

2

3 UNITED PACIFIC INSURANCE)
 4 COMPANY, a Washington)
 4 corporation,)

5 Plaintiff,)

6 v.)

7 DONALD EDWARD JOHNSON, aka)
 8 DON E. JOHNSON; MURIEL ANETTA)
 8 JOHNSON, aka MURIEL A.)
 9 JOHNSON, aka MURIEL ANNETTA)
 9 JOHNSON; JOHN E. JOHNSON;)
 10 DEBORAH A. JOHNSON; DON E.)
 10 JOHNSON CONSTRUCTION, INC.,)
 11 an Oregon corporation; SOUTH)
 11 VALLEY STATE BANK, an Oregon)
 12 state chartered banking)
 12 corporation; CARTER-JONES)
 13 COLLECTION SERVICE, INC., an)
 13 Oregon corporation; SURFSIDE)
 14 VOLKSWAGEN, INC., aka SURFSIDE)
 14 VOLKSWAGEN-AUDI, INC., dba)
 15 SURFSIDE MOTORS, an Oregon)
 15 corporation; UNITED STATES)
 16 OF AMERICA, through the)
 16 Department of Internal)
 17 Revenue Service; SCOTT REED;)
 17 DONNA REED and MTC, INC., dba)
 18 MOUNTAIN TITLE COMPANY OF)
 18 KLAMATH COUNTY, an Oregon)
 19 corporation,)

19 Defendants.)

20 _____)
 21 TO: SHERIFF OF KLAMATH COUNTY, OREGON

22 WHEREAS, on August 18, 1992 and August 25, 1992, in the
 23 above-entitled court, a judgment of foreclosure was enrolled
 24 and docketed in the above-entitled cause, a true copy of which
 25 is attached hereto and made a part hereof;

26 ///

1 - WRIT OF EXECUTION ON FORECLOSURE
 OF REAL PROPERTY

Case No. 9200650CV

WRIT OF EXECUTION ON
 FORECLOSURE OF REAL
 PROPERTY

Att:
 STAFFORD FREY COOPER & STEWART

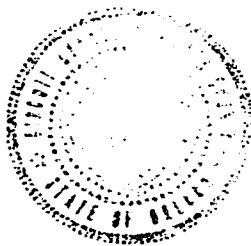
ATTORNEYS
 1700 BENJAMIN FRANKLIN PLAZA
 ONE S.W. COLUMBIA
 PORTLAND, OREGON 97258-2097
 (503) 271-6490

51974
 10 10 54

5-00

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you
 2 are hereby commanded to sell, in the manner prescribed by law
 3 for the sale of real property upon execution (subject to
 4 redemption), all of the interest which the defendants had on
 5 March 3, 1981, the date of recording of the Assignment of Land
 6 Sale Contract, and also all of the interest which the
 7 defendants had thereafter, in the real property described in
 8 the judgment, to satisfy the sum of \$428,733.16, together with
 9 interest upon that sum at the rate of 9% per annum from
 10 August 18, 1992, costs and disbursements in the sum of \$463.00,
 11 and the costs of this writ, making due return within 60 days
 12 after you receive this writ.

13 DATED this 18th day of September, 1992.



14
 15 Lyn G. Hardy Clerk
 16 Title

17 By: Melaine S. Patsche
 18 Deputy

19 c:\ls\jty\upic\johnwrit.exe

20 STATE OF OREGON)
 21 County of Klamath)
 22 I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath
 23 and the State of Oregon do hereby certify that the foregoing copy has been
 24 by me compared with the original, and that it is a true and correct copy
 25 of the whole of the original on the same subject as the original on file in my
 26 office and in my care and custody.
 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 the seal of said Court, this 18th day of Sept, 1992.
 LYN G. HARDY, Clerk of Court
 By: Melaine S. Patsche

2 - WRIT OF EXECUTION, ON FORECLOSURE
 OF REAL PROPERTY

STAFFORD FREY COOPER & STEWART

ATTORNEYS
 1700 BENTLEY FRANKLIN PLAZA
 1000 S.W. COMMERCIAL
 PORTLAND, OREGON 97208-2007
 (503) 221-6029

1992

FILED
STATE OF OREGON
CLERK OF COURT

1992 AUG 24 PM 2:35

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

CLERK OF COURT

BY Bom

UNITED PACIFIC INSURANCE
COMPANY, a Washington
corporation,

Plaintiff,

v.

