

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

Anne RODGERS,  
*Plaintiff-Appellant,*

*v.*

CANBY POST NO. 122,  
THE AMERICAN LEGION,  
an Oregon public benefit corporation,  
*Defendant-Respondent.*

Multnomah County Circuit Court  
16CV42404; A165526

Marilyn E. Litzenberger, Judge.

Argued and submitted August 30, 2018.

Jon M. Egan argued the cause for appellant. Also on the briefs was Jon M. Egan, PC.

J. Ryan Adams argued the cause and filed the brief for respondent.

Before Ortega, Presiding Judge, and Garrett, Judge, and Powers, Judge.

PER CURIAM

Reversed and remanded.

**PER CURIAM**

Plaintiff appeals a supplemental judgment awarding attorney fees and costs following plaintiff's acceptance of defendant's ORCP 54 E offer of compromise. The parties do not dispute that they had achieved a compromise as to fees and costs that was submitted to the trial court. However, the trial court appears not to have recognized that the judgment submitted by plaintiff reflected their compromise, even though the judgment so indicated and the fact of the compromise was otherwise communicated to the court in waiving hearing on the matter. Instead, the court awarded fees and costs at a level lower than what the parties had agreed.

In these circumstances, a stipulated agreement entered into the record constitutes a binding contract that "leaves nothing for the court to do but to enter what the parties have agreed upon." *Benavente v. Thayer*, 285 Or App 148, 156, 395 P3d 914 (2017) (citations omitted). Accordingly, the court should have entered judgment in accordance with the parties' agreement. Therefore, the supplemental judgment must be remanded for the entry of such a judgment.

Reversed and remanded.