

**Appendix E. “Draft<sup>1</sup>” COURT DECREE FOR PUBLIC ROAD<sup>2</sup> From  
JOSEPHINE COUNTY PUBLIC RECORDS REQUEST: July 3, 2006 - August 5, 2014**  
for Don Marvin Land Use Request  
for Comprehensive Plan (CP) Amendment and  
Zone Change (ZC) From Forest to Residential and WR to RR-5

**Complied by Mike Walker, Standards & Criteria Lead, Hugo Graves Team  
Hugo Neighborhood Association & Historical Society**  
Web Published at Neely & Trimble Historic Cemeteries Plan  
<http://hugoneighborhood.org/hugohomegraves.htm>

**September 20, 2014**

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HuNAHS's Cemeteries & Graves Program Plan  
<http://hugoneighborhood.org/cemeteries.htm>

HuNAHS's Neely & Trimble Historic Cemeteries Plan  
<http://hugoneighborhood.org/hugohomegraves.htm>

**Court Decree for Public Road** (August 25, 2008, pps. 146 - 154)

“In the Circuit Court of the State of Oregon for the County of Josephine”

“Donald L. Marvin & Danelle Marvin, Plaintiffs, vs. Pleasant Valley Cemetery Association, . . .” [and 15 other Defendants, including the heirs and devisees of the Neely and Trimble Historic Cemeteries]

“Case No. 07-CV-0910”

“GENERAL JUDGMENT FOR THE DECLARATION OF A PRESCRIPTIVE AND IMPLIED PUBLIC USAGE ROAD”

“THIS IS NOT A MONEY JUDGMENT)”

“(THIS JUDGMENT HAS BEEN STIPULATED TO BY CERTAIN DEFENDANTS AND A DEFAULT JUDGMENT FOR THE REMAINING DEFENDANTS)”

“. . .”

“IT IS HEREBY ORDERED AND ADJUDGED THAT”

“(a) The road commonly known as Schoolhouse Creek Road/South Schoolhouse Creek Road as described in Exhibit “A” has been used continuously and uninterrupted by the public for a period in excess of ten years.”

“(b) That as a result of the foregoing use of the Schoolhouse Creek Road/South Schoolhouse Creek Road as described in Exhibit “A” constitutes a public road within Josephine County, Oregon by virtue by the implied dedication of same Defendants, their predecessors in title and the predecessors in title of the Plaintiffs and by virtue of the prescriptive easement acquired by the general public.”

“(c) Granting such other relief as this court may deem just.”

“DATED: August 25th, 2008, Thomas M. Hull, Circuit Court Judge”

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1. This “draft” Court Decree for Public Road from Josephine County Public Records Request: July 3, 2006 - August 5, 2014 will be edited as the HGT learns what is important about the decree, after which, it will become the “final” Court Decree for Public Road.
  2. The “draft” Court Decree for Public Road was part of the Josephine County public records request of the JO CO Planning files 35-06-11.00/1600 received by the HGT after a September 3, 2014 meeting resulting in the request.

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