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FILED  
10 JUL 26 AM 9:06  
MULTNOMAH COUNTY

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

In the Matter of the Marriage of:  
Kaine Andrew Horman,  
Petitioner,

and

TERRI LYNN MOULTON HORMAN,  
Respondent.

Case # ~~1006-66084~~

ORDER TO SHOW CAUSE RE: SUIT  
MONEY

[EX PARTE]

In the Matter of:

Kaine Andrew Horman,  
Petitioner,

and

TERRI LYNN MOULTON HORMAN,  
Respondent.

Case #1006-66086

ENTERED  
JUL 26 2010  
IN REGISTER BY CB

TO: TERRI LYNN MOULTON HORMAN

BASED UPON the Motion and supporting Affidavit of Petitioner's Counsel,

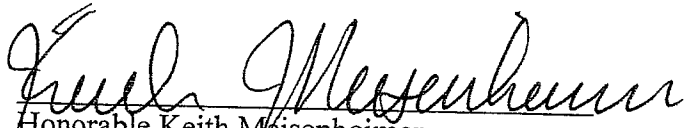
YOU ARE ORDERED TO APPEAR in person at the Multnomah County  
Page 1 - ORDER TO SHOW CAUSE RE: SUIT MONEY

GEARING, RACKNER & ENGEL LLP  
121 SW MORRISON STREET, STE. 750  
PORTLAND, OR 97204  
TELEPHONE: (503) 222-9116  
FAX: (503) 222-9118


1 Courthouse, 1021 SW Fourth Avenue, Portland, Oregon at \_\_\_\_\_ a.m. / p.m. on  
2 \_\_\_\_\_, 2010, and at trial assignment at 9:00 a.m. on \_\_\_\_\_, 2010  
3 to show cause why the Court should not enter a Temporary Order and Limited Judgment  
4 granting the following relief as requested by Petitioner during the pendency of these  
5 proceedings:

- 6 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,  
7 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set  
8 forth in more detail in the accompanying Affidavit of Counsel;
- 9 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his  
10 reasonable attorney fees and court costs pursuant to ORCP 68.

11 DATED this 26 day of July, 2010.

12   
13 \_\_\_\_\_  
14 Honorable Keith Meisenheimer

14 Submitted by:

15   
16 \_\_\_\_\_  
17 Laura E. Rackner, OSB #84328  
18 Of Attorneys for Petitioner

FILED  
10 JUL 26 AM 9:06  
CLERK OF MULTNOMAH COUNTY

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

In the Matter of the Marriage of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case # 1006-66084

PETITIONER'S MOTION FOR ORDER  
TO SHOW CAUSE RE: SUIT MONEY

[EX PARTE]

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case #1006-66086

ENTERED  
JUL 26 2010  
IN REGISTER BY CB

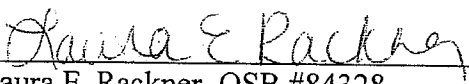
COMES NOW Petitioner, Kaine Andrew Horman, by and through his attorney, Laura E. Rackner of Gearing, Rackner & Engel LLP, and hereby moves the Court for an Order requiring Respondent appear at a date and time set by the Court to show cause, if any, why the Court should not enter a Temporary Order and Limited Judgment granting the following

1 relief during the pendency of these proceedings:

2 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,  
3 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set  
4 forth in more detail in the accompanying Affidavit of Counsel;

5 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his  
6 reasonable attorney fees and court costs pursuant to ORCP 68.

7 DATED this 26 day of July, 2010.

8  
9   
10 Laura E. Rackner, OSB #84328  
Of Attorneys for Petitioner

11 POINTS AND AUTHORITIES:

- 12 1. ORS §107.095  
13 2. Affidavit of Counsel, submitted herewith  
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1           2.       Respondent has indicated in a written communication to a third party that she  
2       tendered payment of \$350,000 to her attorney Stephen Houze for legal representation. Mr.  
3       Houze is one of Respondent's attorneys of record in this proceeding. If Respondent has  
4       provided funds to her attorney(s), Respondent should be required to immediately disclose the  
5       source and amount of such funds. If Respondent has borrowed these funds and contends this  
6       is a marital liability, the funds should be considered a marital asset. These funds would then  
7       be subject to the disposition authority of the Court. Respondent should be required by the  
8       Court to immediately assert her position as to whether she maintains that the funds she has  
9       provided to her attorney(s) were borrowed and if so, whether she considers them to be a  
10      marital liability. Further, if it is Respondent's position that her attorney fees are a marital  
11      liability, then Respondent should be required to immediately provide one-half of these funds  
12      to Petitioner to pay his attorney fees and costs.

13           3.       These proceedings involve complex legal and safety issues that require  
14      Petitioner's attorneys to expend a significant amount of time providing legal services to  
15      Petitioner in order to protect his interests and the interests of his children. Petitioner does not  
16      have sufficient income or resources to pay for these legal services and meet his other financial  
17      obligations for the children and himself. Funds (including advances for costs and expenses)  
18      held in an attorney's trust account are the property of the client. *See Oregon Rules of*  
19      *Professional Conduct*, Rule 1.15-1. If Respondent has provided funds to her attorneys for  
20      her legal representation and considers them to be marital liability, these funds are marital  
21      property and Respondent should be required to pay one-half of these funds to Petitioner to use  
22      for his attorney fees and costs.

23      ///

24      Page 2 – AFFIDAVIT OF COUNSEL RE: SUIT MONEY

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4. If this matter is contested Petitioner requests that Respondent be required to pay his reasonable attorney fees and costs incurred in bringing this motion.

DATED this 26 day of July, 2010.

Laura E Rackner  
Laura E. Rackner, OSB #84328  
Attorney for Petitioner

SUBSCRIBED and sworn to before me by Laura E. Rackner on this 26<sup>th</sup> day of July, 2010.

Julia Kersting  
Notary Public for Oregon  
My commission expires: 05/31/13

