

IN THE COURT OF APPEALS OF THE STATE OF OREGON

PCRI,)	Multnomah County Circuit Court
)	Case No. 05F015732
Plaintiff-Respondent,)	
)	CA No. A130567
v.)	
)	SUPPLEMENTAL AFFIDAVIT OF
BARRY JOE STULL,)	MARY LUCERO
)	
Defendant-Appellant.)	

Attached hereto is the Supplemental Affidavit of Mary Lucero.

DATED: July 18, 2006.

MASON & ASSOCIATES



Margaret H. Leek Leiberan
OSB #77046
4915 SW Griffith Drive, Suite 100
P.O. Box 1549
Beaverton, OR 97075-1549
Telephone: (503) 641-7990
Fax No. (503) 646-2053
leiberan@bmasonlaw.com
Attorney for Plaintiff-Respondent

AFFIDAVIT

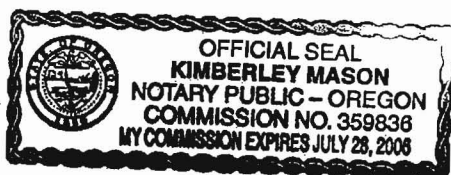
STATE OF OREGON,)
) ss:
County of Multnomah)

I, Mary Lucero, being first duly sworn, depose and say:

1. I am employed as a Property Manager for the Plaintiff-Respondent PCRI in the Oregon Court of Appeals case #A130567.
2. Defendant-Appellant Barry Stull resides at our property at 4066 NE Grand #5, Portland, OR 97218 pursuant to a stay of execution issued by the Oregon Court of Appeals.
3. Prior to that time, Mr. Stull had lost in trial court and was given the option to come and pick up his belongings by PCRI. On January 5, 2006 Mr. Stull came with a moving van and picked up some of his items.
4. On January 19, 2006 Mr. Stull's stay was dismissed along with the appeal and trial court gave him until February 2, 2006 to remove his belongings. He did not have everything out by then, but just in case, PCRI held onto his belongings in the unit, at our expense, for another month.
5. After Mr. Stull didn't return for a month, PCRI contracted with Universal Landscaping Clients to clean the unit and dispose of his items. We hired Universal Landscaping on March 6, 2006. Universal tells us their work took about 7 hours over the course of two days, March 6, 2006 and March 7, 2006 to remove the items.
6. On March 9, 2006 the Sheriff's office came in and confiscated Mr. Stull's plants. We didn't know that any stay had been ordered until we got paperwork from the court of appeals 4 days later on March 13, 2006.

Mary C. Lucero
Mary Lucero

Subscribed and sworn to before me this 28 day of June, 2006.



Kimberley Mason
Notary Public for Oregon
My Commission Expires:
7.28.06


STATE OF OREGON,)
) ss:
County of Multnomah)

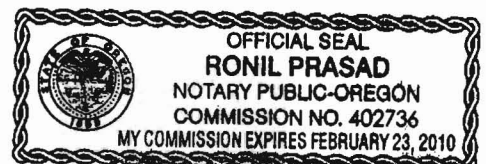
I, Mary Lucero, being first duly sworn, depose and say:

1. I am employed as a Property Manager for the Plaintiff-Respondent PCRI in the Oregon Court of Appeals case #A130567.
2. Defendant-Appellant Barry Stull resides at our property at 4066 NE Grand #5, Portland, OR 97218 pursuant to a stay of execution issued by the Oregon Court of Appeals.
3. After the writ of execution occurred back in November, 2005, we posted a "No Trespassing" sign on the window of the apartments. It is our policy to post that type of notice on all empty units to ward off squatters or vandalism. We didn't post that notice on Unit #5 to keep Mr. Stull out.
4. We did send an abandoned property notice to Mr. Stull in November 2005 right after the Writ of Execution, as is our procedure in all cases where a tenant has left or been removed from a property and left behind any items. Mr. Stull's unit contained items that appeared to us to be of little or no resale value such as unfinished makeshift wood shelving, pots with dirt in them, a file cabinet, a small air filtering system, and some lights used for indoor plants.
5. We contracted with Universal Landscaping in early March 2006 to have Mr. Stull's unit cleaned out and the abandoned property thrown away. Universal tells us their work took about 7 hours over the course of two days, March 6, 2006 and March 7, 2006 to remove the items. Attached as an Exhibit are some photos that I took of the unit after Mr. Stull's items had been cleared out. The apartment had been damaged and required a lot of cleaning.
6. Mr. Stull was granted the stay on March 16, 2006. We held the apartment open and did nothing to prevent him from moving in. We didn't hear from him for almost two weeks before he showed up and demanded to be let back in his apartment. We let him back in his unit as soon as he showed up and did nothing to prevent or discourage him from moving back in.


Mary Lucero

Subscribed and sworn to before me this 11 day of July, 2006.


