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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JODY P., and E.P., by and through her
Guardian ad Litem Maria D.,

Case No. 3:13-CV-01321-PK

Plaintiff,

**STIPULATED TEMPORARY
RESTRAINING ORDER**

vs.

ROBERT GARY PETERSEN,

Defendant.

This matter came before the Court on Plaintiffs' Motion to Enter Stipulated Temporary Restraining Order. Plaintiffs appeared through their attorney, Glenn E. Barger. Defendant appeared through his attorney, Christopher B. Marks. Based upon the stipulation of the parties below and the Court having reviewed the records on file herein and being fully advised, the Court finds that:

1. This Court has jurisdiction over this matter based on 28 USC 1332;
2. Defendant Robert Gary Petersen is currently incarcerated with the Oregon Department of Corrections at the Two Rivers Correctional Institution in Umatilla County, Oregon, having been sentenced to seven years for Sexual Abuse I and Invasion of Privacy, and that Plaintiffs, therefore, are likely to prevail on the merits of this action;

3. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief in the form of monetary restitution will occur from the sale, transfer, or other disposition or concealment by Defendant of his assets, unless Defendant is immediately restrained and enjoined by Order of this Court; and

4. That the security bond is waived due to no likelihood of harm to Defendant, and Plaintiffs' likelihood of success on the merits.

DEFINITIONS

For the purpose of this Temporary Restraining Order ("Order"), the following definitions shall apply:

1. "Defendant" means Robert Gary Petersen.
2. "Attorney in Fact" means Dr. James G. Petersen.
3. "Assets" means any legal or equitable interest in, right to, or claim to, any real and personal property, including but not limited to, the assets distributed to Defendant under the General Judgment of Dissolution of Marriage in Clackamas County Circuit Court Case No. DR 13-05-0728 (attached as Exhibit 1 to this Order) and all other "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," "notes" (as defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and cash, wherever located.

ORDER

IT IS HEREBY ORDERED that Defendant and Attorney in Fact are hereby temporarily restrained and enjoined until full and final resolution of this case from:

1. Transferring, converting, encumbering, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, perfecting a security interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, or other Assets that are:

- a. owned or controlled by, or held for the benefit of – directly or indirectly – Defendant;
- b. controlled for the benefit of Defendant by the Attorney in Fact; and
- c. held by an agent with notice of Defendant.

2. This Order does not apply to prevent Defendant of expenses necessary to provide for his safety and welfare, and to effectuate the terms of the General Judgment of Dissolution of Marriage (Exhibit 1) and provide for payment of attorney fees necessary to accomplish same, and to provide reasonable and necessary compensation to defendant's appellate lawyer.

IT IS FURTHER HEREBY ORDERED that Attorney in Fact shall provide an accounting of Defendant's assets and expenditures starting from the filing of this action to the date of this Order. Attorney in Fact shall further provide updated accountings of Defendant's assets and expenditures on a quarterly basis thereafter until full and final resolution of this case.

DATED this 26th day of March, 2014.

Ann G. Berman

UNITED STATES DISTRICT JUDGE

IT IS SO STIPULATED:

3/25/14
Dated

/s/ Christopher B. Marks
Christopher B. Marks, OSB #833911
Of Attorneys for Defendant

3/25/14
Dated

/s/ Glenn E. Barger
Glenn E. Barger, OSB #972060
Of Attorneys for Plaintiffs

SUBMITTED BY:

/s/ Glenn E. Barger
Glenn E. Barger, OSB #972060
BARGER LAW GROUP PC
Of Attorneys for Plaintiffs

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

In The Matter of the Marriage Of:)
LINDA LEE PETERSEN,) NO. DR 13-05-0728
Petitioner,) GENERAL JUDGMENT OF
and) DISSOLUTION OF MARRIAGE
ROBERT GARY PETERSEN,)
Respondent.)

