

FILED  
STATE OF OREGON  
COLUMBIA COUNTY COURTS

1988 SEP -9 PM 4:44

COURT ADMINISTRATOR

BY *J. Smiley*IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF COLUMBIANEI PENSION INVESTORS LIMITED  
PARTNERSHIP-VIII,

Plaintiff,

v.

JOHN ROGER GUFFEY, PAULA K. GUFFEY,  
CRITERION NORTHWEST, INC.,  
RAINY SKY, INC., RONNY R. MCCOY,  
CRAIG J. PORTER, CHARLES CONROW,  
BRIANNA CONROW, and LAURENCE E.  
NICHOLS,

Defendants.

No. 88-2635

DEFAULT JUDGMENT  
AGAINSTJOHN ROGER GUFFEY,  
PAULA K. GUFFEY,  
CRITERION NORTHWEST, INC.  
RAINY SKY, INC.  
RONNY R. MCCOY, CRAIG J.  
PORTER, CHARLES CONROW  
BRIANNA CONROW and  
LAURENCE E. NICHOLS

This matter came before this court upon motion of plaintiff for a default judgment against the said defendants. The court having entered an order of default against each of the said defendants and finding generally in favor of plaintiff and against the defendants on plaintiff's complaint; now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff have Judgment against and recover of and from each of the defendants John Roger Guffey, Paula K. Guffey, Criterion Northwest, Inc., Rainy sky, Inc., Ronny R. McCoy, Craig J. Porter, Charles Conrow, Brianna Conrow and Laurence E. Nichols the following:

1. A judgment in the sum of Fifty Thousand Dollars (\$50,000.00), plus interest thereon at the rate of twelve percent (12%) per annum from November 1, 1987 until the date of this judgment, plus late charges of Five Thousand Dollars (\$5,000.00), plus Three Hundred Five Dollars (\$305.00) for reimbursement for

Page

1 - DEFAULT JUDGMENT  
69003nei\007\judge34 35  
36

1 the cost of the Judicial Foreclosure Guarantee REport, plus  
2 plaintiff's reasonable costs and disbursements incurred herein  
3 taxed at Three Hundred Seventy Nine Dollars (\$379.00), to date,  
4 plus attorney fees in the sum of Two Thousand Five Hundred Sixty  
5 Eight Dollars (\$2,568.00), and interest at the rate of twelve  
6 percent (12%) per annum on the entire judgment amount from the  
7 date judgment is entered until paid, and that execution issue  
8 therefor.

9  
10 2. The Trust Deed executed and delivered by  
11 defendants to plaintiff on or about October 10, 1985, and  
12 recorded on October 10, 1985, in Book 193, Page 01 of the Deed of  
13 Records of Columbia County, Oregon, is a valid lien for the  
14 amount of plaintiff's judgment set forth in paragraph 1 above  
15 against all the real property, situated in Columbia County,  
16 Oregon, described in Exhibit "A", a true copy of the real  
17 property description is attached hereto, and incorporated by  
18 reference herein. Plaintiff's lien is superior to any interest,  
19 lien, or claim of the defendants or any of them, in that  
20 property.

21 3. The Trust Deed is foreclosed and all interest  
22 which the defendants had on and after November 1, 1987, in the  
23 real property or so much thereof as may be necessary to satisfy  
24 the judgment of plaintiff herein shall be sold by the sheriff of  
25 Columbia County, Oregon, in the manner provided by law and in  
26 accordance with the practice of this court.

4. The proceeds of sale shall be applied first toward

1 the costs of sale; then the expenses incurred by the receiver (if  
2 any) for his compensation and for the necessary care and  
3 preservation of property in his possession; then toward the  
4 satisfaction of plaintiff's judgment awarded herein; and the  
5 surplus, if any, to the clerk of the court subject to further  
6 order of the court.  
7

8 5. If the proceeds of sale are not sufficient to  
9 satisfy the judgment of plaintiff awarded herein against  
10 defendants, then any such deficiency may be enforced by execution  
11 as provided by law.

