

1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON

3 FOR THE COUNTY OF LINN

4
5 IN THE MATTER OF

Case No.: 19DR03123

6 KYLA MAZHARY-CLARK

7 Petitioner,

PETITIONER'S OBJECTION TO
RESPONDENT JAMIE CLARK'S
MOTION TO VACATE ORDER OF
DEFAULT

8
9 and

10 JAMIE CLARK,

11 Respondent,

12 and

13
14 KENNETH CLARK,

15 Respondent.

16 1.

17 Comes now the above-named Petitioner, Kyla Mazhary-Clark, and objects to Respondent
18 Jamie Clark's Motion to Vacate Order of Default based upon ORCP71(B)(1) and the Declaration
19 of Petitioner filed contemporaneously herein.
20

21 DATED this 14th day of October, 2021.

22
23
24 
25 Kyla Mazhary-Clark
Petitioner

1 CERTIFICATE OF MAILING

2
3 STATE OF OREGON)
4) ss.
5 County of Linn)

6 I, Kyla Mazhary-Clark, hereby certify that I am the Petitioner; that I served the within
7 **PETITIONER'S OBJECTION TO RESPONDENT JAMIE CLARK'S MOTION TO**
8 **VACATE ORDER OF DEFAULT** on Respondent, Jamie Clark, by placing a duly certified copy
9 thereof in a sealed envelope with postage prepaid and deposited in the United States Post Office at
Albany, Oregon, plainly addressed to:

10 Jamie Clark
11 1445 Fruitdale Ave. Unit 322
12 San Jose, CA 95128

13 DATED this 14th day of October, 2021.

14 
15 Kyla Mazhary-Clark
16 Petitioner
17
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1 CERTIFICATE OF TRUE COPY

2 I, Kyla Mazhary-Clark, Petitioner, do hereby certify that I have this day carefully compared the
3 foregoing copy of **PETITIONER'S OBJECTION TO RESPONDENT JAMIE CLARK'S**
4 **MOTION TO VACATE ORDER OF DEFAULT** with the original; that it is a correct transcript
5 therefrom and of the whole thereof.

6 DATED this 14th day of October, 2021.

7 
8 Kyla Mazhary-Clark

9 Petitioner

1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON

3 FOR THE COUNTY OF LINN

4
5 IN THE MATTER OF

Case No. 19DR03123

6 KYLA MAZHARY-CLARK

7 Petitioner,

DECLARATION OF PETITIONER

8
9 and

10 JAMIE CLARK,

11 Respondent,

12 and

13
14 KENNETH CLARK,

15 Respondent.

16
17 I, Kyla Mazhary-Clark, being first duly sworn, do depose and say:

18
19 I am the Petitioner in the above-entitled matter.

20 I make this Declaration in support of Petitioner's Objection to Respondent Jamie Clark's
21
22 Motion to Vacate Order of Default in the above-captioned proceeding. The court should deny the
23
24 Respondent Jamie Clark's Motion to Vacate Order of Default because Respondent Jamie Clark
25 did not fulfill the requirements of and does not comply with ORCP 71(B)(1).

1 First, the motion was not made within a reasonable time and therefore is not allowed.

2
3 ORCP 71(B)(1) states that the court may relieve a part from judgment for:

4 (a) mistake, inadvertence, surprise, or excusable neglect;

5
6 (b) newly discovered evidence which by due diligence could not have been discovered in
7 time to move for a new trial under Rule 64 F; or

8
9 (c) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or other
10 misconduct of an adverse party.

11
12 ORCP 71(B)(1) also states that a motion to vacate shall be made within a reasonable time,
13 and “*for reasons (a), (b), and (c) not more than one year after receipt of notice by the moving party*
14 *of the judgment* (emphasis added).” Respondent Jamie Clark is the moving party and is asking the
15 court to vacate the order based on (a), (b) and/or (c). The actual notice of entry of judgment was
16 entered on August 15th, 2019, approximately 26 months from today’s date. Respondent Jamie
17 Clark admits having notice of the judgment at least by March 18th, 2020 in the Motion for Order
18 to Vacate Order of Default and her Declaration in Support of the Motion for Order to Vacate
19 Order of Default, filed in this matter on June 24th, 2021. Therefore, Respondent Jamie Clark
20 acknowledges notice of the judgment at least by March 18th, 2020, 18 months prior to the date of
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25

1 filling of this Motion for Order to Vacate Order of Default on October 2nd, 2021. The motion was
2
3 not made in a reasonable amount of time because it was made 26 months after actual notice and 18
4 months after acknowledgement of notice by Respondent Jamie Clark, well after the one-year
5 requirement outlined by ORCP 71(B)(1).
6

7 Second, Respondent Jamie Clark has not filed a Response and Respondent's Motion to Set
8
9 Aside is not accompanied by a Response, as required by ORCP 71(B)(1).

10 Third, service of the Motion for Order to Vacate Order of Default was not properly made
11
12 pursuant to ORCP 7(C)-(G).

13 Fourth, Respondent Jamie Clark has not alleged or proven in her motion any basis for the
14
15 court to vacate the Order of Default in this matter. Respondent Jamie Clark did not allege or
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17 prove mistake, inadvertence, surprise, or excusable neglect, newly discovered evidence, fraud,
18
19 misrepresentation, or other misconduct of an adverse party. Respondent Jamie Clark has not
20
21 alleged or proven that the judgment is void or has been satisfied, released, or discharged, or a prior
22
23 judgment upon which it is based has been reversed or otherwise vacated.