THIS MATTER was before the Honorable Susie L. Norby, Judge of the above-entitled Court for trial on February 13, 2014. Petitioner appeared in person and with her attorney, Arthur B. Knauss. Respondent appeared by telephone from the Two Rivers Correctional Institute in Umatilla, Oregon, and with his attorney, William Hedges. The parties having settled the case and placed the settlement terms on the record with reference to Petitioner's Statement of Assets and Liabilities resulting in the following findings of fact and terms of the General Judgment of Dissolution of Marriage:

1. GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE

ARTHUR B. KNAUSS
Attorney at Law
284 Warner Mills Road
Oregon City, Oregon 97045
Office: (503) 859-5337 Fax: (503) 850-0307
Email: arf@abknaussattf.com

EXHIBIT "1"
PAGE 1 of 11

- 1 1) The parties were married on September 12, 1970.
- 2
- 3 2) There are no other domestic relations suits or support petitions
- 4 pending between the parties in this or any other state.
- 5 3) The parties are residents of Clackamas County, Oregon, and were so
- 6 more than six months prior to the filing of the Petition For Dissolution of Marriage.
- 7 4) There are two adult children of the marriage. Petitioner is not
- 8 pregnant.
- 9 5) Irreconcilable differences exist between the parties have caused the
- 10 irremediable breakdown of the marriage.
- 11
- 12 6) The information required by ORS 25.020(8)(a) is as follows:
- 13 a. Petitioner's residence is 21941 S. Larkspur Avenue, Oregon City,
- 14 Oregon 97045, her driver's license number is confidential, her date of birth is
- 15 confidential, her social security number is confidential, and her employer is
- 16 confidential, informationo pursuant to UTCR 2.130CIF.
- 17
- 18 b. Respondent is incarcerated at Two Rivers Correctional Institute,
- 19 82911 Beach Access Rd., Umatilla, Oregon 97882, his driver's license number is
- 20 confidential, his date of birth is confidential, his social security number is
- 21 confidential, and he is not employed, information pursuant to UTCR 2.130CIF.
- 22
- 23 7) SPOUSAL SUPPORT: Petitioner waived her claim for spousal

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Page 2. GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE

ARTHUR B. KNAUSS
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294 Warner Mine Road
Oregon City, Oregon 97046
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Email: art@abknaussattfy.com

EXHIBIT "1"
PAGE 2 of 11

1 support in light of the property division award set forth below.

2 8) PROPERTY DIVISION: The property division set forth herein is just
3 and equitable. Each party relied on the acknowledgment of the other party that the
4 assets listed on petitioner's statement of assets and liabilities constitute a full
5 disclosure of all assets and liabilities of the parties at the time of the trial of this case,
6 and the Court being fully advised in the premises,

7
8 IT IS HEREBY ORDERED ADJUDGED AND DECREED that:

9 1) The marriage of the parties is hereby dissolved, and the
10 Dissolution of Marriage is finally effective the date this General Judgment of
11 Dissolution of Marriage is signed by the Court.

12 2) This General Judgment shall revoke those provisions of a Will
13 of the party which favor the former spouse or name him or her as Personal
14 Representative, unless its terms express a contrary intention.

15 3) The marital relationship of the parties is terminated in all
16 respects as set forth in Paragraph 1 of this Judgment.

17 4) SPOUSAL SUPPORT: There shall be no spousal support award
18 in these proceedings.

19 5) REAL PROPERTY: The real property of the parties located at 21941
20 S. Larkspur Avenue, Oregon City, Oregon 97045, the legal description of which is
21 Lot 26, Block 2, Young's Farm No. 3, in the County of Clackamas and State of
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Page 3. GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE

ARTHUR B. KNAUSS
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294 Warner Millie Road
Oregon City, Oregon 97045
Office: (503) 659-5327 Fax: (503) 650-0867
Email: art@abknaussatty.com

EXHIBIT "I"
PAGE 3 of 11

1 Oregon, is awarded to petitioner free and clear of any interest in the respondent.
2
3 Petitioner shall pay all encumbrances on said real property including mortgage, real
4 property taxes and homeowners insurance and hold respondent harmless from any
5 liability therefrom. Respondent shall execute a Bargain and Sale Deed in the
6 presence of a Notary Public within thirty days from the entry of this Judgment,
7 which shall acknowledge and relinquish any and all right, title and interest in said
8 real property.

9
10 6) PERSONAL PROPERTY DISTRIBUTION: Petitioner shall be
11 awarded the following personal property free and clear of any interest in
12 respondent:

13 a. 2006 Passat and shall pay the OnPoint loan thereon and hold
14 respondent harmless from any liability therefrom.

