

Marion County Board of Commissioners
Marion County Courthouse
Salem, Oregon

Re: Change County Road No. 940
to HUNSAKER ROAD, S.E.
Hearing November 5, 1975

Historical Comments

In the wagon train of 1847, Joseph Hunsaker (born July 4, 1799 in Kentucky) and his wife, Elizabeth Jane King (born Nov. 19, 1804) with their son, Thomas Howard Hunsaker (born Sept. 28, 1824) came to Oregon in a covered wagon and homesteaded in Marion County, No. 1032. In 1858 Thomas Howard Hunsaker purchased the adjacent homestead of Samuel Field, No. 1031. A large part of the subject road runs between these two homesteads. See map attached.

While we cannot be certain, it was likely the Hunsakers helped build and maintain this road and in all probability gave the right-of-way for this road with no compensation to them as they did for the railroad when it came through in 1869. According to some long-time residents of the area the road was known as Hunsaker Road. All of these pioneers are buried on the property in the Hunsaker Cemetary.

Thomas Howard Hunsaker's son, George Washington Hunsaker, and his wife Martha lived on the property most of their life, moving into Turner in their later years and they are buried in the Twin Oaks Cemetary near Turner. Their son Bob (Robert) Hunsaker, a well known sheep farmer, lived on the farm until after World War II. Another son, Howard, was raised on the farm and was one of the very early rural route carriers for the Turner area. After his retirement of the State, he went to the farm almost daily until his death in 1968. He is buried in Cloverdale Cemetary about one mile from the farm. His son, Morris Hunsaker, still owns ninety-six acres of the farm.

Recently the County started changing county roads from numbers to a name system. Public hearings were held by Turner Postal Service and the Turner Volunteer Fire Department on naming of these roads. Evidently at the meeting of June 5, 1974 it was agreed by this committee that name of road should be Hunsaker (Hunsacker) and that this name would be forwarded to the Marion County Commissioners for their approval. (See enclosed map and letter.) Apparently sometime after that meeting and the time the information reached the Board of Commissioners, the name had been changed. However the minutes of the committee do not reflect any meeting to change the name nor does Louis Hennies, advisor on the committee, recall of any communications that there ever was another meeting. Therefore one wonders how the name was changed.

In conclusion, it would seem appropriate to name the road after those pioneers who originally settled area and who probably constructed, maintained and gave road to county.

SCALE 2 IN = 1 MILE

MARION

CO'S. ORE.

METSKEF

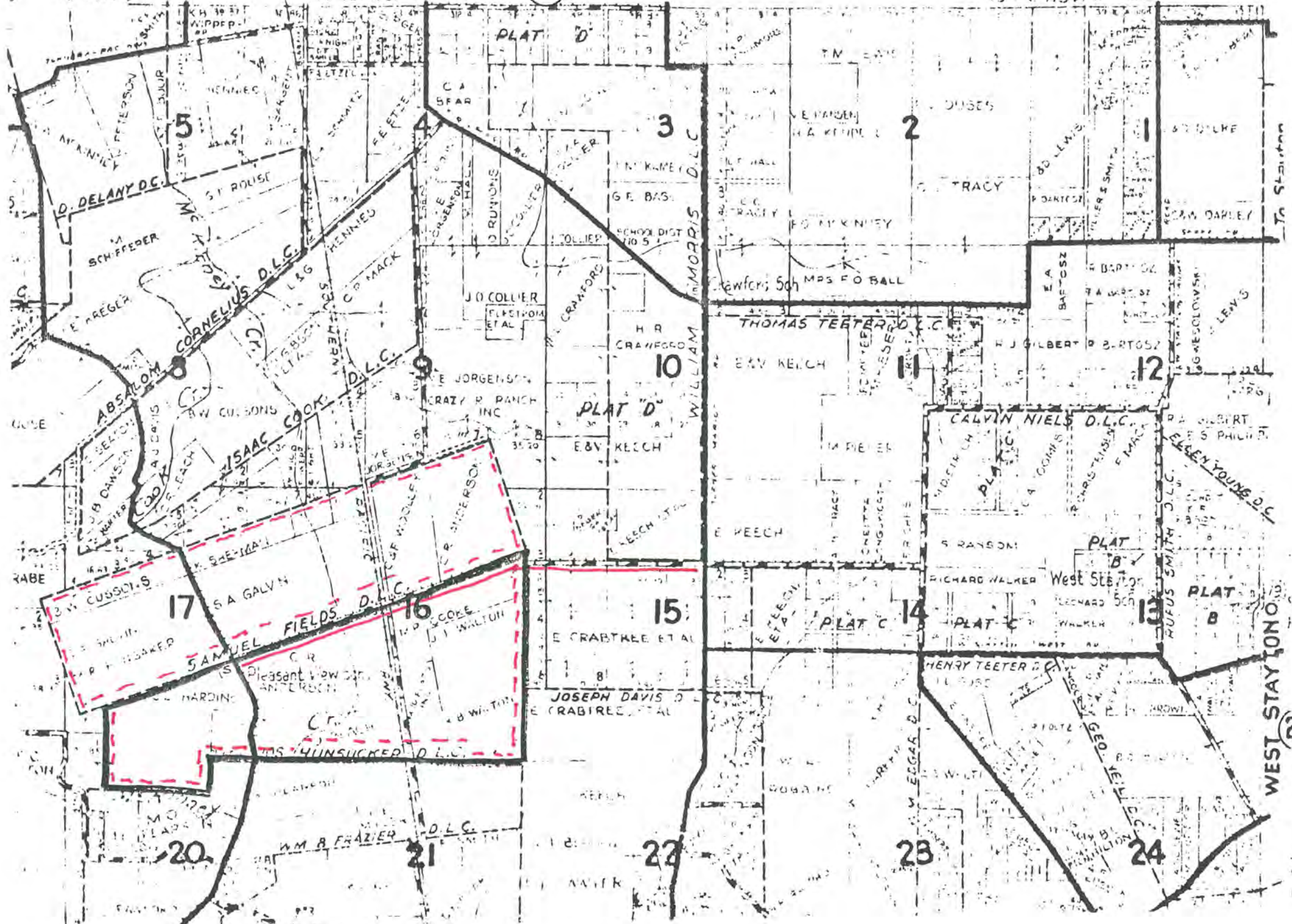
222 THIRD AVE. S.
60 FIFTH ST. W.