24 Fifth, Respondent Jamie Clark threatened Petitioner, moved overnight, blocked Petitioner
25
on all social media platforms and the telephone when the Petitioner's process server attempted

1 service of the Petition, as described in the Motion to Serve Respondent Jamie Clark by Posting
2 and Affidavit of Attempted Service, submitted April 23rd, 2019, attached hereto as Exhibit 1, and
3
4 by reference herein incorporated. Further, Respondent Jamie Clark submitted proof via her
5
6 Exhibit B, attached hereto as Exhibit 2, and by reference herein incorporated, that she moved from
7
8 the last known address that Petitioner had on February 6th, 2019, two days after removing the
9
10 children from Petitioner's care and blocking all contact with Petitioner. An Order to Serve
11
12 Respondent Jamie Clark by Posting was signed by the Honorable Rachel Kitsson-MaQatish on
13
14 April 25th, 2019 after multiple attempts to locate Respondent Jamie Clark. Once service by posting
15
16 was accomplished, and Respondent Jamie Clark did not respond, an Order of Default of
17
18 Respondent Jamie Clark was signed by the Honorable Rachel Kitsson-MaQatish on June 25th,
19
20 2019. All proper legal procedures were followed in obtaining the Order of Default in this matter.

21
22 Petitioner continued to search for the minor children from the date Respondent Jamie
23
24 Clark took them from Petitioner's care. Once the General Judgment of Psychological Parent
25
Custody was signed on August 14th, 2019, Petitioner had the opportunity to file a Motion for
Order of Assistance, however, Petitioner declined to do so for two reasons: (1) Petitioner was still
unable to locate the children due to Respondent Jamie Clark's frequent changes of address and

1 blocking Petitioner on all social media platforms and the telephone, and; (2) Once Respondent
2
3 Jamie Clark reached out in January 2020 and asked Petitioner, once again, to care for the children,
4
5 Petitioner did not want to put the children through any additional trauma by getting an Order of
6 Assistance.

7 Respondent Jamie Clark complains in her Motion to Vacate Order of Default, filed on
8
9 October 1st, 2021, that she was “never served with the documents” when Petitioner used all
10 possible legal avenues to attempt to serve her and she hid from service for months. Further,
11
12 Respondent Jamie Clark acknowledges notice of the judgment at least by March 18th, 2020.

13 Sixth, Respondent Jamie Clark claims that on “March 19th, 2020” she went to Petitioner’s
14
15 home to retrieve the children after resolving the “stalking situation.” As evidenced by Respondent
16
17 Jamie Clark’s own messages, the “stalking situation” was not the reason Respondent Jamie Clark
18 asked Petitioner to care for the children again, see Exhibit 3, attached hereto and by reference
19
20 herein incorporated. Further, not only was Petitioner not aware that Respondent Jamie Clark
21 wanted to retrieve the children, the “stalking situation” was not resolved, see Exhibit 4, attached
22
23 hereto and by reference herein incorporated. Moreover, Respondent Jamie Clark did not file
24
25 anything with the courts at that time to attempt to regain custody of the children, see Exhibit 5,

1 attached hereto and by reference herein incorporated. Instead, Respondent Jamie Clark waited 26
2
3 months after the General Judgment of Psychological Parent Custody was signed in this matter to
4 attempt to set aside the judgment.

5
6 Seventh, Respondent Jamie Clark claims that Linn County does not have jurisdiction,
7 however, at the time the Petition for Psychological Parent Custody was filed, and to the best of
8
9 Petitioner's knowledge, the children were living in Linn County, Oregon, therefore Linn County
10 was the proper jurisdiction. Further, the objection to jurisdiction is improper and untimely.

11
12 Eighth, Respondent Jamie Clark submitted proof via her Exhibits A, B, and D, attached
13 hereto as Exhibit 6, and by reference herein incorporated, that there was a prior existing
14
15 guardianship appointing Petitioner as guardian over the minor children, Sage Clark and Sadie
16 Clark, hereafter referred to as "the children." The children were in Petitioner's sole care from at
17
18 least November 2018 until February 2019 and from January 2020 to present. Respondent Jamie
19
20 Clark submitted proof via Exhibit D that she has fostered, encouraged, and consented to the
21
22 relationship between the children and Petitioner by asking and allowing the children to reside
23 solely at Petitioner's home. Respondent did not ask for Petitioner to "watch" the children but
24 instead Respondent asked Petitioner to take the children to reside solely at Petitioner's home for an
25

1 undetermined amount of time, as shown in Exhibit 7, attached hereto and by reference herein
2
3 incorporated. Further, Respondent Jamie Clark acknowledges in her Declaration of Respondent
4 in Support of Respondent's Motion to Set Aside Default General Judgment of Psychological
5 Parent Custody that the children "lived with Petitioner from November 4th, 2019, through
6 February 4th, 2019." Each of these exhibits are proof that the requirements under ORS 109.119
7
8 were met at the time of filling of the Petition and continue to be met. Therefore, a Motion to
9
10 Vacate should not be granted in this matter.
11

12 Ninth, it is not in the children's best interest to have this order vacated. The children have
13
14 been residing at Petitioner's home with Respondent Jamie Clark's knowledge and consent for
15
16 almost 19 months. The children have strong emotional ties with Petitioner and members of
17
18 Petitioner's family whom they see frequently. Respondent Jamie Clark has participated in some
19
20 video chats, and one in-person visit during that time. While Respondent Jamie Clark has had
21
22 opportunities to be more involved in the children's lives, and has been encouraged by Petitioner to
23
24 do so, she has chosen not to be. Petitioner has been the sole caretaker for the children since January
25
26 2020 and was the children's primary caretaker prior to filling the original petition in this matter. To
27
28 vacate this order would not be in the children's best interest.