Case No. 9200650CV

JUDGMENT OF FORECLOSURE

DONALD EDWARD JOHNSON, aka
DON E. JOHNSON; MURIEL ANETTA
JOHNSON, aka MURIEL A.
JOHNSON, aka MURIEL ANNETTA
JOHNSON; JOHN E. JOHNSON;
DEBORAH A. JOHNSON; DON E.
JOHNSON CONSTRUCTION, INC.,
an Oregon corporation; SOUTH
VALLEY STATE BANK, an Oregon
state chartered banking
corporation; CARTER-JONES
COLLECTION SERVICE, INC., an
Oregon corporation; SURFSIDE
VOLKSWAGEN, INC., aka SURFSIDE
VOLKSWAGEN-AUDI, INC., dba
SURFSIDE MOTORS, an Oregon
corporation; UNITED STATES
OF AMERICA, through the
Department of Internal
Revenue Service; SCOTT REED;
DONNA REED and MTC, INC., dba
MOUNTAIN TITLE COMPANY OF
KLAMATH COUNTY, an Oregon
corporation,

Defendants.

This matter came before the court on plaintiff's motion
for entry of judgment of foreclosure by default against
defendants South Valley State Bank, Carter-Jones Collection
Service, Inc., Surfside Volkswagen, Inc., aka Surfside
Volkswagen-Audi, Inc., dba Surfside Motors, Scott Reed and
Donna Reed, and it appearing to the court that an order of

1 - JUDGMENT OF FORECLOSURE

STAFFORD FREY COOPER & STEWART

ATTORNEYS
1700 N. Klamath Falls Plaza
ORIG S.W. COLUMBIA
PORTLAND, OREGON 97208-2027
(503) 221-0229

1 default has been entered against defendants South Valley State
 2 Bank; Carter-Jones Collection Service, Inc.; Surfside
 3 Volkswagen, Inc., aka Surfside Volkswagen-Audi, dba Surfside
 4 Motors on April 22, 1992; and against defendants Scott Reed and
 5 Donna Reed on August 10, 1992, and the court finding that no
 6 just reason exists for delay of entry of a final judgment
 7 against these defendants,

8 IT IS HEREBY ORDERED AND ADJUDGED:

9 1. The assignment of land sale contract executed and
 10 delivered by Muriel Johnson and Donald E. Johnson on February
 11 23, 1981 to plaintiff and recorded on March 3, 1981 in Volume
 12 M81, Page 3686 and Reel No. 96571 of the official records of
 13 Klamath County, Oregon, is a valid lien for the amount of
 14 \$428,733.16, together with costs in the amount of \$463.00 and
 15 attorney fees in the amount of \$1,500.00 against all the real
 16 property, situated in Klamath County, Oregon described as:

17 A parcel of land situated in the SW 1/4 of Section
 18 34, Township 39 South, Range 9 East of the Willamette
 19 Meridian, in the County of Klamath, State of Oregon,
 more particularly described as follows:

20 Beginning at a point on the North right of way line
 21 of Midland Road from which the Southwest corner of
 22 said Section 34 bears the following two bearings and
 23 distances: South 89 degrees 54' 58" West 117.00
 24 feet, South 00 degrees 10' 55" East 30.00 feet;
 25 thence from said point of beginning North 89 degrees
 26 54' 58" East along the North right of way of said
 Midland Road 203.00 feet; thence North 00 degrees 10'
 55" West 429.16 feet to a 5/8" iron pin; thence South
 89 degrees 54' 58" West 203.00 feet to a 5/8" iron
 pin; thence South 00 degrees 10' 55" East 429.16 feet
 to the point of beginning.

CODE 164 MAP 3909-33DO TL 1700

1 And that lien is superior to any interest, lien, or claim of
2 the defendants South Valley State Bank, Carter-Jones Collection
3 Service, Inc., and Surfside Volkswagen, Inc., aka Surfside
4 Volkswagen-Audi, Inc., dba Surfside Motors, Donna Reed and
5 Scott Reed in that property.

6 2. The land sale contract lien is foreclosed and all
7 interest which the defendants South Valley State Bank; Carter-
8 Jones Collection Service, Inc.; and Surfside Volkswagen, Inc.,
9 aka Surfside Volkswagen-Audi, Inc., dba Surfside Motors; and
10 Scott Reed and Donna Reed had on or after March 3, 1981, in the
11 real property shall be sold by the sheriff of Klamath County,
12 Oregon, in the manner provided by law and in accordance with
13 the practice of this court.


14 3. The proceeds of the sale shall be applied first
15 towards the cost of the sale; then towards the satisfaction of
16 plaintiff's judgment awarded herein; and the surplus, if any,
17 to the clerk of the court.

18 4. The defendants South Valley State Bank; Carter-Jones
19 Collection Service, Inc.; and Surfside Volkswagen, Inc., aka
20 Surfside Volkswagen-Audi, Inc., dba Surfside Motors; Scott Reed
21 and Donna Reed, and all persons claiming through or under said
22 defendants, as purchasers, encumbrances, or otherwise are
23 forever foreclosed of all interest, lien, or claim in the real
24 property described above and every portion thereof, excepting
25 only any statutory right of redemption as the defendants, or
26 any of them, may have herein.