To Turner

To Turner

To Arnsville

(17)



PROPOSED ROAD NAMES

TURNER-MARION ADDRESS CONVERSION AREA

For

TURNER FIRE DEPARTMENT & TURNER POST OFFICE

As Corrected at
the Meeting of
June 5, 1974

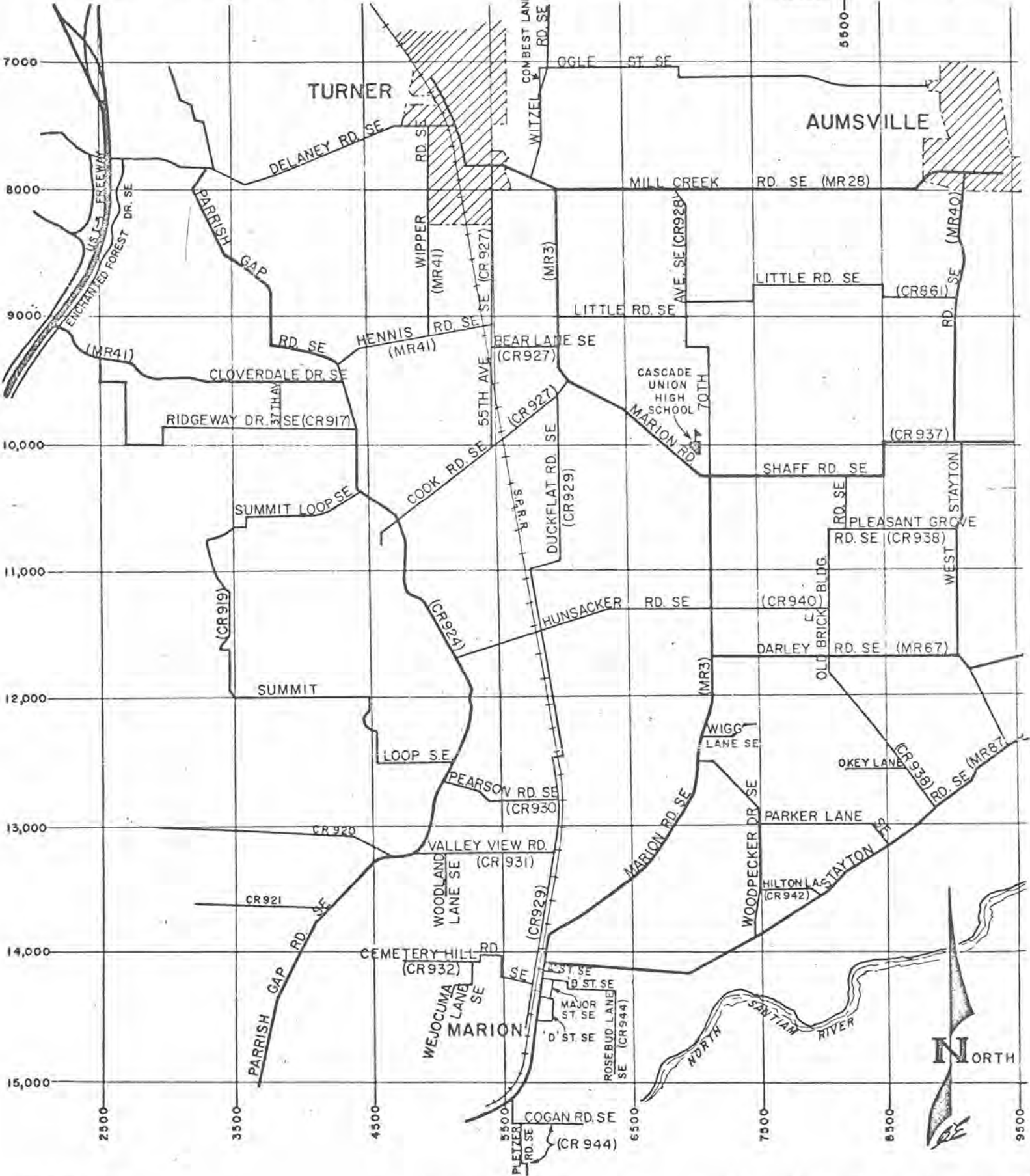
Basic

Numbering Grid

Section Lines

12,000

5500



TO: Residents of the Turner-Marion Area.

FROM: Turner U. S. Postal Service and Turner
Volunteer Fire Department.

At the Public Hearing for conversion to street addresses from rural routes, several street name changes were adopted.

Therefore the map on the reverse side has been corrected and is being sent to all area residents in an effort to keep you informed.

The adopted street naming and numbering policy will now be forwarded to the Marion County Commissioners, for their approval.

If you should have any further questions regarding the new system call Chuck Roberts after 5:00 p.m. - 743-2313 or Dick Bates - 743-2873.

The Oregon Statesman

FOUNDED 1851

"No Favor Sways Us; No Fear Shall Awe."— from first Statesman, March 28, 1851

Charles A. Sprague—Editor and Publisher—1929-1969

Safety Valve



Hunsaker Name Change Protested

To the Editor:

Recently I notice Marion County has been busy placing signs up on the county roads. How interesting that Hunsaker Lane now is called Lucas after a "comparative newcomer" to this area. It was my pleasure to have lived on property bordering this lane for 18 years, and I have used this lane nearly a half century.

Whether this is official or unofficial, such action is offensive. This lane which connects Parish Gap Road and the Marion Road was plied by the great-great-grandparents of the present generation. The pioneer Hunsaker Cemetery is located near the head of this lane. The now missing one-room school, Pleasant View, was attended by Walter Miller, Fred Miller, the late Robert Hunsaker and Howard Hunsaker. The late Maude Bones recalled being taken by hand car from Turner to the Hunsaker Lane as a young school teacher. She would then walk the rest of the way up Hunsaker Lane to teach the aforementioned pupils.