Notary Public for Oregon
My Commission Expires: Feb 23, 2010





NOTICE OF ABANDONED PROPERTY

FORM
19

DATE: 11/17/05 TENANT(S): BARRY JOE Stull
UNIT ADDRESS: 4066 NE GRAND #5
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, Ptld OR
☐ 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: PCR I
ADDRESS: 6329 NE MLK
TELEPHONE: 503-288-2923



U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
PCRI			
6329 NE MLK			
Ptd OR 97211			
One piece of ordinary mail addressed to:			
Barry Joe Stubi			
4066 NE Corna #5			
Ptd OR 97212			

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U.S. POSTAGE
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PORTLAND, OR
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PS Form 3817, Mar. 1989

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
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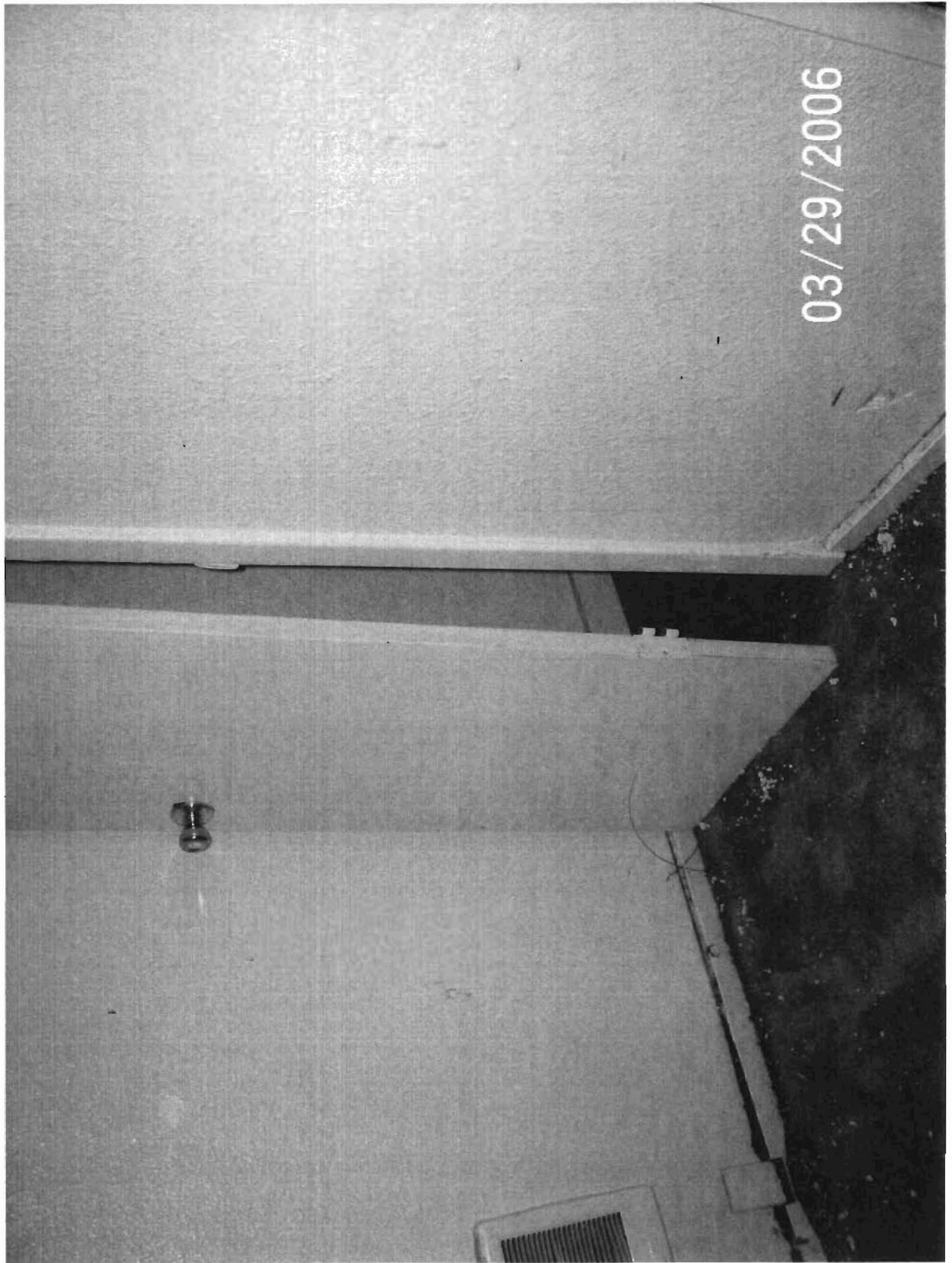
**PHOTOS OF UNIT AFTER MR.STULL'S ITEMS
HAD BEEN CLEARED OUT**