10 DATED this 24 day of August, 1992.

Roxanne Osborne
JUDGE

15 STAFFORD FREY COOPER & STEWART

16 
17 James T. Yand, OSB #88335
18 Of Attorneys for Plaintiff

c:\ls\jty\upic\johnjud.for

STATE OF OREGON)

County of Klamath)

I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath and the State of Oregon do hereby certify that the foregoing copy has been by me compared with the original, and that it is a transcript therefrom, and of the whole of said original as the same appears on file or of record in my office and in my court of record.

IN TESTIMONY

I have hereunto set my hand and affixed the seal of said Court, this 11 day of Sept A.D. 19 91

Clerk of Court

Cathy Jeff

FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON

AUG 17 PM 4:10

FOR THE COUNTY OF KLAMATH

CLERK OF COURT

1
2
3 UNITED PACIFIC INSURANCE)
4 COMPANY, a Washington)
5 corporation,)

Plaintiff,)

v.)

6
7 DONALD EDWARD JOHNSON, aka)
8 DON E. JOHNSON; MURIEL ANETTA)
9 JOHNSON, aka MURIEL A.)
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14 an Oregon corporation; SOUTH)
15 VALLEY STATE BANK, an Oregon)
16 state chartered banking)
17 corporation; CARTER-JONES)
18 COLLECTION SERVICE, INC., an)
19 Oregon corporation; SURFSIDE)
20 VOLKSWAGEN, INC., aka SURFSIDE)
21 VOLKSWAGEN-AUDI, INC., dba)
22 SURFSIDE MOTORS, an Oregon)
23 corporation; UNITED STATES)
24 OF AMERICA, through the)
25 Department of Internal)
26 Revenue Service; SCOTT REED;)
DONNA REED and MTC, INC., dba)
MOUNTAIN TITLE COMPANY OF)
KLAMATH COUNTY, an Oregon)
corporation,)

Defendants.)

Case No. 9200650CV

STIPULATED JUDGMENT

ENTERED

BY DS

21 Based on the underlying stipulation between plaintiff,

22 United Pacific Insurance Company, and defendants, Donald Edward
23 Johnson, aka Don E. Johnson; Muriel Anetta Johnson, aka Muriel
24 A. Johnson, aka Muriel Annetta Johnson; John E. Johnson;
25 Deborah A. Johnson; and Don E. Johnson Construction, Inc., and
26 the Court finding no just reason for delay for entry of a final

1 - STIPULATED JUDGMENT

STAFFORD FREY COOPER & STEWART

ATTORNEYS
1700 BENJAMIN FRANKLIN PLAZA
ONE SW COLUMBIA
PORTLAND, OREGON 97254-2097
(503) 221-0093

AUG 17 1992

1 judgment since the above-named defendants are the only ones who
2 have appeared in this action and an order of default or
3 dismissal has been entered against the remaining defendants,
4 except Scott and Donna Reed who are being served by
5 publication,

6 IT IS HEREBY ORDERED AND ADJUDGED as follows:

7 1. Plaintiff United Pacific Insurance Company is awarded
8 a judgment against Don E. Johnson Construction, Inc. in the
9 amount of \$428,733.16, together with \$1,500 in attorney fees
10 and \$253 for costs incurred herein, together with postjudgment
11 interest.

12 2. The assignment of land sale contract executed and
13 delivered by Muriel Johnson and Donald E. Johnson on February
14 23, 1981 to plaintiff and recorded on March 3, 1981 in Volume
15 M81, Page 3686 and Reel No. 96571 of the official records of
16 Klamath County, Oregon, is a valid lien for the amount of
17 plaintiff's judgment in this action against all the real
18 property, situated in Klamath County, Oregon described as:

19 A parcel of land situated in the SW 1/4 of Section
20 34, Township 39 South, Range 9 East of the Willamette
Meridian, in the County of Klamath, State of Oregon,
more particularly described as follows:

21 Beginning at a point on the North right of way line
22 of Midland Road from which the Southwest corner of
23 said Section 34 bears the following two bearings and
distances: South 89 degrees 54' 58" West 117.00
feet, South 00 degrees 10' 55" East 30.00 feet;
24 thence from said point of beginning North 89 degrees
54' 58" East along the North right of way of said
25 Midland Road 203.00 feet; thence North 00 degrees 10'
55" West 429.16 feet to a 5/8" iron pin; thence South
26 89 degrees 54' 58" West 203.00 feet to a 5/8" iron

1 pin; thence South 00 degrees 10' 55" East 429.16 feet
2 to the point of beginning.

