September 22, 2006, I delivered copies of materials which I believed established that your employee, Mary Lucero and agent, Thomas Flannel committed perjury regarding the timing of events regarding the removal and destruction of my property from 4066 NE Grand Ave. Apartment 5.

I learned yesterday, October 12, 2006, that a police report on the matter of the perjury was prepared and had entered the system on October 6, 2006. That Portland Police Bureau Report is number 06-89044. I contacted the Multnomah County District Attorney and followed up on a conversation I had with that office on the matter a month ago. I was instructed that PPB Report number 06-89044 would be ordered by that office and they would get back to me regarding prosecution.

As noted in my Attending Physician's statement and accompanying chart notes I have endured debilitating severe pain and severe nausea as a consequence of the assault by PCRI on my interests at a time I was already disabled. Earlier this month I made two otherwise needless trips to the Multnomah County Courthouse because your attorney told me to appear at 9 AM and then was in and out before the judge at 8:30 AM, hardly what one would ordinarily deem professional, and surely seen as a continuing pattern of abuse in light of my known disability.

You will recall that I requested the reasonable accommodation to my disability that PCRI restore my apartment to me on March 14, 2006, which resulted in the continuing refusal to restore the apartment to me and continued destruction of my personal property there, I requested that PCRI find any other person than Mary Lucero to interact with me because I found her continued pattern of lying to cause me additional suffering due to the nature of my condition, on April 13, 2006, which was followed by additional contact by Mary Lucero, including her posting a service copy of a motion on my door for a motion the Oregon Court of Appeals found merit less and again overcharging me, as well as other requests which date to before I became a tenant of PCRI. None of my requests for reasonable accommodation to my disability were honored by PCRI.

Since PCRI has continued to prosecute its eviction, I am asking for the following reasonable accommodation to my disability. I will need until October 28, 2006, to move, since I was sickened by your attorney's manipulations earlier in the month and continue to endure the consequences of PCRI having destroyed my licensed medical marijuana garden. I need additional time to complete my affairs at 4066 NE Grand because I need a supply of medical

Barry Joe Stull
PO Box 11008 Portland Oregon 97211

Exhibit K-1

REC'D OCT 1 9 2006

2

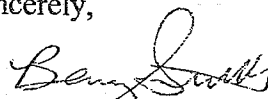
marijuana to be able to work, including relocating my items. I have registered my medical marijuana garden at that address.

I am in the process of addressing PCRI's fraud in court and other illegal actions, and will be filing an ORCP Rule 71 Motion challenging PCRI's 2005 case, the one on appeal, for, among other reasons, for PCRI having claimed that I put holes in the walls, clearly evidenced as false since the removal of my property in March 2006, and that Mary Lucero and Kimberly Mason, both PCRI employees, gave false testimony, supported now by the perjury both those employees participated in and which I expect them to be prosecuted for.

I will be filing a notice of appeal regarding the 2006 FED case to evict me, and note to you that that case was based solely on Mary Lucero's intentional miscalculation of my rent due, since PCRI billed me for when I was locked out in violation of the Court of Appeals orders. I will be filing a motion to consolidate that with the 2005 case since both cases concern the same parties and the same matter.

I hope you will address the continuing abuses of the legal processes by PCRI and conduct immediate steps to address the criminal acts committed by PCRI's agents.

Sincerely,



Barry Joe Stull

Enclosures: Oregon Medical Marijuana Program Registry Application
Chart notes of Dr. Robert J. Grimm, September 28, 2006

Barry Joe Stull
PO Box 11008 Portland Oregon 97211

Exhibit K-2

NEW APPLICATION FORM**Registration for the Oregon Medical Marijuana Program**

REC'D OCT 13 2006

FOR OFFICIAL USE ONLY

INSTRUCTIONS: Please complete all required

information to comply with the registration requirements of the Oregon Medical Marijuana Act. Attach legible copies of payment and enclose your payment. If applicant is a minor (under 18), the custodial parent or legal guardian with responsibility for health care decisions must be listed as the Primary Caregiver.

PLEASE TYPE OR PRINT LEGIBLY.