03/29/2006

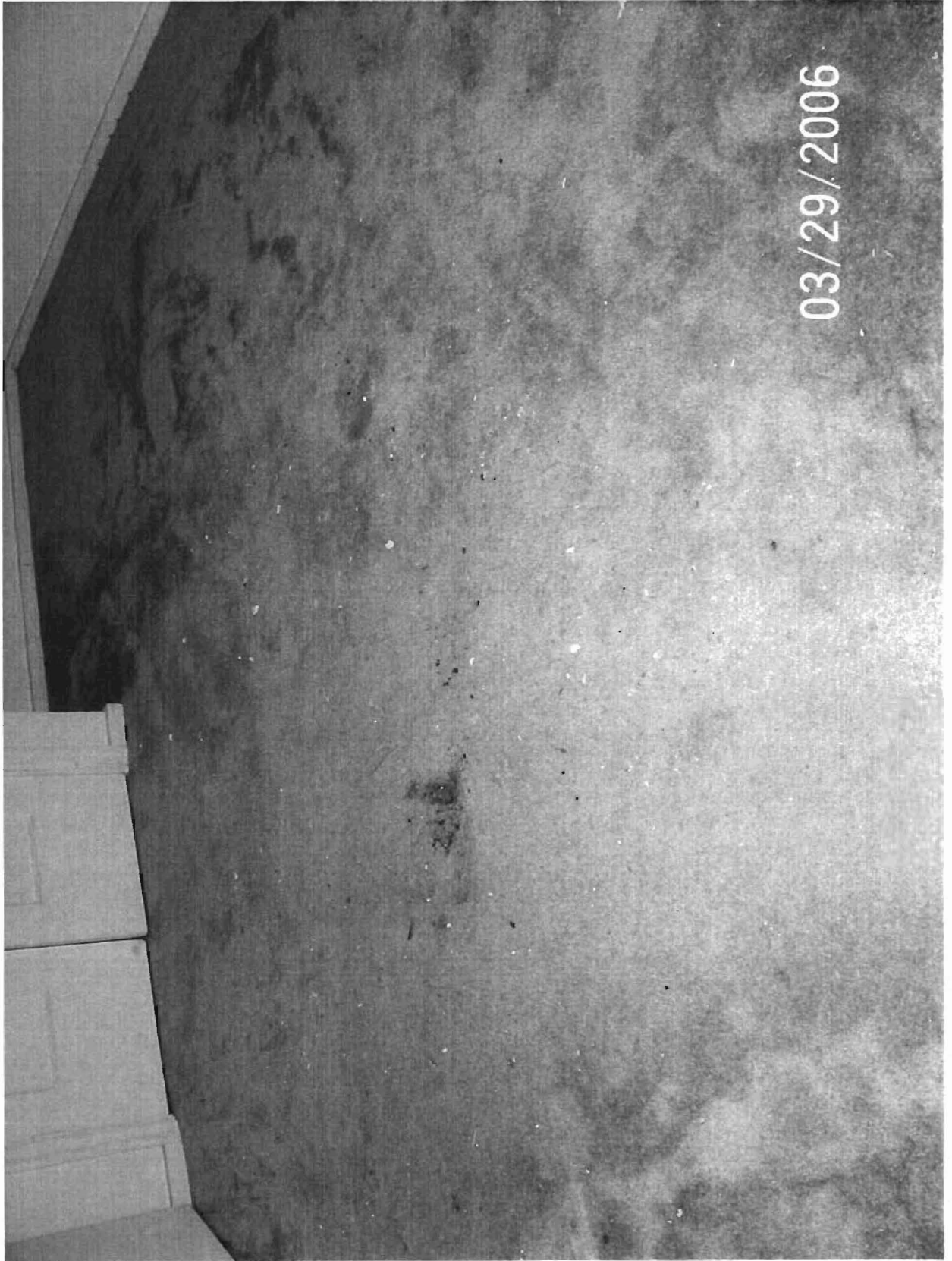
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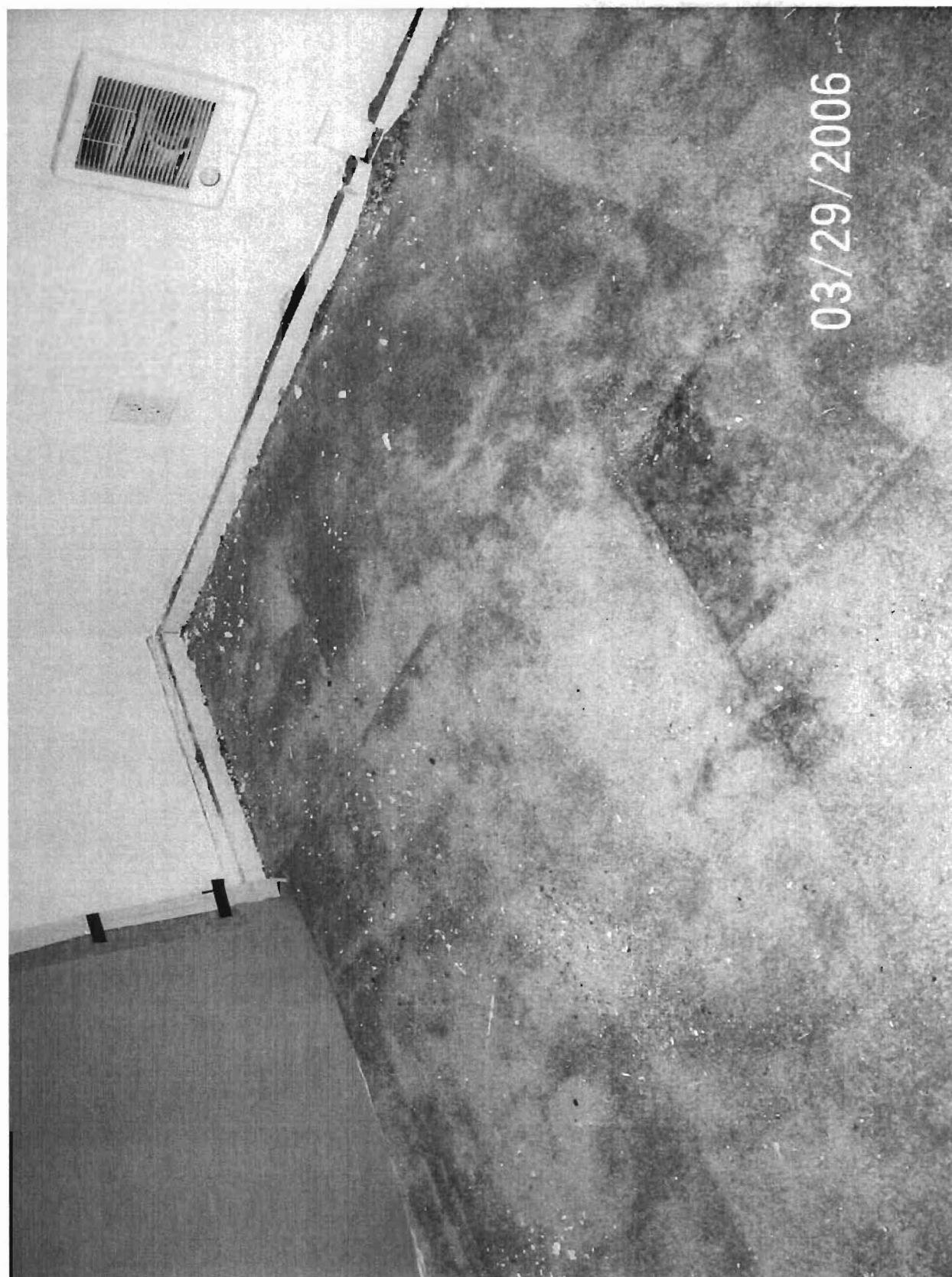


