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 ATTEST: JUDITH A. GRIFFIN
 Clerk, U. S. District Court
 Western District of Washington
 By AL. [Signature] Deputy Clerk

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
 0.48 ACRE OF LAND, MORE OR)
 LESS, SITUATE IN SKAMANIA)
 COUNTY, STATE OF WASHINGTON,)
 AND MARIE C. PLESTER, ET AL)
 AND UNKNOWN OWNERS,)
 Defendants.)

CIVIL NO. C75-104T
 ORDER OF DISMISSAL
 OF CROSS-COMPLAINT

MARIE C. PLESTER, a widow,)
 Cross-Plaintiff,)
 v.)
 BRYON L. DUKE and JANET L.)
 DUKE, his wife, individually)
 and as a marital community;)
 CURTIS FAULCONER, a single)
 man; JOHN DOE I.; and a part-)
 nership consisting of BRYON)
 L. DUKE, JANET L. DUKE, CURTIS)
 FAULCONER, and JOHN DOE I.,)
 Cross-Defendants.)

I. HEARING

1.1 Date. August 16, 1976.

1.2 Appearances. Cross-Plaintiff appeared by her attorney,
 Bernard J. Heavey, Jr. Cross-Defendants appeared by their
 attorneys, John J. O'Hara and Gale P. Hilyer, Jr.

1.3 Purpose. To act upon a stipulation of dismissal.

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1.4 Stipulations. Stipulation filed on August, 16, 1975.

II. FINDINGS

2.1 Jurisdiction. The Court finds that it has original jurisdiction in this matter pursuant to 28 USC 1332 in that a diversity of citizenship exists between the parties and the amount in controversy exceeds Ten Thousand Dollars (\$10,000.00). Original jurisdiction is also obtained under Federal Condemnation Statutes 40 USC 258(a), 33 USC 591 and 33 USC 701.

2.2 Stipulations. The Court finds that a stipulation has been entered into between the parties and filed with the Clerk of the Court, which provides for dismissal in accordance with FRCP Rule 41(a)(1).

2.3 Title. The Court finds that the time of the declaration of taking by Plaintiff, UNITED STATES OF AMERICA, on May 27, 1975 and the date of possession on August 24, 1975, the Cross-Plaintiff, MARIE C. PLESTER, was in possession and the owner in fee simple of the property subject to this dispute and condemnation by Plaintiff.

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III. ORDER

On the basis of the foregoing findings, It is Ordered that the Cross-Complaint be dismissed and that the title ^{up to} ~~to the~~ ^{to the} property subject to this dispute and condemnation by Plaintiff, UNITED STATES OF AMERICA, be vested in MARIE C. PLESTER ^{UP TO} ~~UP TO~~ the date of the declaration of taking and the date of possession by Plaintiff, UNITED STATES OF AMERICA.

DATED this 16th day of August, 1976.

William J. Hillyer
JUDGE

Presented by:

Bernard J. Heavey, Jr.
BERNARD J. HEAVEY, JR.
Attorney for Cross-Plaintiff
Marie C. Plester

Approved as to form:

John J. O'Hara
JOHN J. O'HARA

GALE P. HILYER, JR.
Attorney for Cross-Defendants,
BRYON L. DUKE, JANET L. DUKE,
and CURTIS FAULCONER

Approved as to form:

William J. Hillyer
UNITED STATES ATTORNEY

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