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SKAMANIA CO. WASH.
BY *Knapp O'Dell & Lewis*

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Olson
AUDITOR
GARY M. OLSON

SKAMANIA COUNTY
FILED
JUN 27 1996
LORENA E. HOLLIS, CLERK
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BOOK 158 PAGE 134

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

LEF H. SMITH, as Executor of
the Estate of June Harris,
Deceased,

Plaintiff,

vs.

MARK A. HARRIS,

Defendant.

NO. 94 2 00103 7

JUDGMENT ON ORDER
IMPOSING SANCTIONS
UPON REVIEW OF CONTEMPT

I. JUDGMENT SUMMARY

- A. Judgment creditor: Lee H. Smith, as Executor of the Estate of June Harris, Deceased
- B. Judgment debtor: Mark A. Harris
- C. Principal Amount of Judgment: \$34,100.00
- D. Interest to Date of Judgment: None
- E. Attorney's Fees: 0
- F. Costs: 0
- G. Judgment shall accrue interest at 12% per annum
- H. Attorney for Judgment Creditor: Shawn R. MacPherson
- I. Attorney for Judgment Debtor: L. Eugene Hanson

II. FINDINGS OF FACT

This matter came before the Court on May 16, 1996, on a motion for entry of money judgment brought by the plaintiff, Lee H. Smith, Executor of the Estate of June Harris, Deceased.

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1 The Court, having considered the records and files herein, makes
2 the following findings of fact:

3 1. A prior order imposing sanctions upon review of contempt/
4 judgment was filed with the Skamania County Superior Court on
5 July 13, 1995 against the defendant Mark A. Harris. The terms
6 of this Order provided that the defendant was to be assessed
7 a penalty of \$100.00 per day in the event an accounting for
8 all funds, proceeds and income received from June Harris during
9 the period the defendant acted as her attorney in fact was not
10 received by the plaintiff. The \$100.00 per day penalty was
11 to start as of June 10, 1995 and was to continue and act as
12 a separate judgment for each day the defendant was found to
13 be in contempt of court.

14 2. The defendant has failed to provide an accounting to
15 the plaintiff as of the date of May 16, 1996.

16 3. As of May 16, 1996 the amount of the penalty pursuant
17 to the order imposing sanctions upon review of contempt/judgment
18 is \$34,100.00.

19 4. The terms of the Joint and Mutual Last Will and Testament
20 of Lee H. Smith and June Harris which has been filed under probate
21 cause number 94-4-00019-4 provide that the defendant is to receive
22 a residual share upon the passing of the plaintiff, Lee H. Smith.
23 The plaintiff is restrained by the terms of said Will from revoking
24 any portion of the Will.

25 5. The defendant had the ability to comply with the order
26 of the court entered on July 13, 1995.

1 III. CONCLUSIONS OF LAW

2 From the above findings of fact, the Court make the following
3 conclusions of law:

4 1. The defendant Mark A. Harris has willfully failed to
5 comply with the order imposing sanctions on review of contempt
6 entered with the Court on July 13, 1996.

7 2. Imposition of a penalty of \$100.00 per day for the
8 period of June 10, 1995 to May 16, 1996 complies with the terms
9 of the order imposing sanctions on review of contempt on file
10 herein.

11 3. Receipt by the defendant of a residual share of the
12 Estate of June Harris and Lee H. Smith by the terms of their
13 Joint and Mutual Last Will and Testament would be inequitable
14 without full payment of the contempt penalty to be imposed herein.

15 IV. ORDER

16 The Court having made Findings of Fact and Conclusions
17 of Law in this matter and having considered the records and
18 files herein and being otherwise fully advised in the premises
19 hereby,

20 ORDERS, ADJUDGES AND DECREES as follows:

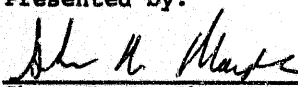
21 1. The defendant Mark A. Harris shall be assessed a \$100.00
22 per day penalty in favor of the plaintiff Lee H. Smith, Executor
23 of the Estate of June Harris, deceased, for the period commencing
24 on June 10, 1995, and ending on May 16, 1996. The total amount
25 of the penalty to be imposed against the defendant is in the
26 amount of \$34,100.00, to bear interest at the rate of twelve

1 (12%) percent per annum until paid.

2 2. In the event the judgment, including interest, is not
3 satisfied by the defendant by the date probate proceedings are
4 established in the estate of Lee H. Smith, then the amount of
5 the unpaid judgment and interest shall be setoff against and
6 act as a lien against the residual share of the defendant in
7 said estate.

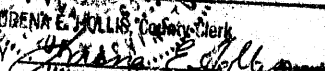
8 DONE IN OPEN COURT this 27th day of June, 1996.

9
10
11 
12 J U D G E

13 Presented by:
14 
15 Shawn R. MacPherson, WSB #22842, of
16 Knapp, O'Dell & Lewis, Attorneys
17 for Plaintiff.

18 Copy received, approved as to form
19 and consent to entry given this _____
20 day of _____, 1996.

21 _____
22 L. Eugene Hanson, WSB # _____
23 Attorney for Defendant.

24 State of Washington } ss
25 County of Skamania }
26 I, Lorena E. Hollis, County Clerk of the Superior
Court of Skamania County, Washington, DO HEREBY
CERTIFY that this instrument, consisting of 4
page (s), is a true and correct copy of the original
now on file and of record in my office and, as County
Clerk, I am the legal custodian thereof.
Filed and sealed at Skamania, Washington
this date: June 27, 1996
LORENA E. HOLLIS, County Clerk
BY  Deputy