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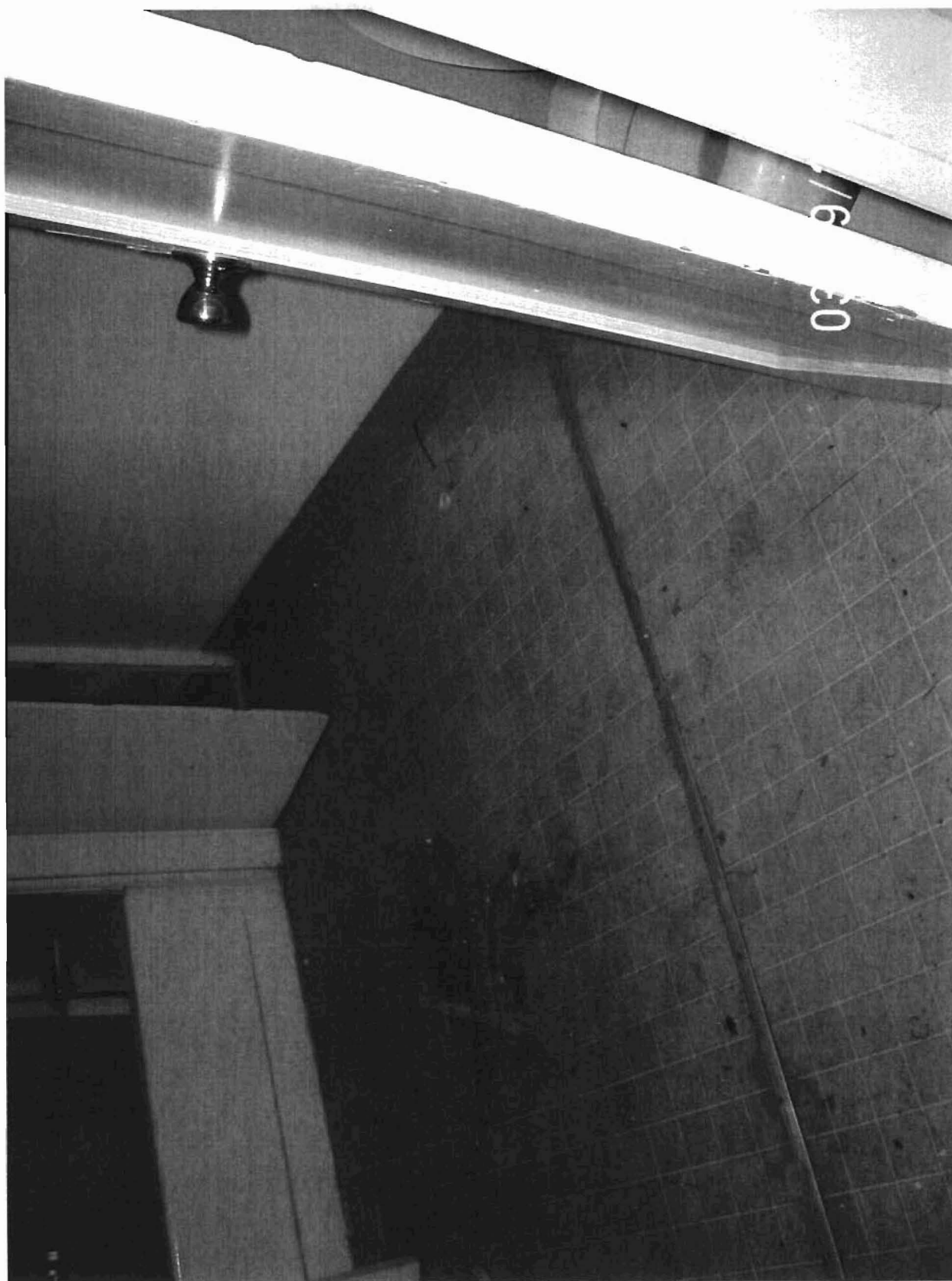