APPLICANT INFORMATION (REQUIRED)

NAME (LAST, FIRST, M.I.):

☒ Male☐ Female

DATE OF BIRTH:

MAILING ADDRESS:

CITY, STATE AND ZIP CODE:

09-24-58

TELEPHONE NUMBER:

none

COUNTY: Multnomah

Photo Identification: A photocopy of one of the following must be attached. Please check appropriate box:

☒ Oregon Drivers License☐ Oregon Identification Card☐ Voter Registration Card, plus current photo**PRIMARY CAREGIVER (IF APPLICABLE)**

NAME (LAST, FIRST, M.I.):

☐ Male☐ Female

DATE OF BIRTH:

MAILING ADDRESS:

TELEPHONE NUMBER:

CITY, STATE AND ZIP CODE:

COUNTY:

Photo Identification: A photocopy of one of the following must be attached. Please check appropriate box:

☐ Oregon Drivers License☐ Oregon Identification Card☐ Voter Registration Card, plus current photo**PERSON RESPONSIBLE FOR GROW SITE (REQUIRED)**☒ PATIENT☐ CAREGIVER☐ OTHER

IF OTHER PLEASE COMPLETE THE FOLLOWING:

NAME (LAST, FIRST, M.I.):

☐ Male☐ Female

DATE OF BIRTH:

MAILING ADDRESS:

TELEPHONE NUMBER:

CITY:

STATE: OREGON

ZIP CODE:

Photo Identification: A photocopy of one of the following must be attached. Please check appropriate box:

☐ Oregon Drivers License☐ Oregon Identification Card☐ Voter Registration Card, plus current photo**MARIJUANA GROW SITE ADDRESS (REQUIRED)**

PHYSICAL ADDRESS:

CITY: Portland

STATE: OREGON

ZIP CODE:

COUNTY: Multnomah

TELEPHONE NUMBER:

To list other persons who may be at this grow site, please see back of this page.

NEW REGISTRATION FEE (REQUIRED)

The NEW registration fee is \$100 or \$20 if you can provide proof of OHP or SSI eligibility. Please see back of page for details.

Enclose your check or money order made payable to "OMMP".

Ex. K-3

SIGNATURE & DATE REQUIRED

TESTIFY THAT THE ABOVE INFORMATION IS TRUE.

SIGNATURE OR PROXY SIGNATURE:

DATE: 10-05-06

SEE BACK OF PAGE FOR MORE DETAILS

ATTENDING PHYSICIAN'S STATEMENT - NEW APPLICATION

Oregon Medical Marijuana Act Program

Instructions: Please complete all sections of this form in order to comply with the registration requirements of the Oregon Medical Marijuana Act **OR** provide relevant portions of the patient's medical record containing information required on this form. **This does not constitute a prescription for marijuana.**

If you need this document in an alternate format, please call (971) 673-1226

PATIENT INFORMATION	
PATIENT NAME (LAST, FIRST, M.I.)	BARRY JOE STULL
MAILING ADDRESS:	P.O. BOX 11008
CITY, STATE AND ZIP CODE:	PORTLAND, OR 97211
DATE OF BIRTH:	09-24-1958
TELEPHONE #:	() 6

PHYSICIAN INFORMATION	
PHYSICIAN NAME: (Please print legibly!)	ROBERT J. GRIMM, MD
MAILING ADDRESS:	2455 N.W. MARSHALL, SE 16
CITY, STATE AND ZIP CODE:	PORTLAND OR. 97210
TELEPHONE #:	(503) 221-0295

PHYSICIAN'S STATEMENT	
Debilitating Medical Condition: Check appropriate boxes.	
<input type="checkbox"/>	1. Malignant neoplasm (Cancer)
<input type="checkbox"/>	2. Glaucoma
<input type="checkbox"/>	3. Positive status for Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS)
<input type="checkbox"/>	4. Agitation due to Alzheimer's Disease
5. A medical condition or treatment for a medical condition that produces for a specific patient one or more of the following: (check all that apply)	
<input type="checkbox"/>	a. Cachexia
<input checked="" type="checkbox"/>	b. Severe pain
<input checked="" type="checkbox"/>	c. Severe nausea
<input type="checkbox"/>	d. Seizures, including but not limited to seizures caused by epilepsy
<input type="checkbox"/>	e. Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis.
Comments: PT. HAS SUCCESSFULLY USED CANNABIS TO MANAGE HIS long-standing Chronic Pain Syndrome. He remains and open, reliable patient Recently - re-examined.	
I hereby certify that I am a physician duly licensed to practice medicine in Oregon under ORS Chapter 677. I have primary responsibility for the care and treatment of the above-named patient. The above-named patient has been diagnosed with a debilitating medical condition, as listed above. Marijuana used medically may mitigate the symptoms or effects of this patient's condition.	
This is not a prescription for the use of medical marijuana.	
PHYSICIAN'S SIGNATURE:	DATE:
Robert J. Grimm MD	10-3-06

