

94523

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

BERWICK L. WOOD,

Plaintiff,

-vs-

NO. A 7905-02087

BRUCE KAMHOOT, JOHN J. CARDEN, MDIC,
INC., an Oregon Corporation, and
BRUCE KAMHOOT & ASSOCIATES, an
Oregon Corporation,

Defendants.

NOTICE OF CLAIM OF LIEN
UPON ACTION AND JUDGMENT

Pursuant to ORS 87.445, 87.450, 87.470 and related Statutes,
I, EDWIN J. WELSH, Attorney for Defendants, claim a lien in the
above entitled case in which a Judgment of Dismissal was entered
upon a stipulated settlement for sums of money and for an award
of real property.

The Judgment and Order of Dismissal was entered in the Mult-
nomah County Circuit Court on the 22nd day of February, 1982.

1) The amount of my demand for the reasonable value of my
services and costs advanced on behalf of Defendants in the above
matter from May, 1979 through April, 1982, are:

Numerous telephone conversations and conferences with
clients; interviews and conferences with witnesses;
preparation for and taking of depositions; review of
files and related documents; correspondence with clients,
the Court and opposing counsel; telephone conversations
and conferences with opposing counsel; preparation of
pleadings, including Motion to Make More Definite and Cer-
tain and Motion to Strike; Motions for Protective Order,
to Limit Deposition and Discovery; appropriate Court

1 appearance and preparation of Orders; review of
2 pleadings submitted on behalf of Plaintiff, includ-
3 ing Complaint and Amended Complaints, Memorandum in
4 Opposition to Defendants' Motion, Request for Produc-
5 tion and Affidavits; preparation of Answers to Com-
6 plaint and Amended Complaints; preparation of Memoran-
7 dum in Opposition to Issuance of Writ; preparation of
8 Motions re Plaintiff's Third Amended Complaint and re-
9 view of Plaintiff's Response; Court appearance on argu-
10 ment of Motions; preparation of Memorandum of Facts;
11 preparation of Memorandum in Support of Motions; Motion
12 for Order Allowing Intervention; preparation of Motion
13 in Limine; preparation of Memorandum of Law; prepara-
14 tion of supporting Affidavits; extensive legal research;
15 review of additional pleadings and Memoranda submitted
16 on behalf of Plaintiff; preparation of Motion to Strike
17 as to Reply and supporting Memorandum; preparation of
18 Motion for Partial Summary Judgment and Modified Motion;
19 review of Requests for Admission submitted on behalf of
20 Plaintiff and preparation of Answers to Request for
21 Admissions; review of Exhibits; numerous Court appear-
22 ances on various hearings; extensive negotiations for
23 settlement; preparation of settlement documents includ-
24 ing drafting of Exchange Agreements, Assignments, Re-
25 leases; review of settlement documents submitted by op-
26 posing counsel; conferences with clients and opposing
counsel re settlement negotiations

15 Total services - May, 1979 through April, 1982 -- \$ 44,865.00

16 Total costs advanced - May, 1979 through June, 1982,
17 including costs advanced for filing fees, deposi-
18 tions, photocopies, certified copies, title report
(First American Title), expert fees (Joyce Thomas &
Susan Hammer) --- \$ 4,304.10

19 Total fees and costs - \$ 49,169.10

20 Less Credits: Payments on account March, 1981
21 through May, 1982 - 28,067.52

22 Balance due - Services and costs advanced - \$ 21,101.58

23
24 2) The file document number in the file wherein is entered
25 the Order upon which I claim a lien is:

26 111

1 Multnomah County Clerk, File Number A 790-02087, and
 2 Multnomah County Document Number - One Hundred Sixty (160),
 3 FILED February 22, 1982 at 11:02 a.m.

4 The real property involved in the stipulated settlement
 5 after two weeks of trial is described as:

- 6 (a) Toliver Terrace property, located in Clackamas County,
 7 Oregon, as more particularly described in Exhibit "A"
 8 attached hereto.
- 9 (b) Real property situated in Yamhill County, Oregon, more
 10 particularly described in Exhibit "B" attached hereto.
 11 (Haworth Terrace.)
- 12 (c) Riverview Terrace, real property, located in Hood River
 13 County, Oregon, more particularly described in Exhibit "C"
 14 attached hereto; and
- 15 (d) Rock Creek Terrace, real property, situated in Skamania
 16 County, State of Washington, more particularly described
 17 in Exhibit "D" attached hereto.

18 (3) The amount claimed herein in the sum of \$21,101.58 is a
 19 true and bona fide existing debt as of the date of filing this
 20 Notice of Lien.

21 (4) The date when payment of the above balance in the sum of
 22 \$21,101.58 for professional services and costs advanced was due
 23 was July 10, 1982. That since the stipulated settlement of the
 24 within matter I have advanced additional costs on behalf of De-
 25 fendants in the total amount of \$2,717.00 and that said amount is
 26 included in the total costs advanced heretofore set forth. That
 said Defendants were to make monthly payments to me on said

1 outstanding balances; that said monthly payments were to be
2 made by said Defendants on the 10th day of each month in the sum
3 of \$1,666.00; that said Defendants have made only two payments,
4 the last of which was received on May 13, 1982.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

STATE OF OREGON)

County of Clackamas)

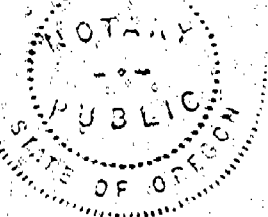
I, EDWIN J. WELSH, being first duly sworn on oath, depose

and say:

That I am the attorney for Defendants in the above entitled
matter; that I have read the foregoing Notice of Claim of Lien
Upon Action and Judgment, know the contents thereof and the same
is true as I verify believe.