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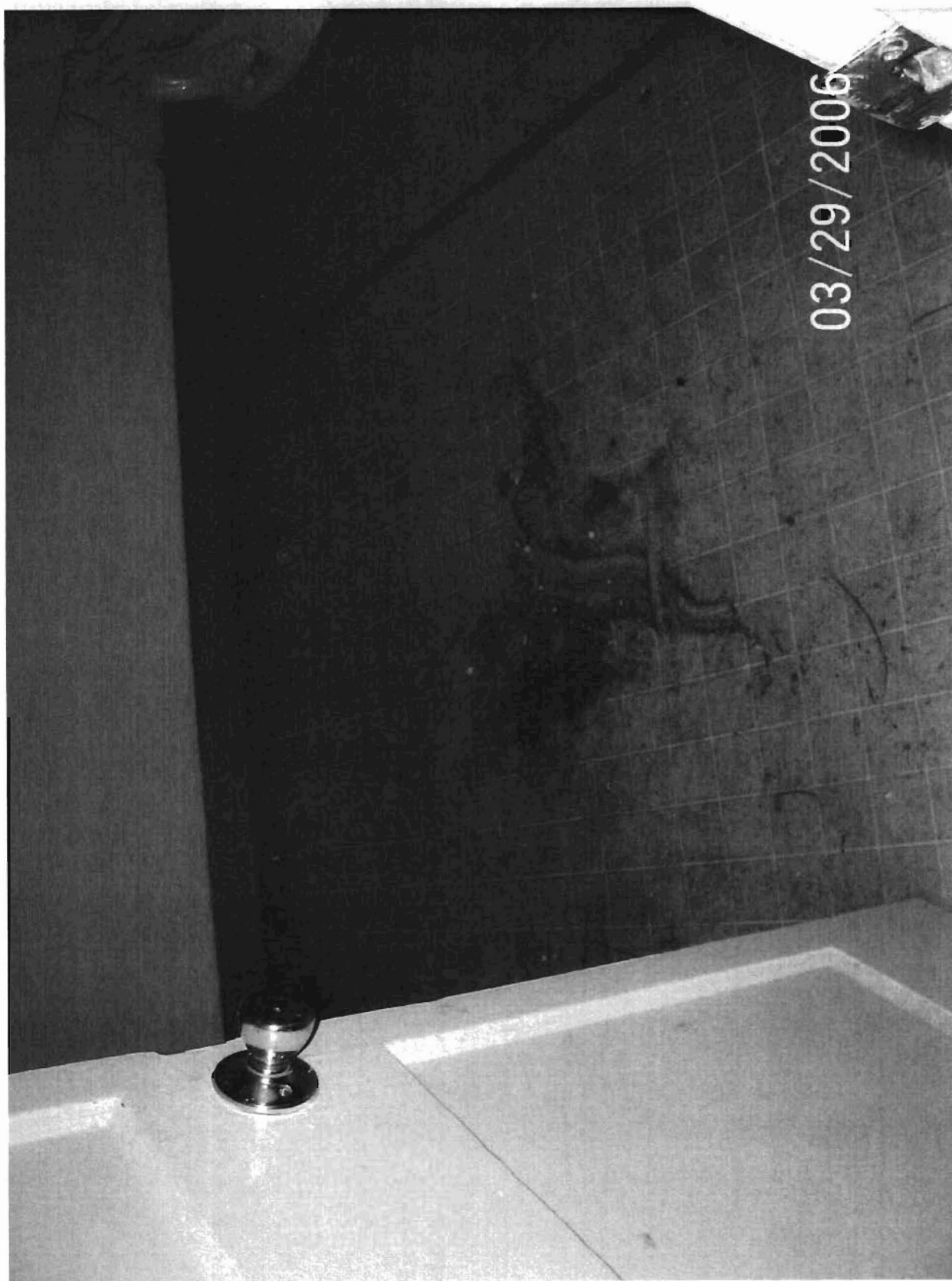