The history dates back to an era when grain was hauled by team and wagon by the Hunsakers over this lane to market in Oregon City. One ancestor used the lane as a circuit rider on his rounds to Brownsville.

It would please many of the residents of this area if the county would give this matter some thought and reconsider the name given this lane for the sake of heritage, history and posterity.

Verna M. Teleck,
10135 Parish Gap Road,
Turner, Ore.

We, the undersigned, respectfully request that Road No. 940 in Marion County, Turner area, be named HUNSAKER ROAD, S.E.:

Name	Address
Richard Warner	10423 Summit Lp. SE. TURNER
Mayno E. Warner	10423 Summit Lp S E Turner
Leslie J. Warner	5182 Hennies Rd SE. "
Chas B Wipper	8062 WIPPER Rd S. E.
W. B. Young	R. 1 Box 96 Turner
Wynn B. Kea	6164 Storchell Rd Salem, Or.
Paul Wynmore	7851 Wipper Rd S. E.
Peter P. Shrekkel	17343 Brick. Rd S. E.
Lestruth F. Ficks	5927 Pearson Rd S. E. Turner, Ore
James K. Baker	P.O. Box 32 Marion Pearson Rd.
Raymond Sims	Box Box 154 AUMSVILLE ORE
David K. Baker	Rt. 1 Box 384 Aumsville Ore
Albert Nollen	Rt 2 Box 547 Pearson Rd S. E. Turner
Mr. Mrs. Monty Nollen	Rt 2 Box 547 PEARSON Rd 588 Turner
Henry C. Rusten	5387 Pearson Rd SE. Turner Oregon
Bonnie J. Rusten	5387 Pearson Rd SE Turner Ore
Ira Young	Rt 1 Box 96 Turner, Ore
Elvira E. McKean	12449 Duckflat Rd. - Turner, Ore.
Lisa E. McKean	12449 Duck Flat Rd. Turner, Oreg.
Cahin Beags	Duckflat Rd Turner Oregon
Carl A. Schifferer	10763 Summit Loop S. E. Turner
Leda H. Schifferer	10763 Summit Loop S. E. Turner
Robert Schifferer	10763 Summit Loop S. E. Turner Ore
John A. Dawson	10933 Summit Loop S. E. Turner
Mae E. Kruger	10475 Parrish Lap Rd. S. E.