SUBSCRIBED and sworn to before me this 4th day of August,

1982.



Edwin J. Welsh

Notary Public for Oregon
My Commission expires: 8/12/83

94533

BOOK G PAGE 719

...That southerly portion of Block 14, The Shaver Subdivision of Blocks 9 to 10 and Tracts 11 to 18, of the Shaver Place, further described as follows:

Beginning at the easterly boundary of Ridings Avenue and the northerly boundary of Heintz Street; thence East along said northerly boundary to the southeast corner of Block 14, The Shaver Subdivision of the Shaver Place and the true place of beginning; thence northerly along said East line of lot 14, The Shaver Subdivision of the Shaver Place, a distance of 380 feet to a point; thence westerly parallel with the northerly boundary of Heintz Street to a point on the easterly line of a tract of land conveyed to the City of Molalla for road purposes by deed recorded in Book 169, Page 169, Deed Records (also known as Ridings Avenue); thence southerly along said East line, a distance of 50 feet to a point; thence easterly parallel with the northerly boundary of Heintz Street, a distance of 110 feet to a point; thence southerly parallel with said easterly boundary of the aforementioned City of Molalla tract, a distance of 230 feet to a point on the northerly boundary of Heintz Street; thence East along said northerly boundary, a distance of 290 feet to the true place of beginning.

EXHIBIT "A"

THIS OF THE COUNTY OF CLATSOP, SS.

I HEREBY CERTIFY THAT THE WITHIN

EDWARD J. WELLS

BOOK 473 PAGE 1060-1061

FILED IN AUGUST 1914

WELLS

719

J. H. Olson

A. H. New

A tract of land lying in Section 17, Township 43 North, Range 3 West, of the Willamette Meridian, and being a part of the Richard Everest Donation Land Claim, Notification No. 1474, Claim No. 12, in Township 43 South, Range 2 West of the Willamette Meridian, in Yamhill County, Oregon, to-wit:

Beginning at the Northwest corner of Lot 6 of Block 1 of Stanley Subdivision, a recorded subdivision in Yamhill County, Oregon; thence South $0^{\circ}18'25''$ West along the west boundary and the west boundary extended southerly of said Lot 6, a distance of 347.00 feet to an iron pipe; thence South $80^{\circ}59'00''$ West parallel with Haworth Avenue to the North, a distance of 216.40 feet to an iron pipe on the Easterly boundary of a tract of land described by said Volume 72, Page 1154, Deed and Mortgages recorded in Yamhill County; thence North $0^{\circ}21'35''$ East along the said boundary, 104 feet to the Northeast corner of said tract; thence South $88^{\circ}54'00''$ West along the North-Ely boundary of said tract 99.37 feet to the Northwest corner thereof; thence North $0^{\circ}18'50''$ East along the said division line, 346.08 feet to the South boundary of Haworth Avenue; thence North $89^{\circ}19'00''$ East along the said South boundary 330.15 feet to the place of beginning.

EXHIBIT "B"

721

Lots 2, 3, 4, and 5, Block 2, and Lots 5 and 6, Block 3, RIVERVIEW ADDITION TO CASCADE LOCKS, in the City of Cascade Locks, County of Hood River and State of Oregon.

A triangular tract of land in the Northeast quarter of Section 12, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Hood River and State of Oregon, and also being a portion of the John Chipman Donation Land Claim, more particularly described as follows:

Beginning at the intersection of the Northerly right of way line of the Old Columbia River Highway, with the North line of the Chipman Donation Land Claim; thence Westerly along the North line of the Chipman Donation Land Claim a distance of 120 feet; thence Southeasterly to a point on the Northerly right of way line of the Old Columbia River Highway, which is Southwesterly 85 feet from the point of beginning; thence Northeasterly along the North line of the Old Columbia River Highway, a distance of 85 feet to the point of beginning.

EXHIBIT "C"

...A tract of land located in Section 1, Township 2 North, Range 7, East of the Willamette Meridian, described as follows:

Beginning at a point on the North line of said Section 1, which is 804.50 feet West of the intersection of said North line with the West line of the H. Shepard D.L.C.; thence South $00^{\circ} 50' 54''$ West parallel with the West line of the said Shepard D.L.C., 34.00 feet to the South right of way line of Vancouver Avenue and the true point of beginning; thence North $88^{\circ} 56' 55''$ West 172.73 feet to a brass screw set in curb; thence South $01^{\circ} 33' 03''$ West 227.60 feet; thence North $82^{\circ} 48' 05''$ West 162.97 feet, more or less, to the East right of way line of Second Avenue; thence Southeasterly along said East line to a point which bears South $00^{\circ} 50' 54''$ West from the true point of beginning; thence North $00^{\circ} 50' 54''$ East parallel with the West line of the Shepard D.L.C. 499.56 feet to the true point of beginning....

EXHIBIT "D"