

FILED

MAR 13 2014

Time:                       
Clatsop Circuit Court

Verified Correct Copy of Original 3/13/2014

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

GENERAL JUDGMENT OF  
FORECLOSURE AS TO DEFENDANTS  
STATE OF OREGON DEPARTMENT OF  
REVENUE, INTERNAL REVENUE  
SERVICE, HOTEL GEARHART, INC.,  
AMERICAN EXPRESS BANK, FSB, AND  
AMERICAN EXPRESS CENTURION  
BANK

This matter came before the undersigned Judge of the above-entitled court on  
plaintiff's Motions for Order of Default. The court has entered Orders of Default against  
defendants State of Oregon Department of Revenue, Internal Revenue Service, Hotel Gearhart,  
Inc., American Express Bank, FSB, and American Express Centurion Bank and it further appears  
that plaintiff is entitled to entry of general judgment of foreclosure against these defendants;

IT IS ORDERED AND ADJUDGED that plaintiff shall have General Judgment  
Of Foreclosure against defendants State of Oregon Department of Revenue, Internal Revenue  
Service, Hotel Gearhart, Inc., American Express Bank, FSB, and American Express Centurion

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1 Bank as follows:

2 1. For judgment and decree that Plaintiff's Deed of Trust upon the  
3 Real Property be foreclosed, and that the title, claim, interest, or demand of Defendants State of  
4 Oregon Department of Revenue; Internal Revenue Service; Hotel Gearhart, Inc., an Oregon  
5 corporation; American Express Bank, FSB; and American Express Centurion Bank; and each of  
6 them in said property, and every part thereof, except their statutory rights of redemption, be  
7 foreclosed;

8 2. For such other relief as the court deems just and equitable.

9 A. JUDGMENT CREDITOR: Newtek Small Business Finance, Inc.  
10 Address: 60 Hempstead Avenue, 2<sup>nd</sup> Floor  
West Hempstead, NY 11552

11 B. JUDGMENT CREDITOR'S ATTORNEY: Jason M. Ayres, OSB #001966  
12 Farleigh Wada Witt  
13 121 SW Morrison Street, Suite 600  
Portland, OR 97204-3136  
(503) 228-6044

14 C. JUDGMENT DEBTORS: State of Oregon Department of Revenue  
15 c/o Ellen Rosenblum, Attorney General  
16 1162 Court Street NE  
Salem, OR 97301

17 Internal Revenue Service  
18 US Attorney for the District of Oregon  
1000 SW 3<sup>rd</sup> Avenue, Suite 600  
Portland, OR 97204

19 Hotel Gearhart, Inc.  
20 c/o William A. Drew, Registered Agent  
707 SW Washington Street, Suite 1500  
Portland, OR 97205

21 American Express Bank, FSB,  
22 c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
23 Salem, OR 97301

24 American Express Centurion Bank  
25 c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
26 Salem, OR 97301

Verified Correct Copy of Original 3/13/2014

1 D. JUDGMENT DEBTOR'S ATTORNEY: Janet C. Borth  
2 Assistant Attorney General  
3 Civil Recovery Section  
4 Department of Justice  
5 1162 Court Street NE  
6 Salem, OR 97301  
7 Attorney for OR Department of Revenue

8 DATED this 12 day of March, 2014.

9 Paula Mountain  
10 Circuit Court Judge

11 SUBMITTED BY:

12 Jason M. Ayres  
13 Jason M. Ayres, OSB #001966  
14 Farleigh Wada Witt  
15 (503) 228-6044  
16 jayres@fwwlaw.com  
17 Of Attorneys for Plaintiff  
18  
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Verified Correct Copy of Original 3/13/2014

**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2014 I served the foregoing GENERAL JUDGMENT OF FORECLOSURE on the following individuals by mailing to said individuals true copies thereof, addressed to their last known regular addresses and deposited in the Post Office at Portland, Oregon:

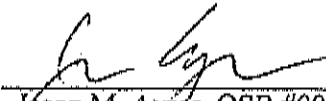
Janet C. Borth  
Assistant Attorney General  
Civil Recovery Section  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
Attorney for Oregon Department of Revenue

Travis W. Hall  
Bateman Scidel Miner Blomgren Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204  
Of Attorneys for Morris Glass & Construction, Inc.  
R. Ryan Morris, Kimberly Morris, and Parties in Possession

John H. Chambers  
Dunn Carney Allen  
851 SW 6<sup>th</sup> Avenue, Suite 1500  
Portland, OR 97204  
Of Attorneys for Parr Lumber Company

Dated: March 11, 2014.

