

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

MC GAVIC and BOYD, P.C., a
professional corporation, and
JAMES E. MC COBB,

Plaintiff,

vs.

STEVE E. RAJNUS; CARL A. RAJNUS;
and VIRGINIA M. RAJNUS,

Case No. 88-324-CV

CLAIM OF JUDICIAL LIEN

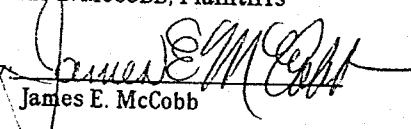
TO: COUNTY CLERK OF KLAMATH COUNTY

1. Plaintiffs have commenced the above-entitled lawsuit against defendants, seeking recovery of a money judgment in the sum of \$ 41,063.17 consisting of \$12,202.65, plus interest thereon at nine percent (9%) per annum from to 10th day of September, 1988 until paid with respect to Plaintiff James E. McCobb, and \$28,860.52, plus interest thereon at nine percent (9%) per annum from the 7th day of October, 1988 until paid, with respect to Plaintiff McGavic & Boyd, P.C., said Judgement to bear interest at the statutory rate of nine percent (9%) per annum from date of Judgement, until paid.

2. The plaintiffs are McGavic & Boyd, P.C., a professional corporation, and James E. McCobb, and the defendants are Steve E. Rajnus, Carl A. Rajnus, and Virginia M. Rajnus. The case is pending in the Circuit Court of Klamath County, Case No. 88-324-CV.

3. Plaintiff is hereby claiming a judicial lien in the real and personal property described in the ORDER FOR ISSUANCE OF PROVISIONAL PROCESS, IMPOSING JUDICIAL LIEN ON REAL AND PERSONAL PROPERTY, AND PRELIMINARY INJUNCTION a certified copy of which ORDER authorizing this claim of judicial lien is attached hereto and incorporated by this reference.

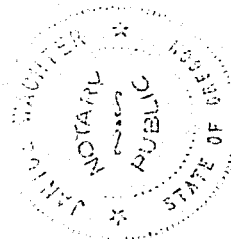
McGAVIC & BOYD, P.C.
JAMES E. MCCOBB, Plaintiffs

By: 
James E. McCobb

1
2 STATE OF OREGON)
3 County of Klamath) ss

4 This instrument was acknowledged before me on April 3, 1989 by James E. McCobb,
5 one of the plaintiffs.

6 Janice Wachter
7 Notary Public for Oregon
8 My Commission Expires: 12/23/90



MAR 8 1989

13th JUDICIAL DISTRICT IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

MC GAVIC and BOYD, P.C., a
 professional corporation, and
 JAMES E. MCCOBB,

Plaintiffs,

vs.

STEVE E. RAJNUS; CARL A.
 RAJNUS; and VIRGINIA M. RAJNUS,

Defendants.

Case No. 88-324-CV

ORDER FOR ISSUANCE OF PROVISIONAL
 PROCESS, IMPOSING JUDICIAL LIEN ON
 REAL AND PERSONAL PROPERTY, AND
 PRELIMINARY INJUNCTION
 (nunc pro tunc February 15, 1989)

THIS MATTER coming on for Hearing upon Plaintiffs' Motion for Order to Show Cause Why Provisional Process Should Not Issue and a SHOW CAUSE hearing having been held in Klamath Falls, Oregon on February 15, 1989 pursuant to due notice given to the parties and the Plaintiffs appearing in person and Defendants appearing in person and through counsel, Donald R. Crane and Robert J. Foltyn of Crane & Foltyn, of counsel for the Defendants and the parties having stipulated and agreed on the record to the entry of this Order for the purpose of provisional process only, and

IT APPEARING AND THE COURT FINDS there exists probable cause to sustain the validity of Plaintiffs' underlying claim at least to some extent, and Defendants disputing Plaintiffs' claim, and the Court being fully advised in the premises

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The requirement for the Plaintiffs to file an undertaking be and the same hereby is waived;
2. The Court hereby imposes a Judicial Lien on all non-exempt real and personal property of Defendants Steve E. Rajnus, Carl A. Rajnus and Virginia A. Rajnus and Rajnus and Rajnus, including but not limited to the following:
 - a. The real property more commonly known as the Jendrzewski Property, the Toffel Property, the Poe Valley Property, and the Quick Property, more particularly and specifically described in the attached Exhibits "A" through "D", inclusive;

Page 1 - ORDER FOR ISSUANCE OF PROVISIONAL PROCESS, IMPOSING JUDICIAL LIEN ON REAL AND PERSONAL PROPERTY, AND PRELIMINARY INJUNCTION - nunc pro tunc February 15, 1989

- b. All equipment, including irrigation pipe, machinery, and tools, now owned or hereafter acquired;
- c. All inventory, including but not limited to all farm and other agricultural products of any kind or nature;
- d. All contract rights, including all accounts receivable;
- e. All farm and other agricultural supplies;
- f. All agricultural products growing, grown, or to be grown for the 1988 and 1989 crop years, including potatoes and grain grown, growing or to be grown on the Toffel Property, Jendrzejewski Property, Poe Valley Property, the Quick Property, and all other real property located in Klamath County, Oregon owned, leased, rented, or used by the Defendants, or any of them;
- g. All tangible property; and
- h. All intangibles.