We, the undersigned, respectfully request that Road No. 940 in Marion County, Turner area, be named HUNSAKER ROAD, S.E.:

Name	Address
Jeanne Devine	12026 Parrish Gap Rd
Blanche H. Dawson	10933 Summit Loop S. E.
Jacqueline Mollgaard	4076 Cloverdale hlv. SE
Gina L. Rouse	10434 Summit Loop SE
Lorita T. Rouse	10434 Summit Loop SE
Mariane S. Beach	10275 Parrish Gap Rd. S.E.
Dale Beach	10275 Parrish Gap Rd. S.E.
Peter J. Teleck	Parrish Gap Rd S E
Verna M. Teleck	10330 Parrish Rd SE.
Don Vanshberg	10473 Summit Loop SE. TURNER OR.
Ethelwyn Lambury	10473 Summit Loop S.E. Turner
Beryl W. Mink	5927 Pearson Rd - S.E.
Elsie M. Vinton	7610 N.E. Second St - Turner Ore
Donald W. Vinton	7610 NE Second St Turner Ore
Dorothy M. Johnson	5284 Cedar St. N.E., Turner, Oregon
Charles R. Johnson ^{Ret. Deputy}	5284 Cedar St. N.E. Turner, Orego
Walter W. Miller	5460 Cedar S.E. Turner Ore
Margaret A. Miller	v v v v v
Dorothy Nelson	5335 Debeney Turner, Oregon
Shirley Stenkel	P.O. Box 35 Turner Ore.
Lillian Moss	7085 Battle Creek Rd. Salem,
Lavinia A. Thruer	10475 Parrish Gap Rd SE Turner
Chester R. Anderson	12045 Parrish Gap Rd S.E.
Lillie E. Anderson	12045 Parrish Gap Rd. SE
Opal Weinfuter 13095	M L. Weinfuter
	13095 Parrish Gap Rd.

We, the undersigned, respectfully request that Road No. 940 in Marion County, Turner area, be named HUNSAKER ROAD, S.E.:

Name

Address

Mrs Howard W Hunsaker

Salem Oregon

Richard Dowell P

1864 7th St. S. Salem

Waynard C. Brown

1020 Terrace Dr. Salem

W. W. Pinner

3929 Fungo Road S.E. Salem

Samuel R. G. G. G.

11465 Parkish Gap Rd Turner

Walter J. G. G.

11465 Parkish Gap Rd S.E. Turner

Jean S. Hunsaker

3215 Balsam Dr. S. Salem

Morris Hunsaker

3215 Balsam Dr S Salem

Name Changes on Roads Stir Disputes Before Marion Board

By JANET DAVIES

Staff Writer, The Statesman

Street naming sparked a controversy Wednesday before Marion County Commissioners, who found themselves in a dispute over which pioneer family should be recognized in the naming of a rural Turner road.

They also heard complaints from East Salem residents over changing the names of several streets which have been connected to form the East Cordon Route.

Commissioners are being asked to change the name of Lucas Lane near Turner to Hunsaker Road. The name Lucas was designated in Turner's recent rural route conversion plan approved by the county.

Some area residents claim the street has been known to them as Hunsaker

because of pioneers Mr. and Mrs. Joseph Hunsaker, who settled there in 1847 and whose ancestors have maintained the farmland.

"It would seem appropriate to name the road after those pioneers who originally settled the area and who probably constructed, maintained and gave the road to the county," said Richard Warner.

E. B. Lewis said a 1970 county map refers to the road as Lucas, and three generations of the Lucas family have lived there. He added that since the rural route conversion, many residents of the road have gone to a lot of trouble to send out address changes and have acquired new stationary, etc.

Postmaster Richard Bates said he always referred to the road as Cook Road before the conversion, but that it

didn't matter to him what it was called. He did recommend the retention of Lucas Lane because it already has been formally accepted.

Commissioners took the issue under advisement as well as the recommendation from several East Salem residents that the proposed name of East Cordon Route NE be shortened. It would replace Fletcher Road, Bonds Road, 50th Avenue and Holland Drive and portions of Walker Road and Macleay Road.

They maintained the full name would be awkward for letterheads and for listing return addresses on envelopes and suggested the county at least drop the word "East" from the street name.

Some said they preferred naming the

entire route 50th Avenue but they were told that wouldn't work for the whole route because of the street-numbering grid in some places. For example, where the route intersects with Kale Road NE, the house numbers are in a 5300 grid.

In other business, commissioners:

—Set disposal rates for the new Macleay Transfer Station, which replaces the landfill there, at a \$2 minimum for up to one cubic yard of material and \$1 for each additional cubic yard. The maximum is five yards.

—Decided to hire the Bureau of Governmental Research and Service to do a systematic compilation of all the county's ordinances passed over the years to eliminate all obsolete, invalid

and conflicting ordinances and to classify the remaining ordinances. The service will cost \$2,500.