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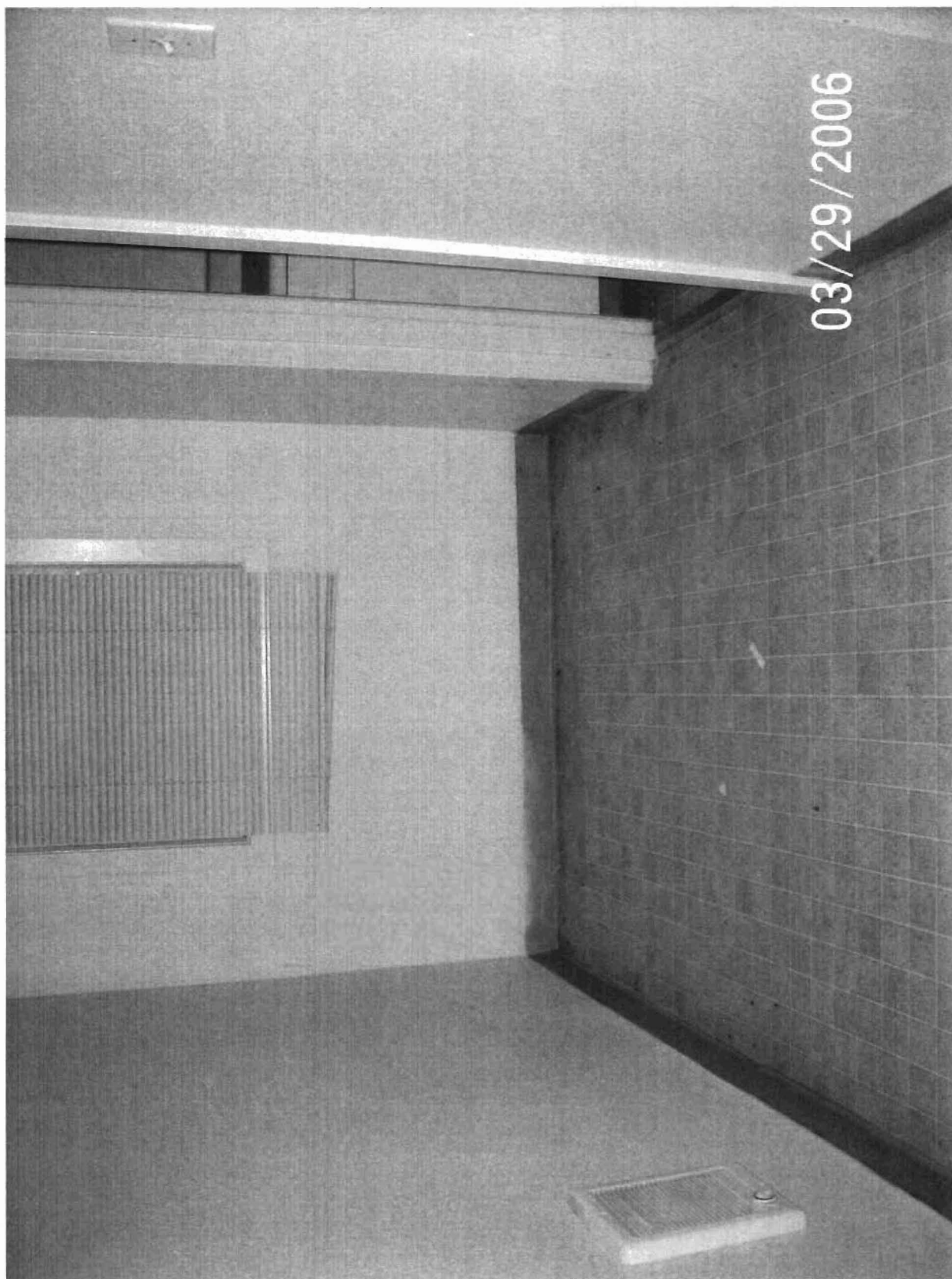