IT IS FURTHER ORDERED as follows:

3. That the Defendants, and each of them be and the same hereby are ordered and directed to furnish and submit legible and copyable legal descriptions of any real property upon which 1989 crops are growing or are to be grown within the earlier of five (5) days of the acquisition by the Defendants, or any of them, of the right to farm, plant or undertake possession of such real property;
4. That Plaintiffs' counsel be and hereby is authorized to append such additional legal descriptions to a copy of this Order as originally entered and cause the same to be filed with the County Clerk who shall record it in County Lien Record, as an amendment to the copy of this original Order without the necessity of amending this Order, so that the Judicial Lien herein imposed shall automatically become a Lien on crops growing, grown or to be grown on such additional real property;
5. The Defendants and all of them are authorized, without accounting to Plaintiff or to this Court, to use the first FORTY FIVE THOUSAND DOLLARS (\$45,000.00) of the 1988 crop proceeds of sale, together with all monthly payments on that certain Land Sale Contract wherein Carl A. Rajnus and Virginia A. Rajnus are the vendors of certain real property known as the Quick Property, such Land Sale Contract being a

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JUDICIAL LIEN ON REAL AND PERSONAL PROPERTY, AND PRELIMI-
NARY INJUNCTION

1 contract right and account receivable of Defendants Carl A.
2 Rajnus and Virginia A. Rajnus covered by the Judicial Lien
3 imposed by this Order;

4 6. The Judicial Lien imposed by this Order upon the Land Sale
5 Contract, contract right and account receivable of Defendants
6 Carl A. Rajnus and Virginia A. Rajnus described in the
7 immediately preceding paragraph be and the same hereby is
8 subordinated to any institutional lender to the extent of the
9 first FORTY THOUSAND DOLLARS (\$40,000.00) of the unpaid
10 balance thereof; and

11 IT IS FURTHER ORDERED that the Defendants and each of them be
12 and they hereby are preliminarily enjoined and restrained from
13 selling or receiving proceeds of sale of any non-exempt real and
14 personal property out of the ordinary course of business without
15 first paying in full any prior encumbrance on such property to any
16 creditor secured thereby to the lesser of the full unpaid balance
17 of such secured creditor's interest in such property or the amount
18 of proceeds resulting from the sale thereof, and thereafter paying
19 the balance of the proceeds of any such sale to the Clerk of this
20 Court as upon a Writ of Attachment, to be held by the Clerk of this
21 Court pending the final outcome of this case and until further
22 Order of this Court; and

23 IT IS FURTHER ORDERED the Plaintiffs be and they hereby are
24 temporarily enjoined and restrained from foreclosing or liquidating
25 the property upon which this Order imposes a Judicial Lien prior to
26 the trial of the underlying case; and

IT IS FURTHER ORDERED that in the event the trial of this
case is postponed or set over from the current trial date of April
25, 1989, the Defendants, and each of them, retain the right, upon
notice to move the Court for relief relating to possession and use
of the property upon which this Judicial Lien is imposed, pursuant
to ORCP 84F(1); and

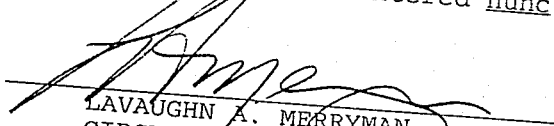
IT IS FURTHER ORDERED that Derrick E. Mc Gavic shall prepare
and submit the form of the proposed Order for Issuance of Provi-
sional Process, Imposing Judicial Lien on Real and Personal
Property, and Preliminary Injunction.

IT IS FURTHER ORDERED that this Order shall be entered nunc
pro tunc February 15, 1989 on or before the close of judicial
business on February 27, 1989; provided, however, the Court shall
resolve any wording dispute between the parties by telephone
conference call with the party objecting to the wording paying for
such conference call; and

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JUDICIAL LIEN ON REAL AND PERSONAL PROPERTY, AND PRELIMI-
NARY INJUNCTION

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DATED this 6 day of March, 1989 and entered nunc pro tunc February 15, 1989.


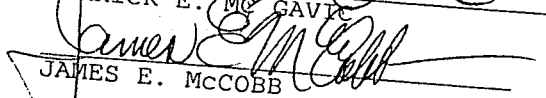

LAVAUGHN A. MERRYMAN
CIRCUIT COURT JUDGE

STIPULATION


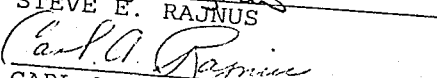
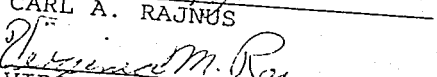
The parties and their respective counsels having stipulated to the entry of the foregoing Order do hereby consent to its submission to the Court for ex parte signature and entry.