15 b. 5TH Wheel and shall pay the US Bank loan thereon and hold
16 respondent harmless from any liability therefrom.

17 c. All the personal property presently in her possession including
18 but not limited to all household effects.

19 d. The following bank accounts: Wells Fargo joint checking
20 account #6920, Wells Fargo Money Market joint savings account #4722, Wells Fargo
21 checking account #9944 and Wells Fargo savings account #5937.

22 e. Long-term care policy with Bankers Life Insurance and pay the
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Page 4. GENERAL JUDGMENT OF DISSOLUTION OF MARRIAGE

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EXHIBIT "1"
PAGE 4 of 11

1 premiums thereon.
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3 Respondent is awarded the following personal property free and clear of any
4 interest in respondent:

5 a. Jet boat, the proceeds of the drift boat and flatbed trailer sales

6 b. All the personal property presently in his possession or being
7 held by third parties for his benefit.

8 c. Wells Fargo checking #2466, Wells Fargo checking #6887, Wells
9 Fargo Money Market savings #5067, and any funds being held by his brother or
10 sister-in-law in the US Bank account in the name of Peggy Petersen, account #1523.

11 d. All right title and interest in the Protective Life Insurance term
12 life insurance policy #5787, and any life insurance benefits through Met Life, and
13 pay the premiums thereon effective February 13, 2014.

14 e. Long-term care policy with Bankers Life Insurance and pay the
15 premiums thereon.

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18 7) RETIREMENT ACCOUNTS:

19 a. Petitioner is awarded the following retirement accounts free and
20 clear of any interest in respondent:

21 1. ING Deferred Compensation account #6890.
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2 2. RBC Traditional IRA #0208.
3 3. All interest in any Public Employees Retirement System
4 accounts consisting of her Tier II and IAP free and clear of any interest in
5 respondent.

6 b. Respondent is awarded the following retirement accounts free
7 and clear of any interest in petitioner:

- 8
9 1. RBC Traditional IRA #0162 and RBC Traditional
10 IRA #1007.
11 2. RBC Traditional IRA #0143.
12 3. D.A. Davidson IRA #9372.
13 4. D.A. Davidson Custodial #4181.

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15 c. As to respondent's Met Life Annuity #7155, each party
16 shall receive one-half of his annuity balance as of February 1, 2014, in the
17 approximate total amount of \$236,667.00, which sum is anticipated to be close to the
18 current market value. This annuity shall be divided, if necessary, by a Qualified
19 Domestic Relations Order. If he is willing to do the QDRO, attorney Daniel Ricks,
20 shall prepare the appropriate documents. Each party shall pay one-half of the
21 QDRO attorney fees and any administration fees to effectuate the division of said
22 annuity. Each party shall promptly pay the attorney fees required by Mr. Ricks to
23 prepare the appropriate documents.
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8) LIFE INSURANCE:

a. As to respondent's Protective Life Insurance term life insurance policy number #U00316980, petitioner shall be designated as the irrevocable beneficiary thereof. The face amount of the life insurance is \$125,000.00. Respondent shall provide proof within thirty days of the entry of this Judgment that petitioner is the irrevocable beneficiary of said policy and take any steps necessary to establish her as irrevocable beneficiary, Protective Life Insurance Company's address is P.O. Box 2606, Gormingham, Alabama 35202.

b. Petitioner shall pay any premiums thereon to maintain the life insurance policy. In the event she no longer wishes to maintain this life insurance policy, then she shall provide respondent thirty-day notice thereof in order to give respondent the opportunity to make the premiums and change the beneficiary designation if he so elects.

c. Pursuant to ORS 107.820(6), petitioner shall provide a certified copy of this General Judgment to be mail to the life insurance company requesting notification when the policy is scheduled to expire, when premium payments have been received or respondent takes any action that would change the beneficiary or reduce the death benefit payable under this policy. Under ORS 107.820(6), the life insurance company shall notify petitioner when the policy is scheduled to expire,

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1 when premium payments have been received or the insured takes any action that
2 would change the beneficiary or reduce the death benefit payable under this policy.
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4 9) DEBTS: Each party shall pay any debts incurred by them since the
5 separation of the parties on March 12, 2012, and hold the other party harmless from
6 any liability therefrom.;

7 a. Petitioner shall pay the Wells Fargo VISA #4002 and hold
8 respondent harmless from any liability therefrom.
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10 b. Respondent shall be responsible to pay any reimbursement
11 owed to the Social Security Administration and hold petitioner harmless from any
12 liability therefrom.