Ex. K-4

ATTENDING PHYSICIAN'S STATEMENT TO:



Oregon Department of Human Services
Criminal Records Unit (CRU)

REC'D OCT 13 2006

Criminal History Request

**CONFIDENTIAL
INFORMATION**

Read all instructions before completing form

Name and Address of Patient

Type or print clearly

NAME (Last/First/Middle):

Stull, Barry Joe

MAILING ADDRESS:

PO Box 11008

CITY: Portland

STATE: OREGON

ZIP CODE: 97211

To Be Completed and Signed by: Person Responsible For Grow Site

Type of position: ☒ Person Responsible For a Medical Marijuana Grow Site

Name of subject individual (Last/First/Middle):

Stull, Barry Joe

Date of birth:

Month 09 Day 24 Year 58

Male ☒

Female ☐

Maiden name, other name(s) used:

Driver's License or ID Card:

Number: 3058839 State: OR

Street Address:

4066 NE Grand Ave Apt 5

17 Home/Message Phone:

none

CITY: Portland

STATE: OREGON

ZIP: 97212

COUNTY: Multnomah

Mailing Address (if different than street address):

PO Box 11008

CITY: Portland

STATE: OREGON

ZIP: 97211

COUNTY: Multnomah

DHS/Oregon Medical Marijuana Program (OMMP)

List all ORS 475.992 (1)(a) or (b) Convictions After January 1, 2006:

(Manufacture or delivery of a controlled substance in Schedule I or Schedule II, Class A or B Felony Convictions)

DATE OF CONVICTION

Estimate if not known

CRIME:

Location (City, State):

1

2

Use additional paper if necessary.

Probation Officer Name (if applicable):

County, State:

Phone Number:

I understand that a criminal and background history check will be completed on me and the information may be shared with the person listed in Section 1. I certify this information is correct and complete. I understand if I provide false or incomplete information, I may be denied the ability to become a "Person Responsible for a Medical Marijuana Grow Site" within the State of Oregon Medical Marijuana Program. I understand the check may be repeated as long as I am a registry cardholder within the Oregon Medical Marijuana Program. I have read and understand the instructions for completing this form.


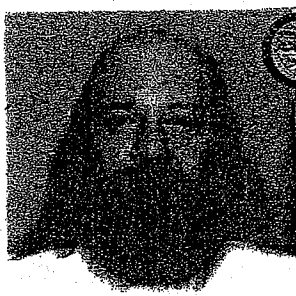
Ex. K-5

Person Responsible for Grow Site

Signature:

Barry Stull

Date: 10-05-06



OREGON
DRIVER LICENSE

CLASS
C

3058839

STULL, BARRY JOE

Expires 08-24-2012

DOB 09-24-1953

Sex M

Record Created 1978

Endorsements

Restrictions D

Height 6'00"

Weight 205

STULL, BARRY JOE
4066 NE GRAND AVE APT 5 PTLD
PO BOX 11008
PORTLAND, OR 97211

Exhibit K-6

REC'D OCT 13 2006
Review

September 28, 2006
Barry Stull
Age 45

I attended Mr. Stull in 1980, when then in his mid-twenties, Mr. Stull underwent a lumbar laminectomy (Dr. W. Parsons, Legacy/GSH, 1980) for a herniated disc. THE disorder and extensive surgery left him with a residual chronic lumbar pain, for which over the years, smoked and ingested cannabis successfully control back pain in the intervening years to the present.

As examination revealed, he has a denervated skin zone in the L4-S1 dorsal sensory rami (see mapping) fields over the lower right back into the upper buttock which, the focal zone of his long-standing pain, viz. a post-deafferentiation central neuropathic pain syndrome

* * *

In the past 12 months a series of lamentable events have occurred in which in he lost his position as a warehouseman, got involved in a bitter eviction struggle with a landlord who had all of his belongings removed and destroyed--including his marijuana plants (Mr. Stull has a medicinal marijuana license), and he was forced back onto the street to perform as a street musician --busker.