3 CODE 164 MAP 3909-33DO TL 1700

4 And that lien is superior to any interest, lien, or claim of
5 the defendants Donald Edward Johnson, aka Don E. Johnson;
6 Muriel Anetta Johnson, aka Muriel A. Johnson, aka Muriel
7 Annetta Johnson; John E. Johnson; Deborah A. Johnson; and Don
8 E. Johnson Construction, Inc., in that property.

9 3. The land sale contract lien is foreclosed and all
10 interest which the defendants Donald Edward Johnson, aka Don E.
11 Johnson; Muriel Anetta Johnson, aka Muriel A. Johnson, aka
12 Muriel Annetta Johnson; John E. Johnson; Deborah A. Johnson;
13 and Don E. Johnson Construction, Inc., had on or after March 3,
14 1981, in the real property shall be sold by the sheriff of
15 Klamath County, Oregon, in the manner provided by law and in
16 accordance with the practice of this court.

17 4. The proceeds of the sale shall be applied first
18 towards the cost of the sale; then towards the satisfaction of
19 plaintiff's judgment awarded herein; and the surplus, if any,
20 to the clerk of the court.

21 5. The defendants, Donald Edward Johnson, aka Don E.
22 Johnson; Muriel Anetta Johnson, aka Muriel A. Johnson, aka
23 Muriel Annetta Johnson; John E. Johnson; Deborah A. Johnson;
24 and Don E. Johnson Construction, Inc., and all persons claiming
25 through or under defendants, as purchasers, encumbrancers, or
26 otherwise are forever foreclosed of all interest, lien, or

1 claim in the real property described above and every portion
 2 thereof, excepting only any statutory right of redemption as
 3 the defendants, or any of them, may have herein.

4 6. Plaintiff or any other party to this suit may become
 5 the purchaser at the sale of the real property. The purchaser
 6 is entitled to exclusive possession of the real property from
 7 and after the date of sale and is entitled to such remedies as
 8 are available at law to secure possession, including a writ of
 9 assistance, if defendants, or any of them, or any other person
 10 or persons shall refuse to surrender possession to the
 11 purchaser immediately upon the purchaser's demand for
 12 possession.

13 MONEY JUDGMENT

14 Judgment Creditor: United Pacific Insurance Company
 15 Judgment Creditor's Attorney: James T. Yand
 16 Judgment Debtor: Don E. Johnson Construction, Inc.
 17 Amount of Judgment: \$428,733.16
 18 Attorney Fees: \$ 1,500.00

19 ///
 20 ///
 21 ///
 22 ///
 23 ///
 24 ///
 25 ///
 26 ///

1 Costs: \$ 463.00

2 Post-judgment Interest: 9 percent per annum

3 IT IS SO ORDERED this 17 day of August, 1992.

4

5

[Signature]
CIRCUIT COURT JUDGE

6

IT IS SO STIPULATED:

7

STAFFORD FREY COOPER & STEWART

8

9

[Signature]
10 JAMES T. YAND, OSB #88335
Of Attorneys for Plaintiff

11

12

[Signature]
13 NEAL G. BUCHANAN, OSB #77127
Of Attorneys for Defendants
14 Donald Edward Johnson, aka
15 Don E. Johnson; Muriel Anetta
Johnson, aka Muriel A. Johnson,
16 aka Muriel Annetta Johnson;
John E. Johnson; Deborah A.
17 Johnson; and Don E. Johnson
Construction, Inc.

18 c:\ls\jty\upic\johnstip.jud

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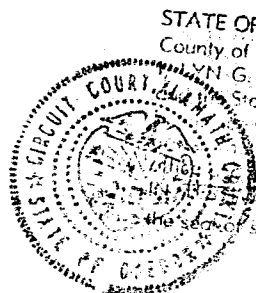
5 - STIPULATED JUDGMENT

STAFFORD FREY COOPER & STEWART

ATTORNEYS
1700 E. JEFFERSON STREET, SUITE 100
PORTLAND, OREGON 97254-2012
(503) 271-0000

81465

23444



STATE OF OREGON)
County of Klamath)

LYN G. HARDY Clerk of the Circuit Court of the County of Klamath

State of Oregon do hereby certify that the foregoing copy has been
correctly transcribed, and that it is a transcript therefrom, and
that it is a true and correct copy of the original as the same appears on file or of record in a

case in said Court, this 18 day of Sept A.D. 1992

LYN G. HARDY Clerk of Court

By Cathy Gehring

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Stafford, Frey et al the 7th day
of Oct. A.D., 19 92 at 10:54 o'clock A M., and duly recorded in Vol. M92
of Deeds on Page 23432

Evelyn Biehn - County Clerk

By Quinn M. Mendenhall

FEE \$70.00