1 Finally, Respondent Jamie Clark did not fulfill the requirements of ORCP71(B)(1) by
2
3 filling this motion more than one year after Respondent Jamie Clark's receipt of notice of the
4
5 judgment in this matter, not filing a response with her motion, and not alleging or proving
6
7 mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud,
8
9 misrepresentation, or other misconduct of an adverse party. Petitioner asks that the court deny
10
11 Respondent Jamie Clark's Motion for Order to Vacate Order of Default.

12 I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST
13
14 OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR
15
16 USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY.

17 Dated this 14th day of October, 2021.

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Kyla Mazhary-Clark

Petitioner

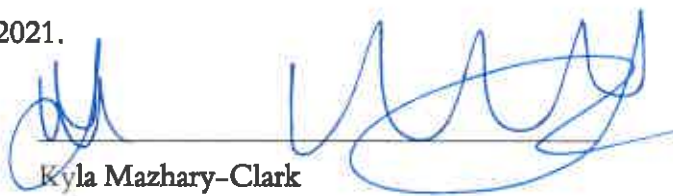
1 CERTIFICATE OF MAILING

2
3 STATE OF OREGON)
4) ss.
5 County of Linn)

6 I, Kyla Mazhary-Clark, hereby certify that I am the Petitioner; that I served the within
7 **PETITIONER'S OBJECTION TO RESPONDENT JAMIE CLARK'S MOTION TO**
8 **VACATE ORDER OF DEFAULT** on Respondent, Jamie Clark, by placing a duly certified copy
9 thereof in a sealed envelope with postage prepaid and deposited in the United States Post Office at
Albany, Oregon, plainly addressed to:

10 Jamie Clark
11 1445 Fruitdale Ave. Unit 322
12 San Jose, CA 95128

13 DATED this 14th day of October, 2021.

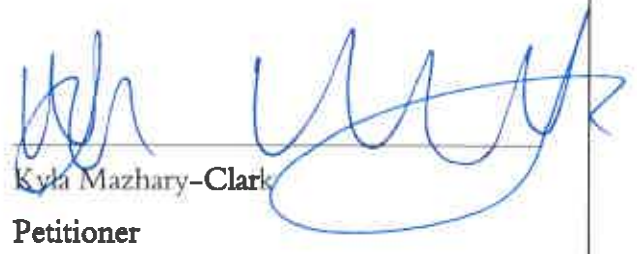
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15 Kyla Mazhary-Clark
16 Petitioner
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CERTIFICATE OF TRUE COPY

I, Kyla Mazhary-Clark, Petitioner, do hereby certify that I have this day carefully compared the foregoing copy of ***PETITIONER'S OBJECTION TO RESPONDENT JAMIE CLARK'S MOTION TO VACATE ORDER OF DEFAULT*** with the original; that it is a correct transcript therefrom and of the whole thereof.

DATED this 14th day of October, 2021.


Kyla Mazhary-Clark
Petitioner

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

In the Matter of:
KYLA MAZHARY-CLARK,
Petitioner,
and
JAMIE CLARK,
Respondent,
and
KENNETH CLARK,
Respondent.

No. 19DR03123
**MOTION TO SERVE RESPONDENT
JAMIE CLARK BY POSTING**

COME NOW Petitioner, Kyla Mazhary-Clark, and moves this Court for an Order allowing service upon Respondent, Jamie Clark, by posting of the attached Summons at the Linn County Courthouse. A copy of the proposed item for posting is attached hereto as Exhibit "A". Petitioner hired Shawn Blehm of SWB Investigation to serve Jamie Clark, and he has not been able to find Jamie Clark in order to serve her.

This motion is based upon the Affidavit of Shawn Blehm attached hereto as Exhibit "B", the Declaration of Petitioner filed herewith, and ORCP 7(D)(6)(a).

DATED this 23 day of April, 2019.


Kyla Mazhary-Clark
Petitioner

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of

KYLA MAZHARY-CLARK,

Petitioner,

JAMIE CLARK,

Respondent,

and

KENNETH CLARK,

Respondent.

Case No. 19DR03123

SUMMONS

(Domestic Relations)

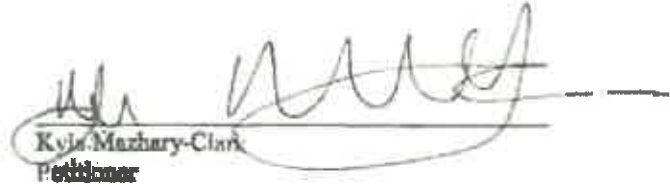
TO: JAMIE CLARK, RESPONDENT

You are hereby required to appear and defend the Petition filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, Petitioner will apply to the Court for the relief demanded in the Petition.

NOTICE TO THE RESPONDENT: READ THESE PAPERS CAREFULLY!


You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be proper form and have proof of service on the Petitioner's attorney or, if the Petitioner does not have an attorney, proof of service upon the Petitioner.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.osbar.org/referral or by calling (503) 254-3768 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-4636.


