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**BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON**

**Michael L. Walker, Hal Anthony,
Steve Liebenberg, Susan Liebenberg,
Wayne McKy, Madelyn Readmond,
Bob Rotach, James Sargent, Patricia
Sargent, and William Stein,**)
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)
)
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)
Petitioners,)
)
and)
)
Holger Sommer,)
)
Intervenor-Petitioner)
)
v.)
)
Josephine County,)
)
Respondent,)
)
and)
)
Ward Ockenden,)
)
Intervenor-Respondent.)

LUBA No. 2008-224

PRECAUTIONARY OBJECTION TO THE RECORD

Petitioners, Michael L. Walker, Hal Anthony, Steve Liebenberg, Susan Liebenberg, Wayne McKy, Madelyn Readmond, Bob Rotach, James Sargent, Patricia Sargent, and William Stein file this PRECAUTIONARY OBJECTION TO THE RECORD to allow time for settling record issues with regard to content and completeness (OAR 661-010-0026 (2) (a), (b), and (d)) with Respondent’s legal counsel.

OAR 661-010-0026 provided the opportunity for such request and Petitioners will continue to resolve these issues.

Petitioners are in contact with the County’s Legal Counsel, but the statutory time limit is approaching. Petitioners hand-delivered draft PRECAUTIONARY OBJECTION TO THE RECORD to County’s Legal Counsel **April 28, 2009** (Attachment 1). **At that date Lead-Petitioner**

1 Walker and County's Legal Counsel agreed to meet in a week or two to revolve the matter
2 anticipating that LUBA's suspension order would be in effect. However, the suspension order by
3 LUBA had not been received by Petitioners as of November 18, 2008, and Petitioners file this
4 PRECAUTIONARY OBJECTION TO THE RECORD to protect their interest from default
5 judgment. Exhibit A and Exhibit B list the specifics of these record objections.

6
7 **DATE: April 28, 2009**

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10 _____
11 Michael L. Walker, Lead Petitioner
12 3388B Merlin Rd #195
13 Grants Pass, Oregon 97526
14 Telephone: 541-471-8271
15 Representing himself

16 _____
17 Wayne McKy, Petitioner
18 6497 Hugo Road
19 Grants Pass, Oregon 97526
20 Telephone: 541-476-4006
21 Representing himself

22 _____
23 Hal B. Anthony, Petitioner
24 3995 Russell Road
25 Grants Pass, Oregon 97526
26 Telephone: 541-476-4156
27 Representing himself
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CERTIFICATE OF SERVICE AND FILING

I hereby certify that on **April 28, 2009**, I served copies of this PRECAUTIONARY
OBJECTION TO THE RECORD to:

Respondent:

Steven E. Rich, County Legal Counsel
Josephine County Court House
500 NW Sixth Street, Room 152
Grants Pass, Oregon 97526

Petitioners:

Michael L. Walker
3388B Merlin Rd #195
Grants Pass, Oregon 97526

Wayne McKy
6497 Hugo Road
Grants Pass, Oregon 97526

Hal B. Anthony
3995 Russell Road
Grants Pass, Oregon 97526

Intervenor-Petitioner:

Holger T. Sommer
P.O. Box
Merlin, Oregon 97532

April 28, 2009

Michael L. Walker, Lead-Petitioner