13 c. Each party shall be responsible for the payment of any state and
14 federal income taxes obligations commencing tax year 2013, and hold the other party
15 harmless from any liability therefrom. Each party shall reserve the right to file
16 married, separate tax returns.
17

18 10) ATTORNEY FEES AND COSTS:

19 a. Petitioner shall have judgment against respondent in the
20 amount of \$10,000.00 on account of her attorney fees and Court costs incurred.
21 This judgment shall be paid within thirty days from the date of the Judgment with
22 no interest. If the \$10,000.00 is not paid within thirty days, then interest at the rate of
23 9% shall per annum shall accrue until paid.
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2 b. Otherwise, each party shall pay their own attorney fees, court
3 costs, appraisal fees and any other litigation expenses.

4 11) BENEFICIARY DESIGNATIONS: Any designation of the now
5 former spouse as a beneficiary of any benefit, including but not limited to,
6 retirement benefits, IRA accounts, life insurance policies, annuities, or other assets
7 where a party is able to designate a beneficiary to receive the proceeds of that asset
8 upon the death of that party, which was in place on or before the date of this
9 Judgment shall be deemed to have been revoked, except as specifically awarded
10 otherwise in this General Judgment of Dissolution. The benefit shall be paid to the
11 secondary or contingent beneficiary, or if no beneficiary is named, then to the
12 decedent's estate. The surviving former spouse shall cooperate with the decedent's
13 estate in assuring this directive is completed, specifically including the affirmative
14 responsibility to disclaim, in writing, and within nine months of the date of death to
15 assure that the surviving spouse does not receive any benefit as a result of the
16 decedent's failure to modify the beneficiary designation of the above-described
17 assets.
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21 Any provision in any trust created by or for the benefit of a party which is
22 now in force and effect which benefits the former spouse shall be deemed revoked,
23 and the trust shall be interpreted as if the former spouse did not survive the
24 decedent.
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MONEY AWARDS
Information for Money Awards

Judgment Creditor : LINDA LEE PETERSEN
Address : 21941 S. Larkspur Avenue
Oregon City, Oregon 97045

Creditor's Attorney : Arthur B. Knauss
294 Warner Milne Road
Oregon City, Oregon 97045
Office: (503) 659-5337

Judgment Debtor : ROBERT GARY PETERSEN
Address : Two Rivers Correctional Institution
82911 Beach Access Road
Umatilla, Oregon 97882

Year of Birth : 1947
Driver's License No. : OR 000-8167
Social Security No. : 000-00-9008
Employer : Confidential

Debtor's Attorney : William J. Hedges
2647 SE Lake Road
Milwaukie, OR 97222
Office: (503) 650-8303

MONEY AWARD - (1)
ATTORNEY FEES/COSTS : Petitioner is awarded a money award
against respondent in the amount of \$10,000.00

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1 Pre-judgment interest owed : None
2 Information as to interest that accrues on the Judgment after entry in the register:
3 Post-judgment interest rate : 9% per annum
4 Interest type : Simple
5 The Balance Upon Which
6 Interest Accrues : Upon any unpaid amounts
7 The Date From Which
8 Interest on Each Balance Runs: Thirty (30) days from the entry of this Judgment

9 DATED this 7th day of March, 2014.

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11
12 Hon. Susie L. Nrbay
13 Circuit Court Judge

14 PREPARED AND SUBMITTED BY:

15 APPROVED AS TO FORM:

16 Arthur B. Knauss
17 ARTHUR B. KNAUSS, OSB #731700

18 William V. Hedges
19 WILLIAM V. HEDGES, OSB #812581

20 In the Matter Of The Marriage Of:
21 LINDA LEB PETERSEN and
22 ROBERT GARY PETERSEN
23 CASE NO: DR 13-05-0728