Plaintiffs:

MC GAVIC & BOYD, P.C.

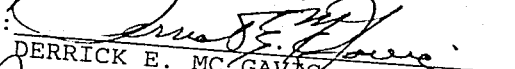
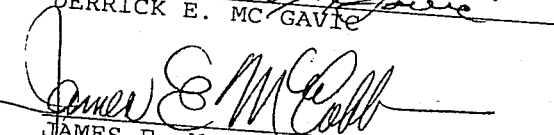
By: 
DERRICK E. MC GAVIE

JAMES E. MCCOBB


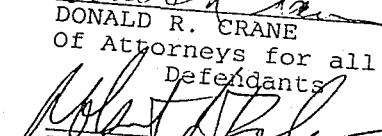
Defendants:


STEVE E. RAJNUS

CARL A. RAJNUS

VIRGINIA A. RAJNUS

APPROVED AS TO CONTENT AND FORM

MC GAVIC & BOYD, P.C.

By: 
DERRICK E. MC GAVIE

JAMES E. MCCOBB

CRANE & FOLTYN
By: 
DONALD R. CRANE
Of Attorneys for all Defendants

ROBERT J. FOLTYN
Of Attorneys for all Defendants

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Jendrzejewski Property

Township 38 South, Range 11 East of the Willamette Meridian, Klamath County,
Oregon

Section 6: S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 7: NW $\frac{1}{2}$ NE $\frac{1}{4}$, Except that portion thereof
lying South of Highway 140.

Tofell Property

5607

Lots 2 and 3 (NW1/4 SW1/4 and SW1/4 NW1/4) of Section 7, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Less any portion thereof lying Southeasterly of the State Highway.

ALSO LESS the following real property: A parcel of land situated in the SW $\frac{1}{4}$ of Section 7, Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the SW corner of Section 7, thence N. 00°08'17" W. 578.8 feet to a point of intersection of the West line of Section 7 and the Northwestern right of way line of Oregon Highway 140; thence along said Northwestern right of way to Highway 140 N. 45°05'28" E. a distance of 1,145.4 feet to a 1/2 inch rod, which is the true point of beginning; thence N. 00°08'17" W. a distance of 484.3 feet to a 5/8 inch rebar; thence N. 89°51'43" E. a distance of 354.0 feet to a 5/8 inch rebar; thence S. 00°18'17" E. 134.1 feet to a 5/8 inch rebar and the intersection of the Northwestern right of way to Highway 140; thence S. 45°05'28" W. 501.2 feet along Northwestern State Highway 140 to the point of beginning.

Township 38 South, Range 11 1/2 East of the Willamette Meridian Section 12: SE1/4NE1/4, NE1/4SE1/4

TABLE B 1

Potato Cellar Portion of Tofell

A portion of Lot 2 in Section 7, Township 38 South, Range 11, East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Northeast corner of said Lot 2; thence Southerly along the East line of said Lot 2 a distance of 700.0 feet; thence Westerly and parallel with the North line said Lot 2 a distance of 500.0 feet; thence Northerly and parallel with the East line of said Lot 2 a distance of 700.0 feet to the North line of said Lot 2; thence Easterly along the North line of said Lot 2 a distance of 500.0 feet to the point of beginning.

Poe Valley Ranch

Township 40 South, Range 11 East of the Willamette Meridian, Klamath County,
Oregon.

- Section 10: E $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 11: SW $\frac{1}{4}$, SE $\frac{1}{4}$ lying South of the Road
 Section 12: All that portion of the SW $\frac{1}{4}$ of Section 12 lying
 West of the new Poe Valley Malin Highway as now
 constructed, and South of Schaupp Co. Road
 Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$,
 Section 15: E $\frac{1}{2}$ E $\frac{1}{4}$
 Section 23: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 24: S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Westerly of Harpold Road,
 and the Northerly 180 feet of that portion
 of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Westerly of Harpold Road.
 NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

Parcel Six: Last Deed of Record runs to Carl Rajnus and Virginia Rajnus

Township 40 South Range 11 East of the Willamette Meridian

That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 40 South Range 11 East of the Willamette Meridian, lying Westerly from the centerline of the Bonanza-Malin Highway as the same is now located and constructed, excepting therefrom any portion lying within the right of way of the Bonanza-Malin Highway

Also the East 120 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 13, Township 40 South, Range 11 East of the Willamette Meridian.

Subject to: Contract of Sale by and between Carl Rajnus and Virginia Rajnus as seller and Vernon R. Quick and Gail A. Quick, as disclosed by Memorandum of Contract dated October 1st 1982 and recorded October 7, 1982 in M-82 on page 13422, records of Klamath County, Oregon.

1000 D 1



Deputy.