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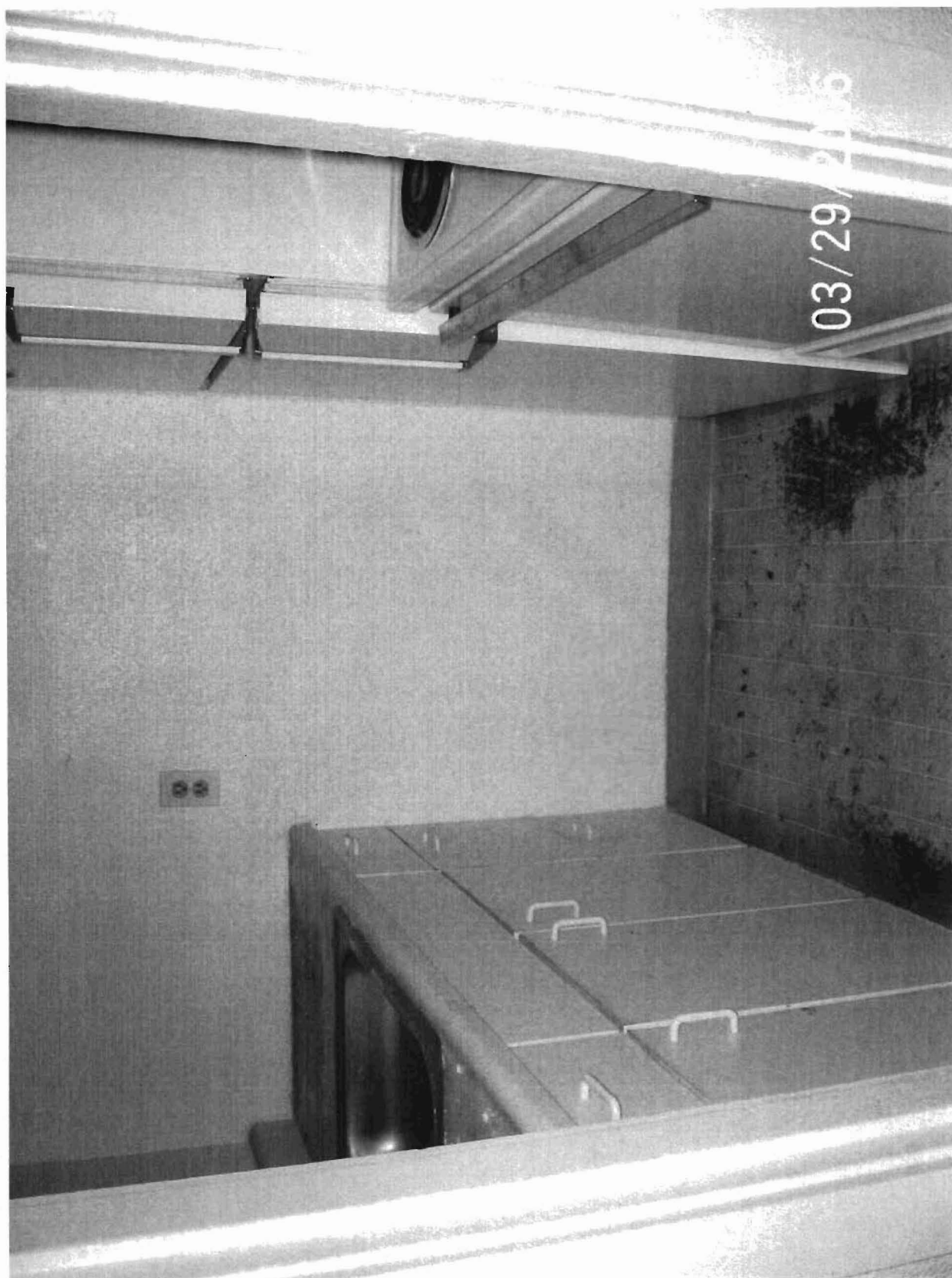


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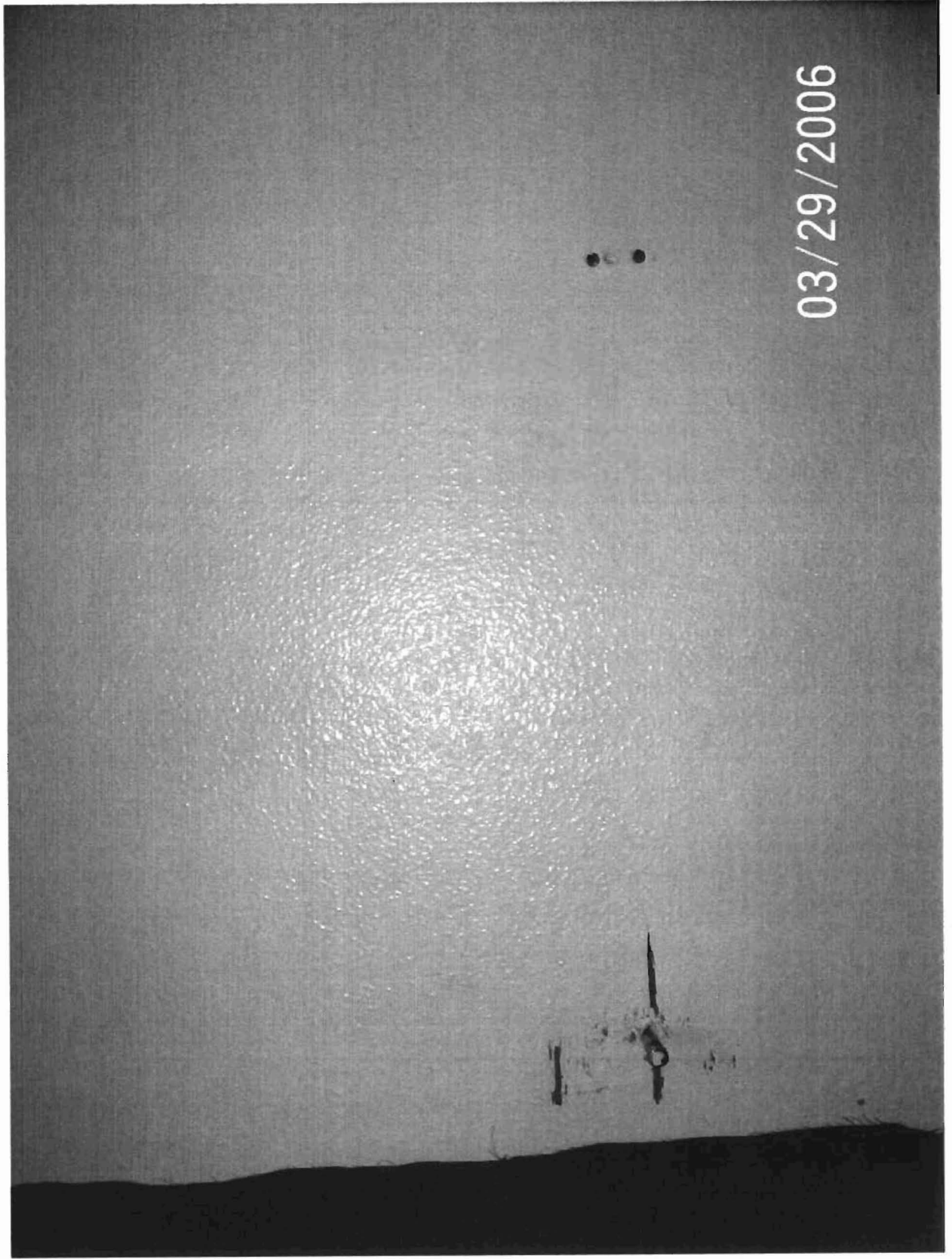