Kyla Mazhary-Clark
Petitioner

STATE OF OREGON, County of Linn) ss.

I, Kyla Mazhary-Clark, the Petitioner, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.


Kyla Mazhary-Clark, Petitioner

///
///
///
///

Exhibit " 1 "
Page 2 of 8

Exhibit " A "
Page 1 of 3

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this Summons, together with a true copy of the Petition mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this Summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.



Kyle Murray-Clark, Petitioner

Exhibit " 1 "
Page 3 of 8 "

Exhibit " A "
2 of 20 "

[Attach to Summons per ORS 109.103(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS BETWEEN UNMARRIED PARENTS**

**REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH
PROVISION OF THIS ORDER TO AVOID VIOLATING THE LAW.
YOU HAVE THE RIGHT TO A HEARING. SEE INFORMATION BELOW.**

TO THE PETITIONER AND RESPONDENT:

Under ORS 109.103(5) and UTCR 6.000, neither Petitioner nor Respondent may:

Insurance Policies

(1) Cancel, modify, terminate, or allow to lapse for nonpayment of premiums, any policy of health insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries

(2) Change beneficiaries or covered parties under any policy of health insurance that one party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

EFFECTIVE DATE:

The above provisions are in effect immediately upon service of the Petition and Summons on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order by filing with the court the Request for Hearing re: Statutory Restraining Order form specified in Form 6.000.3 in the UTCR Appendix of Forms.

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

In the Matter of:

KYLA MAZHARY-CLARK,
Petitioner,

and

JAMIE CLARK,
Respondent,

and

KENNETH CLARK,
Respondent.

No. 19DR03123

**AFFIDAVIT OF
ATTEMPTED SERVICE**

STATE OF OREGON)
County of Linn))ss.

I, Shawn W. Blehm, being first duly sworn do depose and say that I am over the age of 21 years and a resident of the State of Oregon; that I am not a party to nor an officer, director, or employee of, nor an attorney for either of the parties in the foregoing matter. I am a process server and licensed private investigator in the State of Oregon.

I have attempted numerous times to serve the foregoing Petition For Psychological Parent Custody; Petitioner's Certificate Of Residency; Notice Of Filing Of Confidential Information Form; Petitioner's Application For Temporary Protective Order Of Restraint; Petitioner's Affidavit In Support Of Application And Temporary Protective Order Of Restraint; and Temporary Protective Order Of Restraint in Albany, Linn County, Oregon, upon Jamie L. Clark.

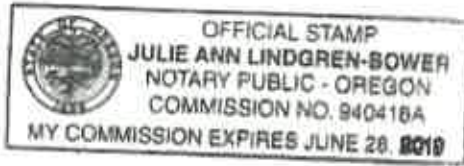
1 I attempted to serve her at her residence, 125 Expo Pkwy NE, Space 26, Albany, OR 97322 on
2 four different occasions. I also contacted her employer, Super 8, in attempt to serve her at work
3 but was informed she had quit. I visited 125 Expo Pkwy NE, Space 26, Albany, OR 97322 in
4 another attempt to serve Ms. Clark but the trailer was no longer at that location., I attempted to
5 call Ms. Clark to attempt to meet her in person but she would not disclose her location or agree
6 to meet.



Shawn W. Blehm

Subscribed and sworn to before me this 23 day of April, 2019, by Shawn W. Blehm.


Notary Public for Oregon



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**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF LINN**

In the Matter of:
KYLA MAZHARY-CLARK,
Petitioner,
and
JAMIE CLARK,
Respondent,
and
KENNETH CLARK,
Respondent.

No. 19DR03123
DECLARATION OF
PETITIONER

STATE OF OREGON }
County of Linn } ss.

I, Kyla Mazhary-Clark, depose and say:
I am the Petitioner in the above matter. I make this declaration in support of Petitioner's
Motion to Serve Respondent Jamie Clark by Posting.
Shawn Blehm of SWB Investigation has attempted to locate and serve Respondent in Linn
County. Mr. Blehm's affidavit is attached to the Motion to Serve Respondent Jamie Clark by
Posting as Exhibit "B."
I am attempting to serve Respondent Jamie Clark with the Summons and pleadings in this
matter but have been unable to locate her. I have attempted to contact Ms. Clark, and her fiancée,
Kayla Turvey, but have received no response besides "Stop contacting me." I am blocked from

1 seeing Ms. Clark or her fiancée's profiles on social media platforms and therefore I am unable
2 to contact Ms. Clark through that avenue. I am not presently aware of her whereabouts, mailing
3 address or how to get in contact with her. I am attempting to serve both Respondents in this
4 matter and I am unable to afford the cost to publish the summons in a newspaper in both Linn
5 and Lane County.

6 Posting the Summons and pleadings in this case at the Linn County Courthouse is the
7 most reasonably calculated method to apprise Respondent Jamie Clark of the existence and
8 pendency of the action.

9 I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST
10 OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE
11 AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY.

12
13 Dated this 23rd day of April, 2019.

