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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 No. 1006-66084

DECLARATION OF PETER BUNCH  
IN SUPPORT OF RESPONDENT'S  
MOTION TO HOLD CASE IN  
ABATEMENT

ENTERED  
JUL 28 2010  
IN REGISTER BY CB

\* FILED  
10 JUL 28 AM 11:27  
CIRCUIT COURT  
MULTNOMAH COUNTY

I, Peter Bunch, state as follows:

1. I am one of the attorneys for Respondent Terri L. Moulton Horman in this matter. I make this declaration in support of Respondent's Motion to Hold Case in Abatement.

2. As the court is aware, Respondent is under intense scrutiny as part of an ongoing investigation into the disappearance of Kyron Horman. News media, citing unnamed law enforcement officials, report that Respondent is "the center" of the pending investigation. According to various news outlets, other unnamed law enforcement officials have indicated there is probable cause to arrest Respondent, although she has not been charged with any crime.

3. As a result of the intense scrutiny, and speculation, it is virtually impossible for me to proceed with divorce-related issues in as I would ordinarily do.

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1           4.     As an example, Petitioner recently filed a request for suit money. In the  
2 request, Petitioner grossly misstated stated the amount of money paid to Stephen  
3 Houze. He also contended that Respondent borrowed the money to pay Mr. Houze,  
4 and that he could be entitled to receive one half of that money. Had Petitioner's lawyer  
5 conferred with Wife's counsel before filing the motion, Petitioner would have learned  
6 that Respondent did not borrow money to pay for Mr. Houze's attorney fees, the money  
7 did nto come from her funds, and she s not asserting that her attorney fees with Mr.  
8 Houze are any sort of marital debt.

9           5.     Further, in the same request for fees, Petitioner's lawyer alleges, in part:  
10 "Petitioner does not have sufficient income or resources to pay for these legal services  
11 and meet his other financial obligations for the children and himself." It is my  
12 understanding that Petitioner is employed at Intel and has a good salary, and that  
13 Petitioner had sufficient savings to fund the cost of his divorce as recently as several  
14 weeks ago. Accordingly, it is difficult to conceive that Petitioner is unable to meet his  
15 expenses and to pay for his attorney fees.

16           6.     On the other hand, Respondent is unemployed, and, under her present  
17 circumstances, is not employable. She has no independent source of money to pay her  
18 attorney fees. Under all of these circumstances, it is evident that Petitioner is already  
19 using the divorce process for purposes other than those necessary to move the case  
20 forward to a final resolution. It certainly does not serve the interests of either party to  
21 have the divorce process complicated by the necessity of dealing with inquiries that  
22 would be related to the investigation of Respondent, rather than the divorce.

23           7.     Further, it is likely that the resolution of custody and parenting time will  
24 require an evaluation by a competent psychologist. Such evaluations are broad in  
25 terms of the information the evaluator requires from each parent. The evaluator must

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Page 2 - DECLARATION OF PETER BUNCH IN SUPPORT OF RESPONDENT'S MOTION  
TO HOLD CASE IN ABATEMENT

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1 have the opportunity to interview each parent, as well as collateral sources, and to see  
2 the parents interact with their minor child.

3 8. The evaluator must be independent, and the evaluation process must be  
4 free of outside influence, such as media attention and the scrutiny associated with this  
5 case. Because of the current investigation, and actions taken by the police, it is evident  
6 that the evaluator, and his or her work product, could become part of the investigation,  
7 which would completely disrupt the evaluation process. It is unlikely that any competent  
8 evaluator would agree to work on this matter under those circumstances.

9 9. As the court is aware, virtually any action associated with Respondent is  
10 subject to media attention. For example, Respondent's informal request to receive  
11 some minimal financial assistance to move from the family home, something that would  
12 be an ordinary request in any divorce, resulted in unflattering media reports about this  
13 matter. I am concerned that any ordinary requests for discovery by me, or my using  
14 other normal family law procedures, will be adversely impacted by the continuing  
15 scrutiny and speculation surrounding my client. Further, should Petitioner engage in  
16 discovery, because of the current investigation, Respondent's ability to respond is  
17 compromised.

18 10. In sum, because of the intense speculation and scrutiny involving  
19 Respondent, I cannot appropriately protect her interests in the divorce case, and  
20 request that it be abated.

21 11. Petitioner would not be prejudiced by an abatement, because Respondent  
22 is prepared to stipulate to the entry of a divorce judgment, with the court reserving  
23 jurisdiction to determine all other issues in the divorce in an ancillary proceeding at an  
24 appropriate time. Respondent is further prepared to stipulate that she will not claim any  
25 interest in any of Petitioner's post-separation assets, including appreciation. Under the

26 ////

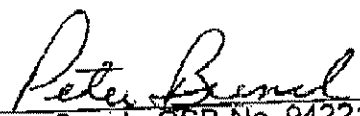
Page 3 - DECLARATION OF PETER BUNCH IN SUPPORT OF RESPONDENT'S MOTION  
TO HOLD CASE IN ABATEMENT

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1 current circumstances, therefore, there is no conceivable risk of prejudice to Petitioner  
 2 if the case is abated.

3 12. I declare that the above statements are true to the best of my knowledge  
 4 and belief, and that I understand they are made for use as evidence in court and are  
 5 subject to penalty for perjury.

6 DATED July 28, 2010.

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 9 Peter Bunch, OSB No. 942210  
 10 Of Attorneys for Respondent  
 11 Trial Attorney: Peter Bunch

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