—Transferred \$13,200 from the con-

tingency fund to the sheriff's department for relief and overtime in its legal section. Sheriff James Heenan had requested \$25,000.

Hunsaker vs. Lucas poses a problem for the Marion board

By ALFRED C. JONES
Capital Journal Writer

When Joseph Hunsaker brought his family across the plains with ox teams and covered wagons in 1847 to homestead, he couldn't have guessed the

problems his name would cause in 1975.

For one thing, the Hunsakers became fixtures in what now is the Turner area. His descendants want the name preserved by changing Lucas Lane to Hunsaker Road.

This poses a political problem for the Marion County Commissioners, who had a public hearing Wednesday on the Hunsaker vs. Lucas matter.

A recent effort to give permanent names to rural route box numbers

produced the controversy.

It may be a case of five generations vs. three, with the Hunsakers in the lead, but also a case of possession being nine-tenths of ownership (the name has been Lucas Lane for some time).

Joseph Hunsaker filed for his donation claim of 640 acres 4.5 miles northwest of Turner, the land being part timber and part prairie on which Indian clans still roamed.

He raised grain and stock, built a log house and reared eight children, one of them Thomas Howard Hunsaker, who had a son, George Washington Hunsaker (whose wife was Martha), who had sons Bob and Howard, the latter an early rural route mail carrier.

Richard Warner, 10423 Summit Loop SE, asked the commissioners to change the name "for the sake of history and heritage."

Mrs. Howard Hunsaker said the road always had been known as Hunsaker Road and the family had given right-of-way for roads, railroad and school.

However, E. B. Lewis said a 1970 map called it Lucas Lane, and Postmaster Richard Bates recommended that Lucas Lane be retained, although he recalls that it was known as Cook Road even earlier.

The commissioners

promised to give the question a good, diplomatic study before deciding.

The changing of names of streets and roads along the new East Cordon Route also produced some public suggestions. The route, which circles Salem on the east, uses portions of what have been called Fletcher Road, Bonds Road, 50th Avenue, Holland Drive, Walker Road and Macleay Road.

Because the route is a continuous road, the plan is to give it one name, East Cordon Route.

One suggested that an address on East Cordon Route NE is too long and it should be just Cordon Route NE or SE. Another wanted it called 50th Avenue NE all of the way, although the route meanders from 50th westward to 43rd before it connects with the highway south of Salem.

In other business, the board:

- Adopted a bikeway plan for the Salem area, although pointing out that getting funds for it won't be that easy.

This plan, in three phases to 1980, gives first priority to an asphalt path

on Verda Lane from Kalmia Drive to Claxter Road NE.

- Approved a transfer

of \$13,200 from the contingency fund to cover overtime and relief duty for the sheriff's office.

- Set 10 a.m. Dec. 3 for a public hearing on changing the name of Jaymar Avenue NE.

Couple Sue Over Husaker Rd. Name

The renaming of a rural Turner road by Marion County Commissioners was appealed Monday to Circuit Court.

Mr. and Mrs. John A. Lucas filed the lawsuit against commissioners, who on Nov. 12 changed the name Lucas Lane SE to Hunsaker Road SE.

The name Lucas was designated in Turner's rural route conversion plan approved by the county last summer.

At a Nov. 5 hearing on the issue, some area residents said the street

always had been known to them as Hunsaker Road because of pioneers Mr. and Mrs. Joseph Hunsaker, who settled there in 1847 and whose ancestors have maintained the farmland.

Representatives of the Lucas family said, however, that a 1970 county map refers to the road as Lucas and that three generations of the Lucas family have lived there.

Commissioners later chose Hunsaker Road on the basis of its historical significance and in keeping with the spirit of the bicentennial year, they said.

The Lucas' lawsuit maintains there was no positive testimony at the hearing that the Hunsakers ever owned land adjoining the road in question,

that all evidence presented relating to the Hunsaker family was not documented and was speculative, and that the weight of testimony and documentary evidence favored retention of the name Lucas.

The couple said they have been put to monetary expense in replacing their mailboxes with the new street name and inconvenienced by having to contact their correspondents of their address change.

Furthermore, they "must now suffer the public embarrassment of having a

road on which they reside changed from their family name to some other name," the lawsuit said.

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FILED

MARION COUNTY, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

1975 DEC 1 PM 4 43

JOHN A. LUCAS and DONNA J.)
LUCAS, husband and wife,)

Plaintiffs,)

vs)

MARION COUNTY BOARD OF)
COMMISSIONERS; PAT MCCARTHY,)
WALTER R. HEINE, HARRY)
CARSON, JR., BRUCE PROSSER;)

Defendants.)