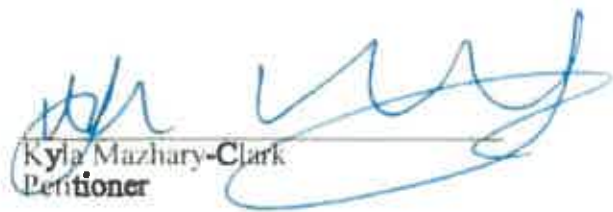
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16 Kyla Mazhary-Clark
17 Petitioner
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Exhibit B

DATE	County/State	With Parent	Address	Children
0-31-2020	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
Present	Oregon		1148 Salem OR 97302	Sadie Clark
22-06-2019	Jackson County	Mother	649 Royal Ave. S.	Sage Clark
01-31-2020	Oregon		328 N. Miller, 97304	Sadie Clark
02-04-2019	Linn County	Mother	125 Expo Parkway NE, Apt 2-6	Sage Clark
202-06-2014	Oregon	Kasey Turvey	Albany OR,	Sadie Clark
11-4-2018	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
202-04-2019	Oregon		1716 Salem OR 97302	Sadie Clark
08-2018	Champaign County	Mother	1600 W Bradley Ave. Apt 201	Sage Clark
02-04-2019	Illinois		Champaign Ill 61821	Sadie Clark
01-2018	Champaign County	Mother	2000 N. Morris Ave.	Sage Clark
10-08-2018	Illinois	Damien Waters	Champaign Ill 61821	Sadie Clark
12-2016	Benton County	Mother	491 N W Hayes Ave. Apt 210	Sage Clark
10-01-2018	Oregon	April Robinson	Corvallis OR 97330	Sadie Clark
26-2016	Lane County	Mother	Veneta	Sage Clark
12-2016	Oregon	Father	Oregon	Sadie Clark

- > Kasey Turvey - Partner/roommate
- > Damien Waters - Roommate
- > April Robinson - friend/roommate

8:29



Jamie Guyor



Yeah, I'm on DayQuil and the hospital brought the fever down so I'm ok right now



DEC 18, 2019, 3:41 PM

I'm all the way up in Medford but I know you miss them and honestly I could use some help. Do you want to take them for a while



DEC 19, 2019, 9:37 AM



Aaaand NM we're all sick now

JAN 20, 2020, 7:43 AM

I'm sorry I haven't gotten back to you in a while. I've had the flu and then a sinus infection and then strep throat. I'm finally functioning again though. How are you? How are the girls?

I miss them so much and of course would love to take them if you need a break.

JAN 20,  8:46 AM



Aa



8:07



Jamie >

Mar 16, 2020, 11:17 AM

Court is out. The judge agreed with me that maxes attempt at serving them counted. They didn't show up so now their is a warrant out for both their arrests

He also said the protection order is in effect and will remain in effect until the 20'th when he will grant me the permanent protection order

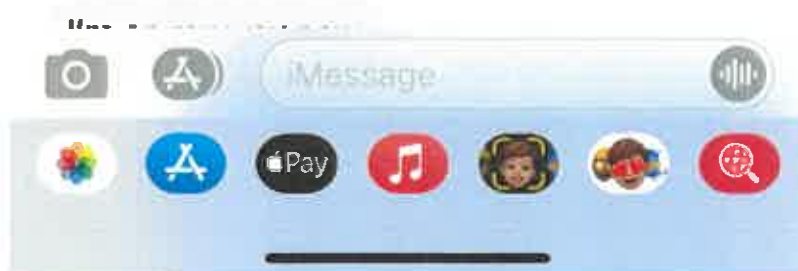
Good! That's the best possible outcome

Mar 18, 2020, 5:07 PM

Hey, my grandparents surprised me with tickets and we're here in town. We're gonna come see the girls tonight, what time works for you?

Mar 18, 2020, 6:11 PM

Did you get my text?



REGISTER OF ACTIONS

CASE NO. 19DR03123

Kyla Mazhary-Clark vs Jamie Clark, Kenneth Clark

§
§
§
§
§

Case Type: **Petition
Custody/Support/Visitation**
Date Filed: **02/14/2019**
Location: **Linn**

RELATED CASE INFORMATION

Related Cases
17DR17271 (Related - Same Family)

PARTY INFORMATION

Petitioner	Mazhary-Clark, Kyla 3442 Liberty Rd. S #48 Salem, OR 97302	Attorneys Pro Se
Respondent	Clark, Jamie 1445 Fruitdale Avenue Unit 322 San Jose, CA 95128	Pro Se Pro Se
Respondent	Clark, Kenneth	Pro Se

EVENTS & ORDERS OF THE COURT

DISPOSITIONS		
08/15/2019	Judgment - General (Judicial Officer: Kitson-MaQatish, Rachel) Created: 08/15/2019 4:44 PM	
OTHER EVENTS AND HEARINGS		
02/14/2019	Petition - Case Initiating <i>Psychological Custody</i> Created: 02/15/2019 10:24 AM	
02/14/2019	Certificate - Residency Created: 02/15/2019 10:24 AM	
02/14/2019	Notice - Filing of CJF Created: 02/15/2019 10:24 AM	
02/14/2019	Motion <i>Protective Restraint</i> Created: 02/15/2019 10:24 AM	
02/14/2019	Service Clark, Jamie Clark, Kenneth Created: 02/15/2019 2:51 PM	Unserved Served 05/15/2019
02/14/2019	Minor Child(ren) in Home Created: 02/15/2019 2:51 PM	
02/24/2019	Order (Judicial Officer: Kitson-MaQatish, Rachel) <i>Protective Restraint</i> Signed: 02/24/2019 Created: 02/25/2019 4:26 PM	
04/19/2019	Notice - Rule 7 - 63 Day <i>Extended an additional 60 days out due to Order for service by posting</i> Created: 04/19/2019 8:36 AM	
04/25/2019	Motion - Service by Posting <i>Jamie Clark</i> Created: 04/25/2019 9:29 AM	
04/25/2019	Motion - Service by Posting <i>Kenneth Clark</i> Created: 04/25/2019 9:29 AM	
04/25/2019	Order - Allowing Service By Posting (Judicial Officer: Kitson-MaQatish, Rachel) <i>Kenneth Clark</i> Signed: 04/25/2019 Created: 04/25/2019 4:34 PM	
04/25/2019	Order - Allowing Service By Posting (Judicial Officer: Kitson-MaQatish, Rachel) <i>Jamie Clark</i> Signed: 04/25/2019 Created: 04/25/2019 4:35 PM	
05/20/2019	Proof - Service <i>Posted 05/15/2019 Courthouse Bulletin Board</i> Created: 05/20/2019 3:23 PM	

