

FEB 13 1995

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## IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY

ELLIS J. PHELPS dba E.J.  
LIMOUSIN RANCH,

Case No. 94CV-1585CC

Plaintiff,

## JUDGMENT

v.

SUTHERLIN LAND AND CATTLE CO.,  
INC., an Oregon Corporation,

Defendant.

THIS MATTER having come before the court for trial on May 23, 1995, and the Plaintiff appearing by and through legal counsel, THOMAS W. CRAWFORD, and the Defendant appearing by and through legal counsel, DAVID A. STOLL, and the court having heard testimony and received exhibits concerning this matter and otherwise being fully advised in the premises; NOW, THEREFORE

IT IS ADJUDGED as follows:

1.

Judgment is rendered in favor of Plaintiff ELLIS J. PHELPS, dba E.J. LIMOUSIN RANCH, and against Defendant SUTHERLIN LAND AND CATTLE CO., INC., an Oregon Corporation, in the sum of TWENTY EIGHT THOUSAND SEVEN HUNDRED TWO AND 37/100 DOLLARS (\$28,702.37) as principal, together with interest thereon at the rate of nine percent (9%) per annum from May 10, 1994, until paid and for Plaintiff's costs, disbursements, and reasonable attorney fees to be determined in accordance with ORCP 68.

2.

Defendant SUTHERLIN LAND AND CATTLE CO., INC.'S counterclaim is dismissed.

PAGE 1 - JUDGMENT

THOMAS W. CRAWFORD  
&  
ASSOCIATES  
ATTORNEYS AT LAW  
SUITE 206 PROFESSIONAL CENTER  
1012 SE OAK AVENUE  
POST OFFICE BOX 1608  
ROSEBURG, OREGON 97470  
TELEPHONE (503) 672-5544

do  
ck

3.

Plaintiff's security interest as reflected in the Security Agreement attached to the Complaint and timely perfected by the filing of a financing statement with the Oregon Secretary of State as Filing No. R69429, is a valid and subsisting superior lien for the foregoing sums of money upon the forty six (46) head of Limousin cattle and the offspring thereof listed in Exhibit "1" attached hereto and by this reference incorporated herein and made a part hereof (hereinafter referred to as "Cattle") having priority in time and in right to the claims of the Defendant.

4.

The Security Agreement is foreclosed. The above described cattle shall be sold by the county sheriff in the manner provided by law. Writ of execution shall issue and the sheriff shall take the cattle into custody for sale. The proceeds of sale of the cattle shall be applied in the following order:

- (a) First, to the sheriff's fee and expenses of sale.
- (b) Second, to Plaintiff toward the satisfaction of judgment set forth in paragraph 1 of this Judgment, and costs, disbursements and reasonable attorney fees as are allowed Plaintiff by this court pursuant to ORCP 68.
- (c) Third, the surplus, if any, to the Clerk of the Court for the further order of the court.

5.

From the day of sale the Defendant is foreclosed of any and all right, title, lien, interest, or claim in or to the cattle.

#### MONEY JUDGMENT

1. Name of Judgment Creditor: Ellis J. Phelps, dba E.J. Limousin Ranch.
2. Judgment Creditor's Attorney: Thomas W. Crawford
3. Name of Judgment Debtor: Sutherlin Land and Cattle Co., Inc.
4. Judgment Debtor's Attorney: Keith Meyer

5. Interest and rate owed to the  
Date of the Judgment: None

6. Post-Judgment Interest: Nine percent (9%) per annum

7. Type: Simple

8. Amount of Judgment: \$28,702.37

DATED this 23 day of May, 1995.

JUDGE

WILLIAM L. LASSWELL

SUBMITTED BY:

Thomas W. Crawford, OSB #79198  
Thomas W. Crawford & Associates  
Attorneys at Law  
1012 S.E. Oak, Suite 206  
P.O. Box 1608  
Roseburg, Oregon 97470  
Telephone: (503) 672-5544

Attorney for Plaintiff

STATE OF OREGON

COUNTY OF DOUGLAS

I Certify that the foregoing has been compared  
by me with the original in the records of the Doug-  
las County Trial Court of the State of Oregon and  
that it is a full and correct transcript thereof.

Dated this 24 day of Feb, 19 96

Roseburg, Oregon

Trial Court Administrator

By

## Exhibit "1"

46 head of Limosin cattle having the following leftear tatoos:

Cows

BHR 60L  
HACO 024N  
DKM 14N  
PHLP 18N  
JMBM 4212R  
PHLP 46S  
PHLP 43S  
PHLP 24V  
PHLP 16W  
PHLP 43W  
EDMM 46A  
EDMM 152A  
EDMM 60A  
EDMM 36A  
EDMM 43A  
EDMM 14A  
EDMM 18A  
EDMM 104A  
EDMM 143A

Calves

PHLP 60C  
PHLP 024C  
PHLP 14C  
PHLP 18C  
PHLP 03C  
PHLP 46C  
PHLP 43C  
PHLP 124C  
PHLP 16C  
PHLP 243C  
PHLP 146C  
PHLP 152C  
PHLP 160C  
PHLP 36C  
PHLP 043C  
PHLP 014C  
PHLP 018C  
PHLP 104C  
PHLP 143C

Eight Yearling Heifers

KM35B  
KM24B  
KM4B  
KM 52B  
PHLP 024B  
PHLP 14B  
PHLP 18B  
PHLP 42B

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspell Dell-Rose & Richard the 18th day  
of March A.D., 19 96 at 1:00 o'clock PM., and duly recorded in Vol. M96,  
of County Lien Docket on Page 7198.

FEE \$20.00 Return: Aspell Della-Rose & Richard  
122 South 5th Street  
Klamath Falls, Oregon 97601

By Bernetha G. Letsch, County Clerk