



CIRCUIT COURT OF OREGON
FOR BENTON COUNTY

BENTON COUNTY COURTHOUSE
POST OFFICE BOX 1870
CORVALLIS, OREGON 97339

DAVID B. CONNELL
CIRCUIT JUDGE

(541) 766-6830

May 3, 2007

George B. Heilig
Attorney at Law
PO Box 546
Corvallis OR 97339

RECEIVED

MAY - 4 2007

Trial Division, Dept. of Justice
Salem, Oregon

✓ Erika L. Hadlock
Sr. Assistant Attorney General
Department of Justice
1162 Court St. NE
Salem OR 97301-4096

Re: H. Leighton Davis, Juanita Davis, John Davis, and Karen Steele vs.
State of Oregon, by and through the Department of Land Conservation
and Development and the Department of Administrative Services.
Benton County Case No. 07-10026

Dear Counsel:

This matter came before the Court on April 13, 2007 when a hearing was held on the parties' cross-motions for summary judgment regarding the above matter. Present at the hearing were George B. Heilig, attorney for Petitioners H. Leighton Davis, Juanita Davis, John Davis and Karen Steele and attorney Erika L. Hadlock who appeared on behalf of Respondents State of Oregon, by and through the Department of Land Conservation and Development and the Department of Administrative Services.

The issue before the Court is whether the State properly determined the date on which the Davises acquired the interest they presently have in the property in question. In this case the State has determined that the Davises "acquired the property" on December 22, 1976. The State points out in its Memorandum that the Court's purpose on review is whether the evidence would permit a reasonable person to make the determination that the agency has made. The record in this matter consists of various documents that have been submitted to the Court for review. The most important of these documents are two bargain and sale deeds and the Affidavit Of Attorney Thompson Snyder. Mr. Snyder points out in his Affidavit that deeds designated as M74226 and M74227 were both recorded at 2:21 p.m. on December 23, 1976. Mr. Snyder states in his Affidavit "There was not a full minute that the Davises were out of legal title." It is apparent to the Court in reviewing all of the information submitted and after hearing arguments of counsel in this matter that the evidence would not permit a reasonable person to make the

determination that the agency has made in this case. The Court finds that the correct determination in this matter is that the date of acquisition of the subject property by H. Leighton Davis and Juanita Davis is June 3, 1942. The "conveyance" to attorney Thompson Snyder did not interrupt the Davises continuous ownership of this property since they acquired it on June 3, 1942.

If either of the parties wish to submit findings of fact or conclusions of law to be considered by the Court please submit them to the Court within 20 days from the date of this letter. Mr. Heilig, please prepare the appropriate judgment reflecting the Court's ruling in this matter at the appropriate time.

Sincerely,

A handwritten signature in black ink, appearing to read 'David B. Connell', written in a cursive style.

David B. Connell
Circuit Court Judge

DBC:jg