

FIRST INTERSTATE BANK BUILDING
601 MAIN STREET, SUITE 210
KLAMATH FALLS, OREGON 97601-6007
TELEPHONE (503) [REDACTED]

884-1800

62412

June 6, 1986

John Casey
2905 S Virginia
Dune Motel
Reno NV 89502

Leo Mitchell
OR Department of Agriculture
635 Capitol NE
Salem OR 97310

William L. Sisemore
Attorney at Law
540 Main Street
Klamath Falls OR 97601

Nevada Livestock PCA
Post Office Box 3379
Reno NV 89505

Leo Bergin
Attorney at Law
241 Ridge Street No. 440
Reno NV 89501

Recording Officer
Klamath County Oregon
316 Main Street
Klamath Falls OR 97601

Re: Lien Accounting/ORS 87.202

Greetings

This notice is sent to you regarding the collection of funds owed Jespersen Edgewood, Inc. for feeding cattle belonging to John Casey, dba Casey Ranches, during the fall and winter of 1985 and the spring of 1986. A Possessory Lien was foreclosed upon the animals at the Klamath Livestock Auction on Tuesday, June 3, 1986. At that time, the dry cows and yearling calves were separated from the herd and sold to satisfy the costs of caring for the animals.

Oregon statute requires that you be notified of the amount of the lien claimed, the cost of foreclosing the lien, and the amount received at the sale. Also, you are entitled to a copy of the Notice of Foreclosure which was published in the local newspaper.

The sale generated gross proceeds of \$110,971.33. From that sum, \$10,311.70 was deducted as the cost of preparing the animals for sale and expenses attributable to the sale. The further sum of \$2,227.97 was deducted for the expense of foreclosing the possessory lien. The amount of the lien claimed, \$89,069.44 was paid to Jespersen Edgewood, Inc. The balance of the gross

June 6, 1986
Page 2

proceeds was seized by the Oregon Department of Agriculture until such time as certain irregularities involving branding can be cleared up. Anyone wishing to assert a claim for those funds should contact the Oregon Department of Agriculture in Salem, Oregon. Additionally, approximately 250 cow-calf pairs remain at the Klamath Livestock Auction awaiting someone to come forward and claim them.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely

Michael C. Miller
Michael C. Miller

wy

Enclosure

STATE OF OREGON, County of Klamath) ss.

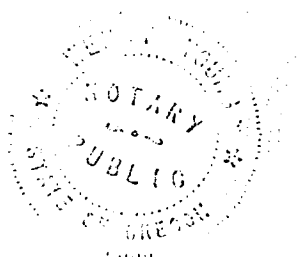
I am the attorney for the lien claimant. The facts set out in this accounting are particularly within my own personal knowledge. The foregoing is true and correct to the best of my knowledge, information, and belief.

IN WITNESS whereof I have set my hand and seal this 6th day of June, 1986.

Michael C. Miller
Michael C. Miller
Attorney for Lien Claimant

SUBSCRIBED AND SWORN to before me this 6th day of June, 1986.

Wendy Young
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-31-87



SUPPLEMENTAL NOTICE OF LIEN FORECLOSURE SALE

10099

Pursuant to the provisions of Chapter 87 of the Oregon Revised Statutes, Jespersen Edgewood, Inc. claims a lien on certain beef cattle for the feeding and caring of said cattle belonging to John Casey. The lien claimant is owed approximately ONE HUNDRED THOUSAND DOLLARS (\$100,000) for the cost of caring for the cattle and conducting the foreclosure sale.

On May 30, 1986, the date originally scheduled for the lien foreclosure sale, it was agreed by Mr. Casey and the lien claimant that the sale would be postponed until 1 p.m. on Tuesday, June 3, 1986. Also, the location of the sale was moved to the Klamath Livestock Auction Yard at 1601 Laverne, Klamath Falls, Oregon.

DATED THIS 3rd day of June, 1986.

JESPERSEN EDGEWOOD, INC.

By Michael C. Miller
Michael C. Miller
Attorney for Lien Claimant

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FORM No. 146—POSSESSORY LIEN.

STEVENS-NESS LAW PUB. CO., PORTLAND, OR. 97204

10100

JESPERSEN EDGEWOOD, INC.,
a corporation

Lien Claimant

vs.
JOHN CASEY, dba Casey Ranches

Lien Debtor

Amended
CLAIM OF POSSESSORY LIEN

NOTICE OF FORECLOSURE SALE

(Where possession has not been surrendered.)
(Applicable for Labor, Materials and Services Only.)

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned, JESPERSEN EDGEWOOD, INC., a corporation hereinafter called the claimant, pursuant to the provisions of ORS 87.152 and 87.166 through 87.206, inclusive, claims and has a possessory lien upon articles of personal property particularly described as follows, to-wit: approximately 500 cows and 250 calves located in Section 8 Township 37 South Range 10 East of the Willamette Meridian hereinafter called chattels, for the following charges for services provided, materials supplied and labor performed to the said lien debtor in making, altering, repairing, transporting, pasturing or caring for said chattels at the request of the owner or lawful possessor thereof.