He remains in an intense struggle over the loss of his files and materials, and came to day to see if I would provide him in this extremely stressful period in his life with a prescription for two Marinol tablets (to be used when the pain and nausea became too intense, while he gets his marijuana plants back into a base of service.

Examination

Ambulatory with much facial hair, articulate, appearing to be well nourished, intelligent and articulate, he rode here today on his bicycle is ambulatory without a limp lost. or widening of his base.

Stretch reflexes are 1+/2= and asymmetric at the knees; the R ankle jerk is 2+ the left ankle jerk is absent even with reinforcement. There are no signs or symptoms of sciatica.

Exhibit K-7

I re-examined his lower back region. (see enclosed mapping), demonstrating again a long, well-healed midline lumbar lower/thoracic scar of approximately 20 cm length, with a zone of pin/light touch sensory loss with allodynia, in the territory of the right lumbosacral dorsal sensory rami territory from approximately L4 through S1 extending inferiorly over the ipsilateral buttock--corresponding to a chronic, post-surgical ventral de-afferentation neuropathic pain zone as described.

Plan: I have asked Mr. Stull to (i) obtain the State of Oregon's Medical Marijuana License form for me to sign.

Pain management

(ii) Given that stress amplifies his pain, I have provided a small prescription of 60, 1 mg lorazepam tablets to help him get by with his increased pain and nausea until he can get cannabis use back on line.

(iii) After my exam and review of his situation, I have also provided a prescription for two 2.5 mg Marinol tablets for periods of intense pain and nausea until his medical supply of medical cannabis is more secure.

Robert J. Grimm, MD, FACP

Exhibit K-8

ROBERT J. GRIMM, M.D., F.A.C.P., .C.