Exhibit " 5 "
Page 2 of 2

- 06/24/2019 [Motion - Default Order](#)
Kenneth Clark
Created: 06/25/2019 1:16 PM
- 06/24/2019 [Motion - Default Order](#)
Jamie Clark
Created: 06/25/2019 1:16 PM
- 06/25/2019 [Order - Default](#) (Judicial Officer: Kittson-MaQatish, Rachel)
Signed: 06/25/2019
Created: 06/27/2019 9:00 AM
- 06/25/2019 [Order - Default](#) (Judicial Officer: Kittson-MaQatish, Rachel)
Signed: 06/25/2019
Created: 06/27/2019 9:01 AM
- 07/18/2019 [Notice - Rule 7 - 91 Day](#)
Created: 07/18/2019 11:32 AM
- 07/18/2019 [Proof - Posting Public Notice](#)
Created: 07/18/2019 3:28 PM
- 08/08/2019 [Notice](#) (Judicial Officer: Kittson-MaQatish, Rachel)
of Problems
Sign Date: 08/07/2019
Created: 08/08/2019 1:20 PM
- 08/09/2019 [Motion - Judgment](#)
Created: 08/09/2019 11:21 AM
- 08/15/2019 [Digitized Judgment Document](#) (Judicial Officer: Kittson-MaQatish, Rachel)
Psychological Parent Custody
Signed Date: 08/14/2019
Created: 08/15/2019 4:44 PM
- 08/15/2019 [Notice - Judgment Entry](#)
Created: 08/15/2019 4:45 PM
- 08/15/2019 **Closed**
Created: 08/15/2019 4:46 PM
- 08/24/2021 [Motion - Vacate](#)
Re: Order of Default signed 8/25/19
Created: 08/24/2021 2:10 PM
- 08/24/2021 **Reinstated Case**
Created: 06/25/2021 9:40 AM
- 08/25/2021 [Objection](#)
to Motion to Vacate
Created: 06/25/2021 4:37 PM
- 08/28/2021 [Order - Denial](#) (Judicial Officer: Kane, Brendan James)
Signed: 08/25/2021
Created: 06/28/2021 2:57 PM
- 06/28/2021 **Closed**
Created: 06/28/2021 3:16 PM
- 10/02/2021 [Motion - Vacate](#)
Re: Order for Default signed on 8/14/19
Created: 10/04/2021 8:09 AM

FINANCIAL INFORMATION

Petitioner Mazhary-Clark, Kyla			
Total Financial Assessment			342.50
Total Payments and Credits			342.50
Balance Due as of 10/13/2021			0.00
02/15/2019	Transaction Assessment		287.00
02/15/2019	xWeb Accessed eFile	Receipt # 2019-152121	(287.00)
01/30/2020	Transaction Assessment		6.50
01/30/2020	Counter Payment	Receipt # 2020-06279-TP	(6.50)
03/20/2020	Transaction Assessment		13.00
03/20/2020	Counter Payment	Receipt # 2020-17066-TP	(13.00)
07/29/2021	Transaction Assessment		36.00
07/29/2021	Counter Payment	Receipt # 2021-30939-TP	(36.00)

Exhibit A.1 1:47 PM View details

Here is the paperwork we signed. I have also attached the website (that I sent you in the past) which explains that, for the type of guardianship I have, you do not need to go to court. I will see you at 6pm.

<https://www.illinoislegalaid.org/legal-information/getting-guardianship-child-0>

Signed
Guardianship - Sa...

 PDF

Signed
Guardianship - Sa...

 PDF



Short-term guardian

A short-term guardian is responsible for the child for **one year or less**. The parent or guardian picks the short-term guardian. The parent or guardian does not need to go to court, but the agreement must be in writing.

The agreement must be witnessed by at least 2 people who are at least 18 years old. A witness cannot also be the person trying to be the short-term guardian.

The short-term guardianship can't last for more than one year. The written agreement should state the exact date the guardianship ends. Or, the agreement can state that the guardianship ends if an event happens. For example, if the parent returns from active military duty.

A parent or guardian can end the short-term guardianship at any time, even before the end date stated on the written agreement.

The short-term guardian does not have to be related to the child. Only one short-term guardian can exist at any one time.

If the child has assets, such as property or money, a short-term guardian will not have control over these. For a guardian to control these assets on the child's behalf, a plenary guardianship is needed.

What can a guardian decide?