2. The actual or reputed owner, hereinafter called lien debtor, is JOHN CASEY, dba Casey Ranches, whose address is 2905 S Virginia Reno Nevada 89502 (if lien debtor is a corporation, the address should be c/o the registered agent at the registered office, as shown by the records of the Corporation Commissioner of the State of Oregon [ORS 57.065, 57.075]). The person requesting said services, materials and labor, if other than the owner, was John Casey, dba Casey Ranches, whose address is Dune Motel, 2905 S. Virginia Reno NV 89502

3. (a) The agreed/reasonable [strike one] charge for claimant's services, materials and labor is \$ 71,569.44**

(b) In addition, claimant has incurred expenses in storing said chattels prior to foreclosure and that a reasonable fee for said storage is the sum of \$ -0-

(c) No part of said charges have been paid except the sum of \$ (-0-)

(d) The total amount of claimant's lien claim is (a + b - c) SAID AMOUNT IS ACCRUING AT THE RATE OF \$300 PER DAY SINCE 4-2-86

4. Claimant obtained possession of said chattels in Klamath County, Oregon.

5. The date the lien attached to the chattels is October 12, 1986, which is when the services or labor were fully performed and the materials were fully furnished and the charges therefore were due and the lien debtor either knew or should reasonably have known that the charges were due. Since said date, possession of said chattels has been and is now retained by claimant.

NOTICE IS HEREBY GIVEN to said lien debtor and to whom it may concern that on * May 30, 1986, 1986, claimant will proceed to sell the above described chattels at public auction to the highest bidder for cash, in Klamath County, Oregon, where claimant obtained possession thereof, at the following place in said county, to-wit: Jespersen Edgewood, Inc. Ranch, Rt. 2 Bx 809 S, Swan Lake Rd. City of Klamath Falls, State of Oregon, at the hour of 9 o'clock A.M. The name of the person foreclosing the lien is Jespersen Edgewood, Inc.

All of the above information is incorporated into the Notice of Sale by reference.

6. At the conclusion of said foreclosure sale, claimant will apply the proceeds of said sale: first, to the payment of the expenses of the sale; second, to the discharge of claimant's said lien; and third, the balance, if any, will be paid to the county treasurer of the county in which said foreclosure sale is made, to be disposed of by said county treasurer as directed by law.

*ORS 87.172 provides that a person claiming a lien must retain the chattel that is subject to the lien for at least 60 days after the lien attaches (the date stated in, par. 5 above) before foreclosing the lien. The words "foreclosing the lien" refers to the date of sale; therefore, the sale date entered between the * should be at least 60 days after the date in par. 5; unless the chattel is an animal, in which case the interval must be at least 30 days, or if the animal is a dog or cat, at least 15 days.

7. On April 28, 1986,

and more than thirty days prior to the day so fixed for said foreclosure sale, claimant gave this notice by registered or certified mail to the following persons:

a. To the lien debtor at his last known address; or if the lien debtor is a corporation, to its said registered agent at its said registered office.

**b. To all persons with a security interest in said chattels who have filed a financing statement perfecting that interest in the office of the Secretary of the State of Oregon or in the office of the appropriate county officer of the county in which the foreclosure sale is to be held.

**c. If the chattel so to be sold is one for which a certificate of title is required by the laws of this state, to all those persons whom the certificate of title indicates have a security interest in or lien upon the chattels.

8. On the date first mentioned in paragraph 7, this notice was posted in a public place at or near the front door of the county courthouse of the county in which the sale is to be held and in a public place where claimant obtained possession of said chattels from the lien debtor in Klamath County, Oregon.

In construing this instrument and where the context so required, words in the singular include the plural; and, generally, all changes shall be made or implied so that this instrument shall be deemed notice both to individuals and to corporations.

Dated April 28, 1986,

JESPERSEN EDGEWOOD, INC.

Claimant

By Michael C. Miller
Michael C. Miller
Attorney for Claimant

STATE OF OREGON,

County of Klamath } ss.

I, MICHAEL C. MILLER, Attorney for the claimant
the claimant named in the foregoing instrument, being first duly sworn, say that I know the contents thereof and that the statements and claims made therein are in all respects correct and true, as I verily believe.

Michael C. Miller

Subscribed and sworn to before me this 28th day of April, 1986

Wendy Young

Notary Public for Oregon. My commission expires 8/31/87

**If there is a security interest in the chattel, notice to the holder of the security interest must be given not later than the 20th day after the date on which the storage charges begin; or, if no storage charges are imposed, notice to the holder of a security interest must be given not later than the 30th day after the date on which the services provided are completed.

IMPORTANT NOTICE: If the chattel has a fair market value of \$1,000 or more, the lien claimant, in addition to the notices set forth in paragraphs 7 and 8 above, shall have a notice of foreclosure sale printed once a week for two successive weeks in a newspaper as required by ORS 87.192(3). Such notice shall contain a particular description of the property to be sold, the name of the owner or reputed owner thereof, the amount due on the lien, the time and place of the sale and the name of the person foreclosing the lien.

Stevens-Ness Form No. 1120 is a warehouseman's possessory lien for storage; Form No. 1121 is a statement of account; Form No. 927 is a Warehouseman's Lien.

I hereby certify that the within instrument was filed in my office on the 10th day of June, 1986 at 11:45 o'clock A.M. and recorded in Book M 86 on Page 10097, or as No. 62412 in the Lien Upon Chattels records of Klamath County, Oregon.

WITNESS my hand and seal of County affixed.

AFTER RECORDING, RETURN TO:
Michael C. Miller
601 Main Street, Suite 210
Klamath Falls OR 97601-6007

EVELYN BIEHN, County Clerk

By Brian Smith
Deputy

Fee: \$21.00