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

DON RICARD, an individual and
REUBEN GARCIA, an individual,

Plaintiffs,

v.

KLAMATH FALLS FOREST ESTATES
HOMEOWNERS' ASSOCIATION, INC.
("KFFEHOA") an Oregon mutual benefit
corporation and JAMES VAUGHAN,
MICHELLE VAUGHAN, ERIC GORITZ,
SAM MARQUEZ, and CYNTHIA
WILSON as individuals and as members of
the KFFEHOA Board of Directors

Case No. 18CV25995

**GENERAL JUDGMENT OF
DISMISSAL**

This matter came before the Court on April 1, 2021 for oral argument on the motions for summary judgment. The Court issued its letter opinion on May 21, 2021. Based on the granting of the motions for the summary judgment and letter opinion and the signing of the Order on Defendants' Motions for Summary Judgment on July 12, 2021, and the Court being fully advised,

NOW THEREFORE IT IS HEREBY ORDERED AND ADJUDGED as follows:

- 1) that the Association's 2013 Bylaws are valid and enforceable as a matter of law.
- 2) that all claims between the Plaintiffs Don Ricard and Reuben Garcia against Defendants Klamath Falls Forest Estates Homeowners' Association ("Association") and Defendants James Vaughan, Michelle Vaughan, Eric Goritz, Sam Marquez and Cynthia Wilson, in their capacities as members of the Association's board of directors ("Directors"), and

1 Defendants Eric Goritz, James Vaughan and Sam Marquez, as individuals, are dismissed *with*
2 *prejudice*.

3 3) All other parties and/or claims not previously dealt with by limited judgment or
4 elsewhere in this General Judgment are hereby dismissed *with prejudice*.

5 4) Attorney fees and costs for the Association, Directors, and Defendants Eric
6 Goritz, James Vaughan and Sam Marquez, in their individual capacities, if any, shall be handled
7 by supplemental judgement(s) for attorney fees and legal costs and disbursements in accordance
8 with ORCP 68 and other law, as applicable.

Signed: 8/6/2021 01:01 PM



Alycia Edgeworth Kersey,
Circuit Court Judge

16 Submitted by:

17 **VIAL FOTHERINGHAM LLP**

18 Christopher M. Tingey, OSB #014326

19 cmt@vf-law.com

20 Michael D. Montag OSB #084242

21 mdm@vf-law.com

22 17355 SW Boones Ferry Rd. Ste A

23 Lake Oswego, OR 97035

24 503-684-4111

25 *Of Attorneys for Defendants KFFEHOA,*
26 *Marquez, James Vaughan, Michelle Vaughan,*
27 *Goritz, and Wilson*

1 **CERTIFICATE OF READINESS AND COMPLIANCE WITH UTCR 5.100**

2 This proposed order or judgment is ready for judicial signature because:

3 1. [] Each opposing party affected by this order or judgment has stipulated to the
4 order or judgment, as shown by each opposing party's signature on the document being
5 submitted.

6 2. [] Each opposing party affected by this order or judgment has approved the
7 order or judgment, as shown by each party's signature on the document being submitted or by
8 written confirmation of approval sent to me.

9 3. [X] I have served a copy of this order or judgment on each party entitled to service
10 and:

11 a. [X] No objection has been served on me.

12 b. [] I received objections that I could not resolve with a party despite reasonable
13 efforts to do so. I have filed a copy of the objections I received and indicated
14 which objections remain unresolved.

15 c. [] After conferring about objections, [role and name of objecting party] agreed
16 to independently file any remaining objection.

17 4. [] Service is not required pursuant to subsection (3) of this rule, or by statute,
18 rule, or otherwise.

19 5. [] This is a proposed judgment that includes an award of punitive damages and
20 notice has been served on the Director of the Crime Victims' Assistance Section as required by
21 subsection (5) of this rule.

22 6. [] Other:

23 Dated this 5th day of August, 2021.

VIAL FOTHERINGHAM LLP

24 s/ Michael D. Montag

25 Michael D. Montag, OSB #084242
26 17355 SW Boones Ferry Road, Ste A
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28 T: (503) 684-4111
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*Of Attorneys for Defendants
KFFEHOA, Marquez, James
Vaughan, Michelle Vaughan, Goritz,
and Wilson*

CERTIFICATE OF SERVICE

I hereby certify that on the below date, I served a true and correct copy of the below stated document on the below stated persons, using the below stated method of service.

Mail by first-class mail, postage prepaid to the last known address of the persons identified below;

Fax by facsimile transmission to the last known facsimile of the persons identified below;

E-Mail by electronic mail to the last known e-mail address of the persons identified below, and if sent by electronic mail only, under agreement pursuant to ORCP 9.

E-Service by electronic transmission of a notice of filing by the Odyssey File and Serve system to the service contact e-mail address of a party who has consented to electronic service under UTCR 21.100.

<i>Name/Address</i>	<i>Relationship</i>	<i>Manner of Service</i>
Michael W. Franell 724 S. Central Ave., Ste. 113 Medford OR 97501 mike@franelllaw.com	<i>Attorney for Plaintiffs</i>	E-Service E-Mail
Riley J. MacGraw Jarvis Dreyer Glatte & Larsen LLP 823 Alder Creek Dr. Medford OR 97504 rmacgraw@medfordlaw.net	<i>Attorney for Defendant Sam Marquez</i>	E-Service E-Mail
Thomas F. Armosino Frohnmayr, Deatherage, Jamieson, Moore, Armosino & McGovern PC 2592 E. Barnett Rd Medford, OR 97504-8345 armosino@fdfirm.com	<i>Attorney for Defendants Eric Goritz and James Vaughan</i>	E-Service E-Mail
Michelle Vaughan PO Box 94 Bonanza OR 97623	<i>Defendant</i>	Mail
Cynthia Wilson 12169 Night Owl Dr. Bonanza, OR 97623 Maw20164@gmail.com	<i>Defendant</i>	Mail E-Mail

Documents:

GENERAL JUDGMENT OF DISMISSAL - VAUGHAN & WILSON

Dated this 5th day of August, 2021.

VIAL FOTHERINGHAM LLP

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*Of Attorneys for Defendants KFFEHOA,
Marquez, James Vaughan, Michelle
Vaughan, Goritz, and Wilson*