A guardianship ~~can be of the person or of the~~ 

Today 4:51 PM

Ok, so you sent that to my old email account the new one is Oregon.pixie@gmail.com but I'm glad it came through. Aside from the fact that in Oregon you need filed paperwork to take temporary guardianship the website you are going off of states that a parent can end the guardianship at any time so we are done with this conversation. Do not show up or I will call the police, if you want to continue to attempt to take my children from me you need to file the paperwork so we have something to work with... otherwise you are not a legal temporary guardian and need to not contact me again. And as I stated, the paperwork expires November 4th of 2019 if not before then and needs to be filed to be valid. Have a good night.

A short-term guardian is responsible for the child for



...



Exhibit B

DATE	County/State	With Parent	Address	Children
0-31-2020	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
02-06-2019	Oregon		1148 Salem OR 97302	Sadie Clark
01-31-2020	Jackson County	Mother	649 Royal Ave. S.	Sage Clark
02-04-2019	Oregon		328 Madison OR 97504	Sadie Clark
02-04-2019	Linn County	Mother	125 Expo Parkway NE, Apt 2-6	Sage Clark
02-06-2014	Oregon	Kasey Turvey	Albany OR	Sadie Clark
11-4-2018	Marion County	Petitioner	3442 Liberty Rd. S.	Sage Clark
02-04-2019	Oregon		1148 Salem OR 97302	Sadie Clark
08-2018	Champaign County	Mother	1600 W Bradley Ave. Apt. 2-10	Sage Clark
02-04-2019	Illinois		Champaign IL 61821	Sadie Clark
01-2018	Champaign County	Mother	2000 N Morris Ave	Sage Clark
10-08-2018	Illinois	Damon Waters	Champaign IL 61821	Sadie Clark
12-2016	Benton County	Mother	491 N W Hayes Ave Apt 210	Sage Clark
10-01-2018	Oregon	April Robinson	Corvallis OR 97330	Sadie Clark
06-2016	Lane County	Mother	Veneta	Sage Clark
12-2016	Oregon	Father	Oregon	Sadie Clark

-> Kasey Turvey - Partner/roommate

-> Damon Waters - Roommate

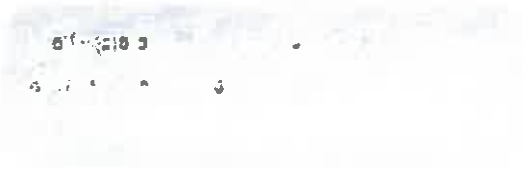
-> April Robinson - friend/roommate


 **Kyla Mazhary-Clark**
Active 2h ago

When were you thinking of having me pick them up? I can keep them for as long as they need. I've got everything set up for them still.



 What day next week




 Let me check but that should work.



Of course. I've missed them so much!

Can you send me their current sizes and anything else I should know?

 Do you have current vaccinations you could send a copy of?



10:42



Kyla Mazhary-Clark

Active 2h ago

DEC 18, 2019, 3:09 PM



You did????



DEC 18, 2019, 3:41 PM

I'm all the way up in Medford but I know you miss them and how they could use some help. Do you want to take them on a trip?

DEC 19, 2019, 9:37 AM

Aaaand NM we're all sick now

JAN 20, 2020, 7:43 AM

I'm sorry I haven't gotten back to you in a while. I've had the flu and then a sinus infection and then strep throat. I'm finally functioning again though. How are you? How are the girls?

I miss them so much and of course would love to take them if you need a break.



JAN 20, 2020, 8:46 AM



Aa



10:41



Kyla Mazhary-Clark
Active 2h ago



Is everything ok

DEC 18, 2019, 3:09 PM



You did????

I'm ok right now

DEC 18, 2019, 3:41 PM

Not all the way up is...
know from miss that...
add use some help...
to take them for a while

DEC 19, 2019, 9:37 AM

Asaand NM we're...

JAN 20, 2020, 7:43 AM

I'm sorry I haven't gotten back to you in a while. I've had the flu and then a sinus infection and then strep throat. I'm finally functioning again though. How are you? How are the girls?



Aa



5:59



Jamie >

Jan 22, 2020, 2:57 PM

AWWWW

Oh that reminds me, you should probably get Sadies crib turned into a toddler bed now

Yeah I was going to try to figure out how to do that this weekend lol how has she been with a big girl bed?

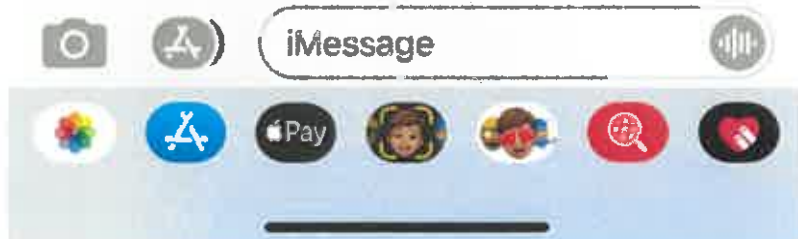
She's been in one for about half the year

So I was thinking since I have had them for a year I think it's fair if you take them for a year too... If you want them that long

Yes I'd love to!! 🍷

Sounds like a plan then

Are you going to stay down in Medford? Or are you planning to move?



