

2010 WL 5550487 (Or.Cir.) (Trial Pleading)
Circuit Court of Oregon.
Multnomah County

Georgena CLAMPITT, Plaintiff,
v.
Charles C. CLAMPITT, Defendant.

No. 1012-18116.
December 30, 2010.

(Elder Financial Abuse; Conversion)
Damages Claimed: \$126,000.00
Not Subject to Mandatory Arbitration

Complaint

Lindsay, Hart, Neil & Weigler, LLP, [Carl R. Neil](#), OSB No. 580653, cneil@lindsayhart.com, Attorneys for Plaintiff Georgena Clampitt, Trial Attorney: [Carl R. Neil](#).

Plaintiff alleges:

FIRST CLAIM

(Elder Financial Abuse)

1.

Plaintiff, whose full name is Georgena Marian Clampitt, is now age 91, and an **elderly** person within the meaning of [ORS 124.100\(1\)\(a\)](#).

2.

Plaintiff at all times material herein was and now is the owner of a 1994 35-foot Aljo fifth wheel travel trailer (hereinafter the "Aljo trailer").

3.

In or about August 2006, plaintiff moved from her former residence in St. Helens, Oregon to a residence in Portland, Oregon. At that time she requested her son, the defendant Charles C. Clampitt, to store her Aljo trailer on his premises in SE Portland, and defendant agreed to do so, all without charge to plaintiff, and further agreed to return the Aljo trailer to plaintiff on her request.

4.

Defendant Charles C. Clampitt also agreed at that time to store on his premises in SE Portland, Oregon, without charge to plaintiff, three pick-up loads of miscellaneous personal property of plaintiff (hereinafter the "miscellaneous property").

5.

In reliance on the aforesaid agreements of defendant Charles C. Clampitt, plaintiff caused the Aljo trailer and miscellaneous property to be delivered in or about August 2006 to the possession of defendant at his premises in SE Portland, Oregon.

6.

At the same time as the Aljo trailer was delivered to defendant, plaintiff caused the title certificate showing her as owner of the Aljo trailer to be delivered into the possession of the defendant for the purpose of enabling defendant to show the true owner of the vehicle if need arose, but plaintiff did not sign off her ownership interest as set forth on the title certificate for the Aljo trailer, nor authorize defendant to sign her name on the title certificate.

7.

In 2010, plaintiff requested defendant to allow her to take possession of the Aljo trailer and miscellaneous property. Defendant refused to do so, and claims that he is now the owner of the Aljo trailer by virtue of a title certificate issued by the State of Oregon based on plaintiff purporting to sign off her interest in the Aljo trailer in August 2006.

8.

Plaintiff never signed off her interest in the Aljo trailer on any title certificate or other document, and any document filed with the State of Oregon purporting to have her signing off or transferring her title to the Aljo trailer to defendant is a forgery.

9.

Defendant, although purporting to be willing to release plaintiff's miscellaneous property, refuses to answer or return telephone calls from or on behalf of plaintiff to arrange to pick up that miscellaneous property.

10.

The value of the Aljo trailer is not less than \$12,000. The value of the miscellaneous property is not less than \$5,000.

11.

On the premises aforesaid, defendant's conduct in withholding from her possession of the Aljo trailer and miscellaneous property and transferring title of the Aljo trailer to himself without plaintiff's authorization is financial **abuse** of plaintiff within the meaning of [ORS 124.110](#). That financial **abuse** of plaintiff by defendant has caused plaintiff economic damages of not less than \$17,000 and non-economic damages in the form of emotional distress in an amount not less than \$25,000.

12.

[ORS 124.100\(2\)](#) provides that plaintiff can recover from defendant three times the amount of her economic and non-economic damages resulting from the aforesaid **elder** financial **abuse**, together with attorney fees incurred herein by plaintiff. Plaintiff is therefore entitled to recover from the defendant Charles C. Clampitt treble damages in an amount not less than \$126,000, together with her reasonable attorney fees incurred herein.

SECOND CLAIM

(Conversion)

Plaintiff brings this claim only if recovery is denied on her First Claim.

13.

Plaintiff by this reference realleges the allegations of paragraphs 1 through 10, inclusive, in the First Claim.

14.

On the premises aforesaid, the conduct of the defendant constitutes conversion of plaintiff's Aljo trailer and miscellaneous property, which has damaged plaintiff in the amounts of not less than \$17,000 in economic damages and \$25,000 in non-economic damages for emotional distress.

WHEREFORE, plaintiff prays for judgment against defendant:

1. On her First Claim for not less than \$126,000, as treble the amount of her economic and non-economic damages, together with plaintiff's reasonable attorney fees incurred herein;
2. If recovery is denied on the First Claim, for not less than \$42,000 in economic and non-economic damages; and
3. For plaintiff's costs and disbursements incurred herein.

Dated this 30th day of December, 2010.

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