T. HAROLD TOMLINSON
COUNTY CLERK

No. 93243 BY *JHB* DEPUTY

PETITION FOR WRIT
OF REVIEW

AT LAW

Plaintiff's alleges:

I

At all times mentioned herein the Marion County Board of Commissioners was and is now duly organized and existing under O.R.S. 203.240. The defendants, Pat McCarthy, Walter R. Heine and Harry Carson, Jr. at all times mentioned herein, are duly appointed and acting members of the Board, and defendant, Bruce Prosser was at all times mentioned herein, its duly appointed and acting secretary and custodian of records.

II

The above named plaintiff's appeared at a hearing on November 5, 1975 before the Marion County Board of Commissioners, the details of said hearing being setforth in Paragraphs III, IV and V of this Petition and said plaintiff's are residing next to the road whose name was at issue at the aforementioned hearing; and therefore said plaintiffs are beneficially interested in the outcome of this

1 Petition and in the order issued by the Marion County Board of
2 Commissioners.

3 III

4 On November 5, 1975 the Marion County Board of Commissioners
5 scheduled a hearing on the proposed name change of a road in Marion
6 County known as Lucas Lane SE.

7 IV

8 At the above mentioned hearing, on or about November 5,
9 1975, the Marion County Board of Commissioners heard arguments,
10 pro and con, relating to the proposed name change and at the
11 conclusion of said arguments took the matter under advisement.

12 V

13 On or about November 12, 1975, the Marion County Board
14 of Commissioners entered a final order requiring that the road
15 known as Lucas Lane SE be changed to Hunsacker Road SE on the
16 grounds that said name change would be of historical significance
17 and in keeping with the spirit of the upcoming bicentennial year.

18 VI

19 The decision rendered by the Marion County Board of Comm-
20 issioners and setforth in paragraph V was not supported by re-
21 liable, probative and substantial evidence in that:

22 (a) There was no positive testimony that the Hunsacker's
23 ever owned land adjoining the road in question.

24 (b) All evidence presented to the Marion County Board of
25 Commissioners relating to the Hunsaker family was in no way do-
26 cumented and was speculative.

1 (c) The great weight of the testimony and documentary evi-
2 dence favored the retention of the name Lucas Lane SE.

3 VII

4 The above named plaintiff's have been substantially injured
5 by the above mentioned Order in that:

6 (a) Plaintiffs' have been put to monetary expenses in re-
7 placing their mailboxes with the name of Lucas Lane SE and in
8 reliance on the finality of that name.

9 (b) Plaintiffs' have been put to the inconvenience of
10 recently contacting all creditor's, magazine companies, friends,
11 and other parties with whom the plaintiffs correspond by mail,
12 and informing them that their address would be changed to Lucas
13 Lane SE as of June, 1975.

14 (c) Plaintiffs must now suffer the public embarrassment of
15 having a road on which they reside changed from their family name
16 to some other name.

17 VIII

18 Plaintiffs have no other plain, speedy or adequate remedy
19 then by the review herein prayed for.

20 WHEREFORE, Plaintiffs pray for a Writ of Review directed
21 to the Marion County Board of Commissioners, its members and its
22 Secretary, commanding them and each of them to deliver and to re-
23 turn to the above entitled Court forthwith the records and pro-
24 ceedings in the above described cause for review by said Court,
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26 Page 3. Petition For Writ of Review
Lucas vs Marion County Board
Of Commissioners

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and that all further proceedings relating to and stemming from
the above described order be stayed.

BELL & BELL

By *R. Michael Healey*
R. Michael Healey
Of Attorneys for Plaintiffs

VERIFICATION

STATE OF OREGON, County of Marion ss.

I, Donna J. Lucas being first duly sworn, say that I am the Plaintiff and that the foregoing Petition For Writ of Review is true as I verily believe.

X Donna J. Lucas

Subscribed and sworn to before me November 26, 1975 Linda K. Eldridge Notary Public for Oregon My Commission expires 4-5-79

NOTARIAL SEAL

CERTIFICATE — TRUE COPY — WELL FOUNDED IN LAW

I hereby certify that the foregoing copy of is a correct copy of the original. That the said in my opinion is well founded in law. Dated, 19

Of Attorneys for ACCEPTANCE OF SERVICE

Due service of the within is hereby accepted in County, State of, on, 19, by receiving a duly certified copy thereof.

Of Attorneys for CERTIFICATES OF SERVICE

PERSONAL

I certify that on, 19, I served the within on attorney of record for the by personally delivering to him a correct copy thereof.

Of Attorneys for

AT OFFICE

I certify that on, 19, I served the within on attorney of record for the during his absence from his office by leaving a correct copy thereof with his clerk therein, or with a person having charge thereof, at, Oregon.