FARLEIGH WADA WITT

By:   
Jason M. Ayres, OSB #001966  
(503) 228-6044  
jayres@fwwlaw.com  
Of Attorneys for Plaintiff

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Verified Correct Copy of Original 5/16/2014

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

AMENDED SUPPLEMENTAL  
JUDGMENT AS TO DEFENDANTS  
MORRIS GLASS & CONSTRUCTION,  
INC., R. RYAN MORRIS, KIMBERLEY  
MORRIS, AND PARTIES IN  
POSSESSION

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Amended Motion for Entry of Supplemental Judgment. The court has entered an Amended Order for Entry of Supplemental Judgment against defendants Morris Glass & Construction, Inc., R. Ryan Morris, Kimberley Morris, and Parties in Possession and it further appears that plaintiff is entitled to entry of an amended supplemental judgment against defendants Morris Glass & Construction, Inc., R. Ryan Morris, Kimberley Morris, and Parties in Possession, jointly and severally;

///

Page 1 - AMENDED SUPPLEMENTAL JUDGMENT AS TO DEFENDANTS MORRIS  
GLASS & CONSTRUCTION, INC., R. RYAN MORRIS, KIMBERLEY MORRIS,  
AND PARTIES IN POSSESSION

FARLEIGH IVADA WITT  
Attorneys at Law  
121 SW Morrison Street, Suite 600  
Portland, Oregon 97204-3136  
Telephone: (503) 228-6044  
Facsimile: (503) 228-1741

Exhibit 4  
Page 1 of 3

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1 IT IS ORDERED AND ADJUDGED that plaintiff shall have an amended  
2 supplemental judgment against defendant Morris Glass & Construction, Inc., R. Ryan Morris,  
3 Kimberley Morris, and Parties in Possession, jointly and severally, as follows:

4 1. For plaintiff's attorney fees in the amount of \$20,200.64 and costs in the  
5 amount of \$3,856.33, submitted in accordance with ORCP 68C; and

6 2. For interest on the sum of paragraph 1 at the contract rate of 6.0 percent  
7 per annum, from the date judgment is entered, until paid in full.

8 MONEY AWARD

- 9 A. JUDGMENT CREDITOR: Newtek Small Business Finance. Inc.
- 10 B. JUDGMENT CREDITOR'S ATTORNEY: Jason M. Ayres, OSB #001966  
Farleigh Wada Witt  
121 SW Morrison Street, Suite 600  
12 Portland, OR 97204-3136  
(503) 228-6044
- 13 C. JUDGMENT DEBTORS: Morris Glass & Construction, Inc.  
Parties in Possession
- 14 If Known Address: 40058 Highway 30  
Astoria, OR 97103
- 15
- 16 Address: R. Ryan Morris  
40058 Highway 30  
Astoria, OR 97103
- 17 Date of Birth: Unknown  
SS#: Unknown
- 18 Driver Lic. No. Unknown State: N/A
- 19
- 20 Address: Kimberly Morris  
40058 Highway 30  
Astoria, OR 97103
- 21 Date of Birth: Unknown  
SS#: Unknown
- 22 Driver Lic. No. Unknown State: N/A
- 23 D. JUDGMENT DEBTOR'S ATTORNEY: Travis W. Hall  
Bateman Seidel Miner Blomgren  
24 Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
25 Portland, OR 97204
- 26 E. PERSON/PUBLIC BODY ENTITLED TO PORTION: None Known

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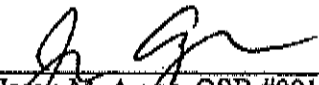
F. AMOUNT OF AMENDED SUPPLEMENTAL JUDGMENT ON ALL CLAIMS FOR RELIEF:

- (1) Reasonable Attorney Fees \$20,200.64
- (2) Costs 3,856.33
- (3) Postjudgment simple interest at the contract rate of 6.0% per annum on the total judgment of F(1) + F(2) from the date judgment is entered until fully paid.

DATED this 28 day of May, 2014.