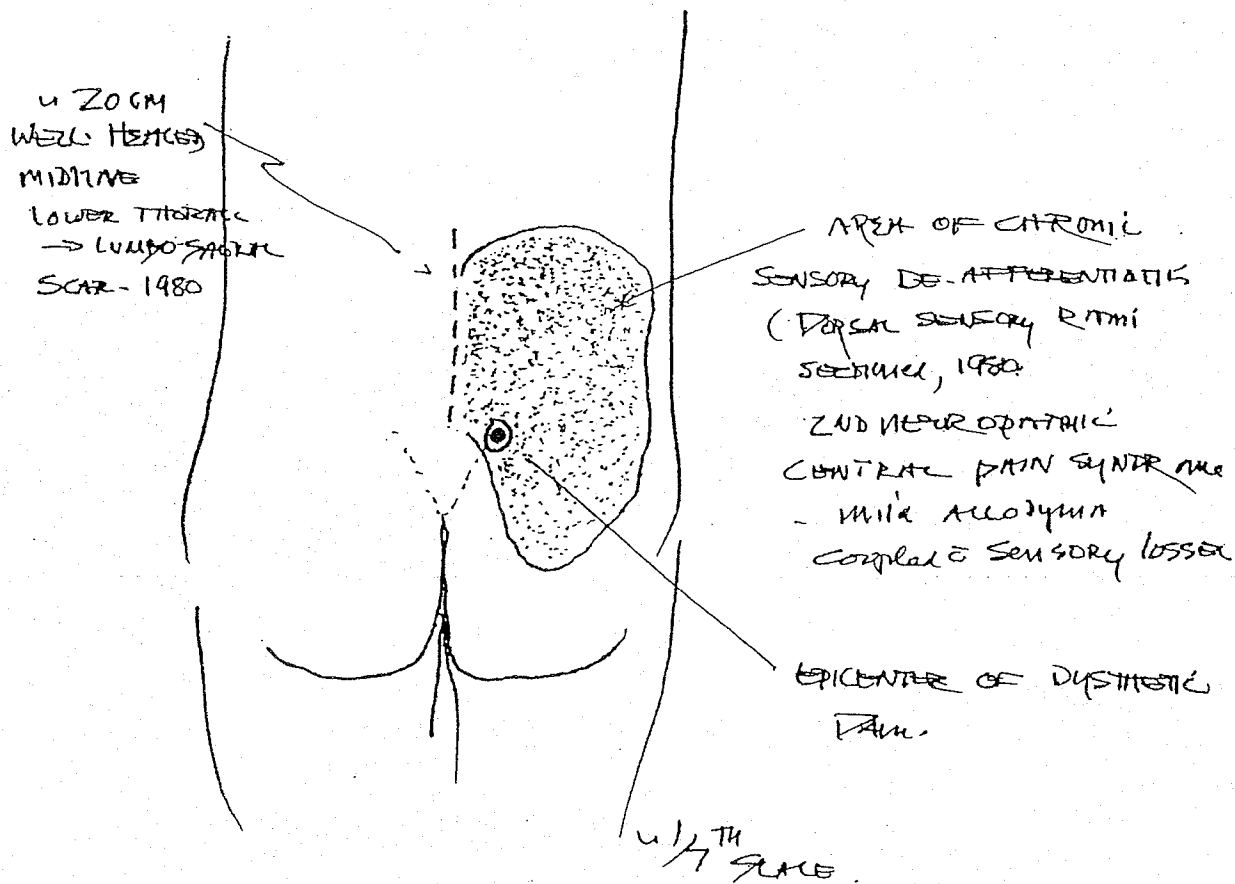
Physician

Consultant in Neurology

RECD OCT 13 2006

BARRY STULL

SEPT. 28TH / 2006



ROBERT J. GRIMM, MD

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PCRI,

Plaintiff,

v.

Barry Joe Stull and All Others,

Defendant.

Case No. 05F01573

ORCP RULE 71

MOTION FOR

RELIEF FROM THE

JUDGMENT

CIRCUIT COURT
FOR MULTNOMAH COUNTY

06 OCT 25 PM 4:50

* FILED

MOTION

Pursuant to ORCP Rule 71 B (1)(b) and (c), defendant Barry Joe Stull moves this court for relief from the judgment filed in the above captioned case. An answer containing defenses is attached to this motion.

This case, currently on appeal, is a thirty day no cause eviction action, and the judgment was entered in Multnomah County Circuit Court on October 25, 2005. Pursuant to ORCP 71 B(1) this motion is timely and properly before this court.

Pursuant to ORCP Rule 71 B, this court has the authority to provide the defendant relief from the judgment for fraud upon the court and for previously unavailable evidence. (A copy of ORCP Rule 71 supplements this motion).

PCRI has committed fraud on this court in a continuing pattern of false testimony, false swearing in affidavits and through pleadings which make assertions unsupported by the evidence.

These various frauds upon the court were made by PCRI's counsel, Leah C. Sykes, and by

October 27, 2006

Portland Community Reinvestment Initiatives
6329 NE Martin Luther King Blvd.
Portland, Oregon 97211

REC'D OCT 27 2006

Dear PCRI:

I intend to remove the rest of my personal property from 4066 NE Grand Avenue Apartment 5 on Monday, October 30, 2006. I plan on beginning the process at 9 AM and continuing throughout the day. Due to the nature of my physical condition, as PCRI has been well informed of, I need to pace my self and I will have to make several trips into and from the apartment as the day progresses.

Additionally, there are a few items of furniture I will be able to move from the apartment by myself, but will be unable to load safely alone into my van due either to their weight or bulk, so I have arranged for my friend to meet me with a truck when he is through with work Monday afternoon. In that regard, those items, such as a large desk, may need to be stored momentarily in what was previously my assigned parking space until he arrives when he is through with work. Since PCRI has allowed an apparently abandoned piece of furniture to be stored in the parking lot for weeks now, I feel this is a reasonable request which will allow both my removal of my personal property and PCRI's securing the apartment at the close of PCRI's normal operating hours. At that time, when my friend arrives to assist me, I will also remove my containers of soil and vegetable garden from where they have been outside the apartment.

I'll also remind you that the terms of the eviction require that I have written permission to enter the apartment. Please send the appropriate written permission with the person facilitating my entry into 4066 NE Grand Ave. Apartment 5 at 9 AM Monday October 30, 2006.

Thank you for your consideration of this matter.