Of Attorneys for

MAILING

I hereby certify that I served the foregoing on attorney(s) for on, 19, by mailing to said attorney(s) a correct copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorney(s) at his or their regular office address, to-wit: and deposited in the post office at, Oregon, on said day. Between the said post office and the address to which said copy was mailed, there is a regular communication by U. S. Mail. Dated, 19

Of Attorneys for

BELL & BELL Attorneys at Law 311 N. 3rd Stayton, Oregon 97383 Ph: 769-2147

ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER

BACKING SHEET

NOTE: See ORS 16.790(2). If the copy of the document named in the above certificate of mailing was mailed to an address other than the attorney's "regular office address," delete, by lining out, the words "regular office address, to-wit:", and state the address to which the document was mailed and the reason therefor.

1975 DEC 1 PM 4 43

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

T. HAROLD TOMLINSON
COUNTY CLERK
BY *[Signature]* DEPUTY

JOHN A. LUCAS and DONNA J.)
LUCAS, husband and wife,)

Plaintiffs,)

vs)

MARION COUNTY BOARD OF)
COMMISSIONERS; PAT MCCARTHY,)
WALTER R. WEINE, HARRY CARSON,)
JR., AND BRUCE PROSSER,)

Defendants.)

No. 93243

AFFIDAVIT

I, R. Michael Realey, being first duly sworn on oath depose
and say;

That I am an attorney duly authorized to practice law in the
State of Oregon.

That I represent the Plaintiffs John A. Lucas and Donna J.
Lucas.

That the facts as presented to me and as I understand them
indicate that the decision rendered by the Marion County Board
of Commissioners on November 12, 1975 is erroneous as alleged
in the Petition For Writ of Review filed by Plaintiffs John A.
Lucas and Donna J. Lucas.

Page 1. Affidavit
Lucas vs Marion County Board
Of Commissioners

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That I make this affidavit pursuant to the provisions of
ORS Section 34.030.

R. Michael Healey
R. Michael Healey

Subscribed and sworn to before me this 1st day of
December, 1975.

Linda K. Elling
Notary Public for Oregon
My Commission Expires: 4-8-79

1975 DEC 1 PM 4 43

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

T. HAROLD TOMLINSON
COUNTY CLERK

BY [Signature] DEPUTY

JOHN A LUCAS and DONNA J.
LUCAS, husband and wife,

Plaintiffs,

No. 93243

vs

ORDER FOR WRIT
OF REVIEW

MARION COUNTY BOARD OF
COMMISSIONERS; PAT MCCARTHY,
WALTER R. HEINE, HARRY CARSON,
JR., and BRUCE PROSSER,

Defendants.

The above named plaintiffs having petitioned for a Writ of Review to issue requiring the above named defendants to return to the clerk of the Court a certified copy of the Record and proceeding concerning the decision of the Marion County Board of Commissioners to change the name of Lucas Lane SE to Hunsacker Road SE and,

IT APPEARING TO THE COURT that an undertaking has been filed by this plaintiff, as required by law, now, therefore,

IT IS HEREBY ORDERED that the clerk of this Court forthwith issue a Writ directed to the above named defendants requiring the return of said Writ to this Court on or before the 29th day of Dec, 1975, together with a certified copy of the record, proceedings, and order had concerning the decision reached by the Marion County Board of Commissioners to change the name of Lucas Lane SE to Hunsacker Road SE.

IT IS FURTHER ORDERED that the above named defendants

1 desist from further action upon the matter to be reviewed.

2 DATED this 1st day of Dec., 1975.

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CIRCUIT JUDGE

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Page 2. Order For Writ of Review
Lucas vs Marion County Board
of Commissioners

1975 DEC 1 PM 4 43

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

T. HAROLD TOMLINSON
COUNTY CLERK
BY *[Signature]* DEPUTY

JOHN A. LUCAS and DONNA J. LUCAS, husband and wife,

Plaintiffs,

vs

MARION COUNTY BOARD OF COMMISSIONERS; PAT MCCARTHY, WALTER R. HEINE, HARRY CARSON, JR., and BRUCE PROSSER,

Defendants.

No. 93243

UNDERTAKING FOR WRIT OF REVIEW

WHEREAS, the above named plaintiffs are applying for a Writ of Review claiming that the above named defendants rendered an Order not supported by reliable, probative and substantial evidence in a hearing on a request to change the name of a County road, said hearing being held on November 5, 1975;

NOW, THEREFORE, John A. Lucas and Donna J. Lucas are jointly and severally bound and undertake that they will pay all costs that may be adjudged to the defendants in this action upon the review in the sum of \$100.00.

John A. Lucas

John A. Lucas

Donna J. Lucas

Donna J. Lucas

Lucas Lane, No; Hunsaker, Yes

A petition appealing the renaming of a rural Turner road by Marion County Commissioners was dismissed Tuesday by Marion County Circuit Judge Jena Schlegel.

Mr. and Mrs. John A. Lucas filed Dec. 1 a petition for writ of review against the commissioners, who on Nov. 12 changed the name Lucas Lane SE to Hunsaker Road SE.

