

REPORT TO THE MEMBERSHIP - EH SPARKS TRIAL DECISION UPDATE

Reported September 20th, 2020

Monday morning, August 17th, 2020 Judge Hillman provided her decision in writing prior to the scheduled 2:30 p.m. hearing in Jefferson County Circuit. Subsequently the hearing was cancelled. In the letter the court tried to buttress its opinion finding a road which provides better framing for the appeal process. Plaintiff's first claim for Relief for Declaratory judgment against all Defendants that no public road exists within TRRA and fourth claims for relief to quiet title were denied. Association Counsel immediately provided draft judgments to the Defendants for process.

On Monday, August 27th, 2020 counsel filed Plaintiff's Notice of Appeal with the State of Oregon Court of Appeals and Plaintiff's Undertaking for Cost in Jefferson County Circuit Court for the anticipated Judgments to be filed by the Defendants. That same day County Counsel Tim Elliott sent an email to the Plaintiff and DeMonte suggesting settlement and mediation. Association counsel responded appropriately.

On September 1st, 2020 Association counsel filed an Objection to Defendant Jefferson Counties Statement of Costs and Disbursements. No reply from the court yet. The next day counsel received a Settlement Conference Request from the Court of Appeals. On September 11th, 2020 counsel provided a response stating settlement would not be successful unless Defendant DeMonte would take a reasonable position. That same day, Defendant DeMonte submitted yet another simply unreasonable offer.

On September 16th, 2020 counsel received a request and quote to prepare file transcripts for the Appellate Court case. The Board of Directors approved the request during a Special Meeting on Saturday, September 18th.

On September 17th, 2020, Association counsel received an email from county counsel that the DeMonte Family Trust had filed a Road Maintenance Request with Jefferson County Public Works Department on September 9th.

On September 18th, 2020 Association counsel sent a letter to the Jefferson County Commissioners and Public Works Director condemning and requesting denial of the application.

In August, the Association began discussions with the property owners directly affected by the alleged EH Sparks Road. Since the trial courts finding's, the Associations desire has been to file an additional Petition for Vacation of the alleged road within TRRA in Jefferson County. The Board is pleased to announce that the firm of Jordan Ramis PC is representing the Allen Trust (Anderson parcel), Fuchs and Brant's who will be filing a Petition for Vacation this next week.

Further information will be provided when available. Updates and filings can be found on the Three Rivers Website at www.3rrec.com.