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MULTNOMAH COUNTY  
DISTRICT COURT

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

HAVANA NASSERGHANDI )  
Plaintiff )  
vs )  
DOUGLAS BRAY, Administrator of )  
the District Court of )  
Multnomah County, )  
and )  
JOE M. WESTERMAN )  
VICKI L. WESTERMAN )  
Defendant. )

No: 9308-05234  
JUDGMENT

The above entitled action came on regularly for trial pursuant to plaintiff's Writ of Review appealing the decision of the District Court in Westerman v. Nasserghandi, Number 93F 792-478. The trial was on August 27, 1993 before The Honorable Robert Redding, judge of the above entitled court. Defendants Joe M. Westerman and Vicki L. Westerman appeared through their attorney Sandra Saunders. Westermans are referred to as "landlords" in this judgment. Defendant Douglas Bray did not appear. Plaintiff appeared

1 through her attorney Frank Wall. Havana Nasserghandi is referred to as "tenant" in this  
2 judgment.

3 The Court reviewed the District Court file and heard the argument of counsel  
4 concerning paragraph 7a of the Petition for Writ of Review.

5 The Court concluded that 24 CFR 882.215(C)(4) requires a Section 8 landlord  
6 to give the Housing Authority of Portland a copy of a termination notice, at the same time  
7 notice is given to the tenant.

8 A landlord's failure to comply with 24 CFR 882.215(C)(4) is a defense in an  
9 action for possession.

10 The notice here was given to the tenant on July 8, 1993. The underlying FED  
11 action was filed on July 12, 1992. A copy of the notice was faxed to the Housing Authority  
12 on July 19, 1993 and the first appearance on the FED was July 20, 1993.

13 The notice was not given to the Housing Authority at the same time it was  
14 given to the tenant. The landlord failed to comply with 24 CFR 882.215(C)(4).

15 The district court improperly construed the applicable law and its Judgment of  
16 Restitution must be reversed.

17 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

18 1. The judgment of the district court in Westerman v. Nasserghandi, Number  
19 93F 792-478 for restitution is reversed to grant possession to the tenant.

20 2. The funds tendered into court in Westerman v. Nasserghandi, Number 93F  
21 792-478 shall be released payable to defendants Joe M. Westerman and Vicki L. Westerman  
22 for plaintiff Havana Nasserghandi's July 1993 rent.

23 3. The bond of \$100.00 which was posted in Nasserghandi v. Bray, et al,  
24 Number 9308-05234 shall be released to plaintiff Havana Nasserghandi, payable to her  
25 attorney, Frank Wall, 812 S.W. Washington #910, Portland, OR 97204.  
26

1 4. Plaintiff Havana Nasserghandi is awarded costs and disbursements of  
2 \$ 4060.00 plus reasonable attorney fees of \$ 65. Attorney fees shall  
3 be paid to Plaintiff's attorney, Frank Wall, 812 S.W. Washington, Suite 910, Portland, OR  
4 97205. This judgment may be amended to reflect reasonable attorney fees for postjudgment  
5 collection.

6 5. Execution shall issue upon this judgment.

7 MONEY JUDGMENT

8 1. Judgment Creditor: HAVANA NASSERGHANDI  
9 2. Judgment Creditor's Attorney: Frank Wall  
10 812 S.W. Washington, #910  
11 Portland, OR 97205  
12 (503) 223-6066  
13 3. Judgment Debtors: JOE M. WESTERMAN  
14 VICKI L. WESTERMAN

13 4. Principal Amount of Judgment 0.00  
14 5. Prejudgment interest 0.00  
15 6. Attorney fees 65  
16 7. Costs 4060.00  
TOTAL \$ 4060.00

17 8. Postjudgment simple interest at the rate of nine percent (9.00%) per annum on  
18 \$ 4060.00 from the date judgment is entered until fully paid.

19 Dated this 11/9/93 day of 1993  
20 [Signature]  
JUDGE

21 Submitted by Frank Wall, Attorney for Plaintiff

22 I certify that the foregoing Judgment is an exact and complete copy of the  
23 original.

24 [Signature] FRANK WALL OSB 73316  
25 Attorney for Plaintiff  
26 [Signature]