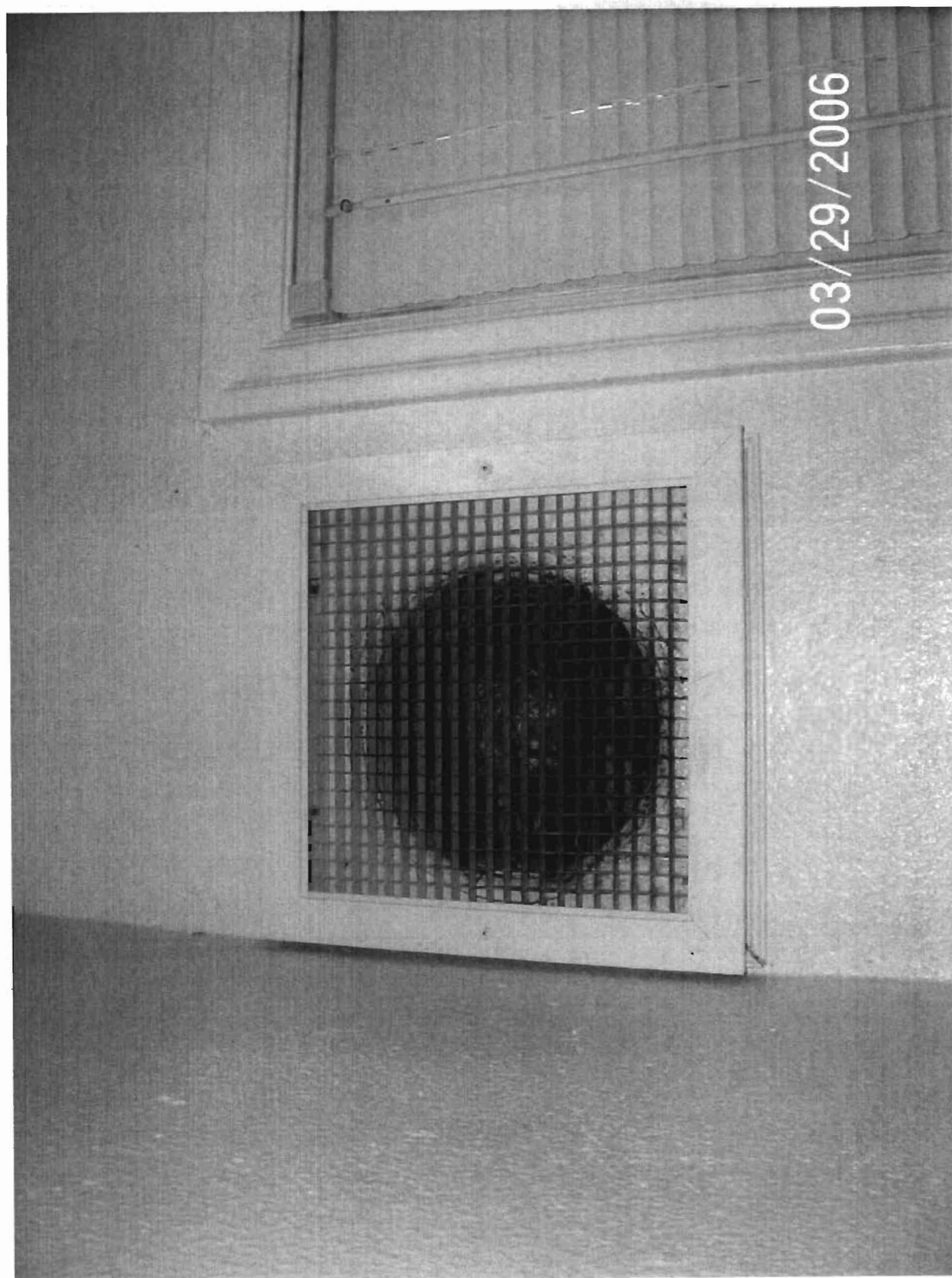


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03/29/2006






CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2006, I served the foregoing Supplemental Affidavit of Mary Lucerno on:

Barry Joe Stull
PO Box 11008
Portland, Oregon 97211

by mailing to said individual a true copy thereof, contained in a sealed envelope, with postage paid, addressed to said individual at his last known address and deposited in the Post Office on said day.

I further certify that on the same date listed above I filed the original and five copies of the same document with the Court of Appeals by depositing it into the United States mail enclosed in a sealed envelope with postage prepaid and addressed to the State Court Administrator.


Margaret H. Leek Leiberan
OSB #77046
Of Attorneys for Respondent
PCRI