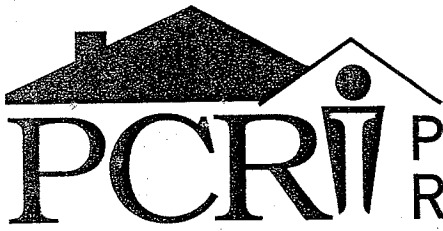
Sincerely,



Barry Joe Stull

Exhibit M

Barry Joe Stull
PO Box 11008 Portland Oregon 97211



Portland Community Reinvestment Initiatives Inc.

6329 N. E. Martin Luther King Jr. Blvd www.pcrihome.org
Portland, Oregon 97211-3029 (503) 288-2923 TDD #711 Fax: (503) 288-2891

October 30, 2006

Barry Joe Stull
PO Box 11008
Portland, OR 97211

RE: Abandoned Property

Dear Mr. Stull:

In reviewing the "Abandoned Property Notice", we discovered an error in the expiration date for the removal of your items. Unfortunately, since we did not hear from you until October 27th the unit was cleared out by a contractor. On October 26th all items were disposed of at Metro Disposal.

Enclosed you will find pictures of the personal affects left at 4066 NE Grand #5. Please, review and let us know the estimated fair market value and we will credit your account toward the outstanding balance owed to Portland Community Reinvestment Initiatives, Inc.

We apologize for any inconvenience this has caused you.

Sincerely,

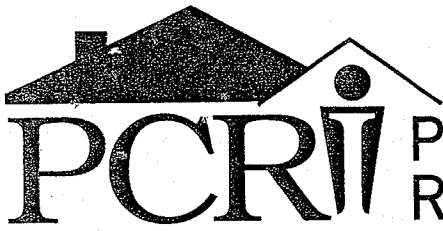
Mary Lucero
Property Manager

Enclosure

Exhibit N



"Meeting the affordable housing needs of the community"



Portland Community Reinvestment Initiatives Inc.

November 7, 2006

329 N. E. Martin Luther King Jr. Blvd www.pcrihome.org
Portland, Oregon 97211-3029 (503) 288-2923 TDD #711 Fax: (503) 288-2891

Barry Joe Stull
PO Box 11008
Portland, OR 97211

RE: MOVE-OUT 10/17/06
4066 NE Grand #5, Portland, Oregon 97211

Dear Mr. Stull:

In accordance with ORS 90.300 this notice is being submitted regarding the **Security Deposit**. According to our records the amount of the deposit is \$500.00. The following amount reflects expenses incurred as a result of your tenancy.

Rent for September - November 17, 2005	\$ 1,151.51
Late Fees for September - November 2005	\$ 75.00
Rent for May - October 17, 2006	\$ 2,577.23
Late Fees for May - October 2006	\$ 150.00
Return check fee (check #1778 - August)	\$ 25.00
Attorney Fees	\$14,924.07
Removal and hauling of goods	\$ 350.00
Replace living room carpeting	\$ 351.00
Replace living room blind	\$ 40.00
Replace dining room blind	\$ 30.00
Cleaning of Stove & Oven	\$ 25.00
Cleaning of Refrigerator	\$ 25.00
Replace drip pans (1 large 3 small)	\$ 30.00
Cleaning of unit - kitchen, bathroom, bedrooms, etc.	\$ 150.00
Replace bathroom blinds (2)	\$ 60.00
Repair door by toilet	\$ 10.00
Replace bedroom blind in small bedroom	\$ 40.00
Repair wall by window in small bedroom	\$ 15.00
Repair wall by closet in small bedroom	\$ 15.00
Replace carpet in small bedroom	\$ 158.00
Reinstall closet door in small bedroom	\$ 10.00
Replace carpet in large bedroom	\$ 278.00
Replace missing light globe in small bedroom	\$ 10.00

Total move out charges **\$20,499.81**

Less security deposit on file (500.00)

Total due from Tenant **\$19,999.81**

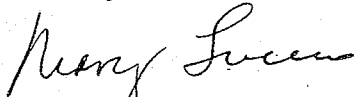
Exhibit O - 1



"Meeting the affordable housing needs of the community"

This amount needs to be paid within 15 days from the date of this letter. If we have not heard from you by November 30, 2006 your account will be sent to collections. To avoid collection, you may contact the office to arrange for payments on your account.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lucero".

Mary Lucero
Property Management

Exhibit 0-2

Please Print

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR MULTNOMAH COUNTY

PCRI

Plaintiff(s),

VS.