8:48



Jamie >

Wed, Mar 24, 3:49 PM

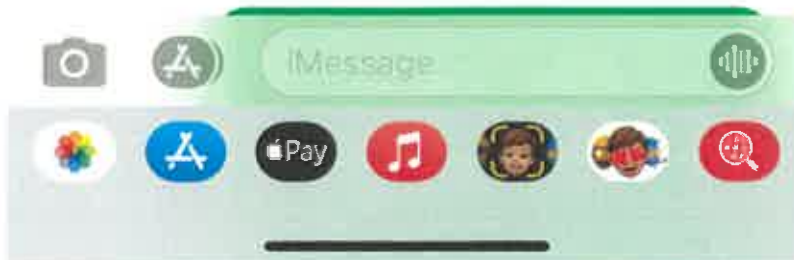
I just saw the email with the parenting plan earlier. I understand the idea of it and that is okay with me, I would However like to go over a few things. Do you have time tonight after the girls go to bed to pull it up with me and look over it to maybe find a version of it we both agree on?

Wed, Mar 24, 7:02 PM

Hey, I don't have time to talk tonight but that sounds like a good idea. When's your next day off?

Oh and the Amazon package arrived. I figured the girls could open it with you the next time you call

I'm switching to days Thursday Wednesday and Friday so I'm available after 6:30pm those days and should be available most other days



1:06



Jamie >

Tue, Oct 6, 1:20 PM

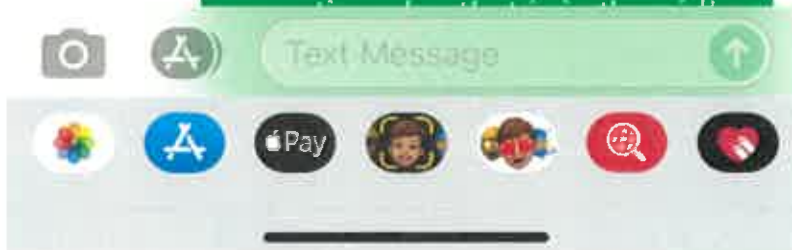
I'm wondering about the parenting plan and how that will work with the girls in school... I was thinking maybe every other weekend like we originally planned maybe Friday night after school to Sunday afternoon? After I finish the parenting class and psychological report I mean...

The parenting class recommends a mediator and a parenting plan that can be adjusted as time with the help of the mediator to better fit the schedule and need of the kids

Do you think a mediator would help us?

Wed, Oct 7, 12:34 PM

Yeah, I think a mediator is a good idea. I also think we should construct a parenting plan based on the recommendation from the girl's counselor because it's important that we create a



1:07



Jamie >

Wed, Oct 7, 12:34 PM

Yeah, I think a mediator is a good idea. I also think we should construct a parenting plan based on the recommendation from the girl's counselor because it's important that we create a parenting plan that is in the girl's best interest.

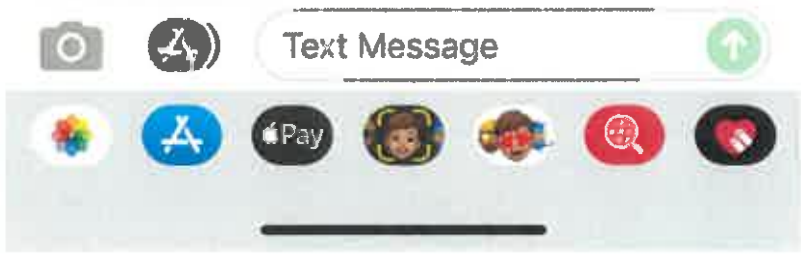
I agree that we need to keep the girls best interest the foundation of the parenting plan. Taking both the mediator and counselor into consideration for building it is a good idea.

I have never met their counselor. Do you think we can arrange an appointment that we both go to so I am able to meet them?

Wed, Oct 7, 2:51 PM

Yeah let me talk to her and see if we can do that!

Sounds good



1:18



Jamie >

friend in Medford that his apartment along with half the town are still either burning or gone

Thu, Sep 10, 6:48 AM

Okay, I'm glad you're safe! How long are planning on staying in Mississippi? Are you moving there?

That depends on how long fire burns and if we have anywhere to come back to

New fires are starting on I5 into Medford so we will see

That's so scary. Okay. Keep me updated. The girls and I are staying at my parents for now. I'll let you know if that's changes.

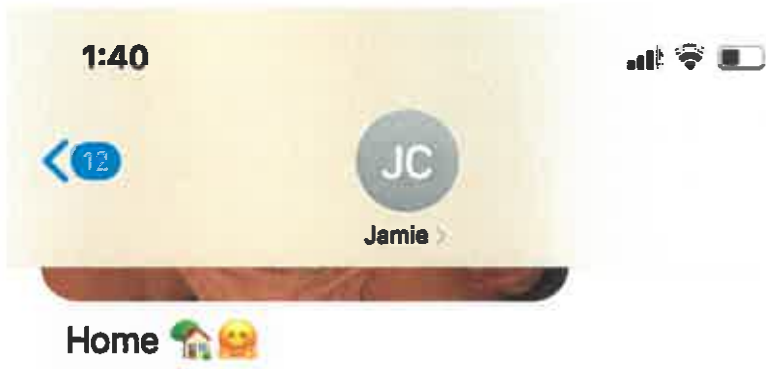
Okay stay safe and keep them safe

Of course 🍏



Text Message





Cuties 🍷

Oct 8, 2018, 9:25 PM

How's homework going

Sent as Text Message

Text Message
Oct 9, 2018, 5:15 AM

video3gpp_0.3gp

Do you want to adopt someday?

iMessage

Haha yes

Sent as Text Message

Text Message

Yay 😁

