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IN THE COURT OF APPEALS OF THE STATE OF OREGON
IN THE COURT OF APPEALS OF THE STATE OF OREGON SUPREME COURT

**IN RE THE MARRIAGE OF MARLENE KAYE SUMMERS and EDWARD
BRIAN SUMMERS**

Upon the Petition of	)	Filed November 22, 1978
MARLENE KAYE SUMMERS,	)	
	)	
Appellant,	)	639
	)	<u>3-61633</u>
And Concerning	)	
	)	
EDWARD BRIAN SUMMERS,	)	
	)	
Appellee.	)	

Appeal from the Humboldt District Court - Newt Draheim, Judge.

Wife appeals from child custody and visitation provisions of dissolution decree.
Vacated in part and remanded.

Gregory H. Stoebe, of Humboldt, for appellant.

Brian R. Johnsen, of Baker, Miller and Johnsen, of Humboldt, for appellee.

Submitted to Oxberger, C.J., and Donielson, Snell and Carter, JJ.

PER CURIAM

Prior to submission of this appeal the parties sought to settle the issues presented by means of a stipulation filed in this court. We refused to accept said stipulation changing the custody of the minor child of the parties because it made no provision for payment of child support by appellee-respondent. The stipulation and circumstances incident to its execution suggest that the cause should be reopened at the trial court level for further proceedings based upon circumstances occurring since the judgment. We therefore vacate all portions of the trial court's decree relating to child custody and visitation and remand for further proceedings on those issues in the trial court. Said proceedings shall be by way of a reopening of the issues of child custody, support and visitation for original determination and not by way of modification.

DECREE VACATED IN PART AND REMANDED.