BARRY STULL

AND ALL OTHERS

Defendant(s).

Case No. 05F015732

☐ General Judgment

☒ Order

☐

☒ Ex Parte

☐ Tenancy Not Covered by ORS Chapter 90

FILED
05 OCT 31 AM 10:54
RECEIVED
CIRCUIT COURT
MULTNOMAH COUNTY

A hearing was held on this date in an action for Forcible Entry and Unlawful Detainer upon premises described as:

4066 NE GRAND AVE #5, PORTLAND, OR 97218

Street Address, city, state, zip and county of property occupied by defendant

ENTERED

OCT 31 2006

IN REGISTER BY JJE

Plaintiff ☒ did/ ☐ did not appear; Defendant ☒ did/ ☐ did not appear;

GENERAL JUDGMENT

- ☐ Default judgment against defendant. Plaintiff is awarded restitution of the above described premises plus judgment against defendant for costs and disbursements. Plaintiff may submit a supplemental judgment and money award.
- ☐ Default judgment against plaintiff. Defendant shall have judgment against the plaintiff for costs and disbursements. Defendant may submit a supplemental judgment and money award.
- ☐ Judgment against defendant after trial. Plaintiff shall have restitution of the above described premises plus judgment against defendant for costs and disbursements. Plaintiff may submit a supplemental judgment and money award.
- ☐ Judgment against plaintiff after trial. Defendant shall have judgment for cost and disbursements. Defendant may submit a supplemental judgment and money award.
- ☐ Dismissal ☐ with / ☐ without prejudice.

Exhibit P-1

ORDER

- ☐ Set for Trial (ORS 105.137(5)). Parties shall pay filing fees required by ORS 105.130(3 and 6) no later than 5:00 p.m. of the day of this Order. No trial will be scheduled until fees are paid. Failure of a party to pay such fees may result in dismissal of action or entry of default.

☒ Order: *Defendants motion to hold Plaintiff in contempt is denied without prejudice. To renew if Plaintiff fail to promptly act in good faith to compensate Defendant for improper removal or destruction of personal property.*

Case No. 06F015732

☐ Stipulated Order. See attached mediated agreement or agreement between the parties.

Upon plaintiff's filing of an Affidavit pursuant to ORS 105.146(4), attaching thereto a copy of this Order and any underlying document describing the terms of the settlement, and alleging defendant's non-compliance with this Stipulated Order, the plaintiff is granted Judgment of Restitution, and the clerk is ordered to enter Judgment of Restitution and costs in favor of the plaintiff pursuant to ORS 105.146 (5) (a) (b) and issue Notice of Restitution attaching copies of such Affidavit and its attached documents to the Notice.

Pursuant to ORS 105.146 (3) and (7): twelve months from the entry of the order OR;

☐ based on stipulated agreement, on or after _____,

the clerk shall enter a general judgment dismissing the plaintiff's action unless the plaintiff has filed an affidavit of noncompliance or written satisfaction of the order. The clerk shall dismiss the order without further notice to either the plaintiff or the defendant. Any prior judgment or order to pay fees remains in effect.

Pursuant to ORS 21.605(1), the Clerk of the Court shall prepare a Supplemental Judgment imposing any deferred fees and costs not waived and such judgment when signed may be entered by the Clerk of the Court without further notice to the judgment debtor.

☐ Deferred Fees and costs are waived. As to: ☐ All Parties; or are waived only as to the parties listed below:

a. _____
Name

b. _____
Name

Date 10/31, 20 06.

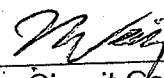
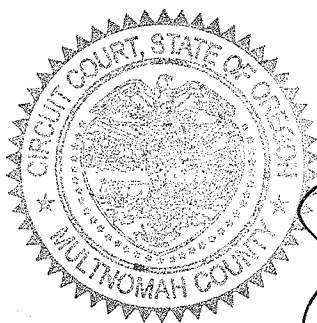
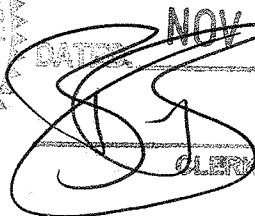

Circuit Court Judge LAWRENCE WEISBERG

Exhibit P-2



CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL.

DATED NOV 08 2010


CLERK OF THE COURT