Judge Schlegel said Tuesday she had sustained the defendants' motion for dismissal because "this type of decision is neither a judicial nor a quasi-judicial decision and is not subject to a writ of review."

Naming of a road is "a discretionary function of county government," she said.

The name Lucas was designated in Turner's rural route conversion plan approved by the county last summer.

At a Nov. 5 hearing on the issue, some area residents said the street always has been known to them as Hunsaker Road because of pioneers Mr. and Mrs. Joseph Hunsaker, who settled there in 1847.

Representatives of the Lucas family said, however, that a 1970 county map refers to the road as Lucas and that three generations of the Lucas family have lived there.

MARION COUNTY

news of record

CIRCUIT COURT

Yvonne Brown and Robert D. Brown: Petition seeks divorce.

Brenda K. Holman and Donald M. Holman: Petition seeks divorce.

Patricia L. Zabrisky and Thomas E. Zabrisky: Petition seeks divorce.

Kathleen Rose Carter and Philip Michael Carter: Petition seeks divorce.

Debra Lynn McLeod and Robert George McLeod: Petition seeks divorce.

State Department of Transportation, Highway Division, vs. Paul White: Complaint seeks possession of real property and \$200 damages for allegedly withholding possession thereof.

Glaser Bros. vs. James J. Ryan, doing business as Santiam Market: Complaint seeks \$1,317 allegedly owed.

Nadene Ped, representative of estate of Albert A. Ped, vs. Emil Ped: Complaint dismissed with prejudice.

Carol Rhodes Eddy vs. Charles Wayne Rhodes and others: Petition for writ of habeas corpus dismissed with prejudice.

Barbara Puckett vs. Service-men's Group Life Insurance Co.: Complaint seeks \$20,000 allegedly owed.

J. F. and Opal Allison vs. Richard Carl Sjolín and Alvaretta Clarissa Sjolín: Complaint for contract foreclosure seeks \$35,245 allegedly owed.

John A. and Donna J. Lucas vs. Marion County Board of Commissioners and others: Petition for writ of review dismissed.

Ruth N. Lomax vs. John C. and E. J. Holley: Complaint charges negligence in Nov. 26, 1974, traffic accident at Lancaster and Ward drives NE, seeks \$20,000 general and \$499 special damages for alleged injuries.

Howard W. Houston Jr. vs. Goodwin Bros. GMC Truck, Inc.: Complaint charges breach of warranty, seeks \$11,084 damages.

Rex W. Slye and Betty Jane Slye: Petition seeks divorce.

State vs. Fred Edward Vanderpool: Defendant sentenced to one year in jail on charge of unauthorized use of vehicle.

State vs. Wyatt E. Shellmon: Defendant changes plea to guilty of charge of theft, given suspended one-year jail sentence, placed on one year probation.

State vs. Donald Ray Toquero: Defendant changes plea to guilty of charge of theft, given suspended three-year prison sentence, placed on three years probation provided serve one year in jail.

State vs. Andrew Albert Newton: Defendant sentenced to additional one year in prison on charge of assault.

Joan Marie Daley and Timothy Patrick Daley: Petition seeks divorce.

Kathryn Ann Eder vs. Richard Thayer Wagner: Complaint charges false representations, seeks \$4,000 allegedly owed and \$30,000 punitive damages.

Robert W. Staley Jr. and Lewis P. Campbell Jr.: Complaint for declaratory judgment seeks court determination of status of agreements between parties.

Dan and Viola Barnes, doing business as West Coast Scale Co., vs. Owyhee Meat Co. and Stanley J. Sturza: Complaint seeks \$1,719 allegedly owed and \$2,500 punitive damages for allegedly writing dishonored check.

Paul Akins vs. Hoyt C. Cupp, superintendent, Oregon State Penitentiary: Petition for writ of habeas corpus denied.

Richard Wilcox vs. Hoyt C. Cupp, superintendent, Oregon State Penitentiary: Petition for writ of habeas corpus denied.

Ronald G. and Wilma L. Knox vs. City of Salem and City Recorder Betty Marsh: Court affirms city council decision on zone change.

PROBATE ESTATES

Mabelle Grace Albin: Estate closed.

Merle F. Ramp: Final account approved.

Edwin J. Lunn: Will admitted to probate, Beverly M. Norton appointed representative.

Thomas James Boler: Estate admitted to probate, Sherry Lee LaFrance appointed representative.

DISTRICT COURT

Cleve Eldon Singleton, 41, 2429 Wayside Terrace NE, pleads guilty to charge of driving while intoxicated, fined \$185, sentenced to two days in jail.

Alderick Michael Murray, 26, Gervais Rt. 1, Box 56, changes plea to guilty of charge of driving while intoxicated, fined \$295, given suspended 30-day jail sentence, placed on one year probation provided serve three weekends in jail.