12 6. The defendants, and each of them, and all persons  
13 claiming through or under defendants, as purchasers,  
14 encumbrances, or otherwise are forever foreclosed of all  
15 interest, lien, or claim in the real property and every portion  
16 thereof excepting only any statutory right of redemption as the  
17 defendants, or any of them, may have therein.

18 7. Plaintiff or any other party to this suit may  
19 become the purchaser at the sale of the real property. The  
20 purchaser is entitled to exclusive possession of the real  
21 property from and after the date of sale and is entitled to such  
22 remedies as are available at law to secure possession, including  
23 a writ of assistance, if defendants, or any of them or any other  
24  
25  
26

////

////

////

////

Page

3 - DEFAULT JUDGMENT  
69003ne1\007\judge



1 party or person shall refuse to surrender possession to the  
2 purchaser immediately upon the purchaser's demand for possession.  
3 DATED this 26th day of August, 1988.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
CIRCUIT COURT JUDGE

RESPECTFULLY SUBMITTED:

  
Louis A. Santiago, OSB #78361  
Of Attorneys for Plaintiff

I HEREBY CERTIFY THAT THIS IS  
A TRUE COPY OF THE ORIGINAL  
TRIM COURT ADMINISTRATION

BY: 

DEBTOR: John Roger & Paula K. Guffey  
 SECURED PARTY: NEI Pension Investors Limited Partnership-VIII

BOOK 193 PAGE 14

SCHEDULE "A"

Beginning at the most Northerly point of the David A. Thompson and Charles Gary Thompson tract as described in parcel 02 of Deed Book 225, at page 217, said point being on the Westerly line of 6th Street of Moack Addition to the City of Rainier, as per plat of record and on file in the Clerks Office of Columbia County, Oregon; thence South 14°57'55" West along the West line of said 6th Street, a distance of 132.8 feet to the Southwest corner of Ash Street in said Moack's Addition and the true point of beginning of the parcel herein described; thence South 75°01'48" East, a distance of 460.0 feet; thence South 14°58'12" West, a distance of 100.0 feet; thence South 75°01'48" East, a distance of 70.0 feet; thence North 14°58'12" East, a distance of 50.0 feet to the Southwest corner of the A. E. Veatch tract, as described in Deed Book 29, at page 505; thence South 75°01'48" East, a distance of 80.0 feet to the Westerly line of the Grace Moack Reid tract, as described in Deed Book 12, at page 596; thence South 14°58'12" West along said West line and the extension thereof, a distance of 100.0 feet; thence South 75°01'48" East, a distance of 70.0 feet to the Northwesterly corner of the Frank A. Pomeroy tract, as described in Deed Book 16, at page 115; thence South 14°58'12" West parallel with 4th Street (formerly Carlisle Street) a distance of 212.0 feet; thence South 75°01'48" East, a distance of 120.0 feet to the Westerly right-of-way line of said 4th Street; thence South 14°58'12" West along said right-of-way line, a distance of 205.60 feet; thence North 75°01'48" West, a distance of 222.40 feet; thence South 14°58'12" West, a distance of 208.50 feet to the Northerly right-of-way line of McKay County Road; thence Westerly along said Northerly right-of-way line to a point that is South 0°14'30" East, 182.0 feet and South 13°49' West, 442.26 feet and South 8°23'30" West, 235.98 feet from the true point of beginning; thence North 8°23'30" East, a distance of 235.98 feet; thence North 13°49' East, a distance of 442.26 feet; thence North 0°14'30" West, a distance of 182.0 feet to the true point of beginning also being in Section 16, Township 7 North, Range 2 West, Willamette Meridian, Columbia County, Oregon.

Subject to and including the following described 60 foot easement being 30 feet on each side of the following described center line; Beginning at the Southwest corner of the above described parcel; thence North 8°23'30" East, a distance of 235.98 feet to the terminus of said easement.

Return: Bauer, Hermann, Fountain & Rhoades  
 421 S.W. 6th Ave.  
 Portland, Or. 97204

EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Bauer, Hermann, Fountain & Rhoades the 29th day  
 of Nov. A.D., 19 89 at 11:41 o'clock A.M., and duly recorded in Vol. M89,  
 of Co. Lien Docket on Page 23099.

Evelyn Biehn, County Clerk

By Paula Mullins

FEE \$25.00