Paula Brownhill Signed: 5/28/2014 8:03:13 AM  
Circuit Court Judge

SUBMITTED BY:  
FARLEIGH WADA WITT

By:   
Jason M. Ayres, OSB #001966  
(503) 228-6044  
jayres@fwwlaw.com  
Of Attorneys for Plaintiff

**FWW FARLEIGH WADA WITT**  
Attorneys

Jason M. Ayres  
Attorney  
Admitted in Oregon and Washington

jayres@fwwlaw.com

121 SW Morrison Street, Suite 600  
Portland, Oregon 97204

tel 503.228.6044  
fax 503.228.1741

www.fwwlaw.com

September 13, 2017

Clatsop County Sheriff's Office  
Attention: Civil Department  
PO Box 658  
Astoria, OR 97103

Re: *Newtek Small Business Finance, Inc. v. Morris Glass & Construction, Inc., et al.*  
*Clatsop County Circuit Case No. 13CV05575*  
*Our File Reference: NEWTEK/MGCINC/88516*

Dear Sheriff:

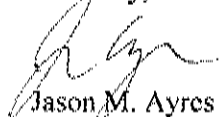
This office represents Newtek Small Business Finance, Inc., now known as Newtek Small Business Finance, LLC, in connection with the above-referenced matter. Enclosed is the following:

1. Amended Instructions to Sheriff.

We request your assistance regarding this Writ of Execution on Real Property. **Please publish in the Daily Astorian.** Please send us an itemized receipt or invoice of the fees, and let us know if any additional fees are required.

I would appreciate your confirming receipt of the execution documents at your earliest opportunity. Please provide us with the anticipated sale date. If you have any questions or need additional information, please contact me or my paralegal, Erin Clark. Thank you for your assistance.

Sincerely,



Jason M. Ayres

JMA/EC/klh

Enclosure

cc: Newtek Small Business Finance, Inc., now known as Newtek Small Business Finance, LLC  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLATSOP

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

AMENDED INSTRUCTIONS TO  
SHERIFF  
(Execution on Real Property)

TO: THE SHERIFF OF CLATSOP COUNTY:

1. You are hereby instructed to execute the accompanying Writ of Execution by levying upon and selling the interest of the defendants in and to that certain real property ("Real Property") legally described as follows:

See Exhibit A attached hereto.

2. The name and address of the judgment creditor is:

Newtek Small Business Finance, LLC,  
as successor in interest by merger to  
Newtek Small Business Finance, Inc.  
c/o Jason M. Ayres

Farleigh Wada Witt  
121 SW Morrison St., Ste. 600  
Portland, OR 97204

3. The names and addresses where notice should be mailed to the judgment debtors are:

Morris Glass & Construction, Inc.  
and Parties in Possession  
c/o R. Ryan Morris  
40058 Highway 30  
Astoria, OR 97103

Morris Glass & Construction, Inc.  
and Parties in Possession  
c/o R. Ryan Morris  
PO Box 724  
Astoria, OR 97103-0724

R. Ryan Morris  
40058 Highway 30  
Astoria, OR 97103

R. Ryan Morris  
PO Box 724  
Astoria, OR 97103-0724

R. Ryan Morris  
PO Box 419  
Astoria, OR 97103-0419

Kimberly Morris  
40058 Highway 30  
Astoria, OR 97103

Richard Bourassa  
PO Box 1154  
McMinnville, OR 97128

Eileen Bourassa  
PO Box 1154  
McMinnville, OR 97128

4. The street address of the Real Property to be sold is: 40058 Hwy 30, Astoria, OR 97103.

5. The Real Property to be sold under this execution is residential real property as defined by ORS 18.901; furthermore, this is a foreclosure action. True copies of the

judgments directing sale or foreclosure of the property are attached hereto as Exhibits 1, 2, and 3 as required by ORS 18.875(3), and are made a part hereof.

6. Please file your notice of levy with the court certifying that the Real Property has been levied on, and mail a copy of said notice of levy to each judgment debtor listed above.

7. You are instructed to publish such Real Property for sale according to law, by posting on the sheriff's sale internet website as authorized under ORS 18.924(6) and by publishing in a newspaper of general circulation as authorized under ORS 18.924(5).

8. The names and addresses of all persons entitled to written notice of the execution sale under ORS 18.918 and/or all other interested parties are:

Morris Glass & Construction, Inc.  
and Parties in Possession  
c/o R. Ryan Morris  
40058 Highway 30  
Astoria, OR 97103

Morris Glass & Construction, Inc.  
and Parties in Possession  
c/o R. Ryan Morris  
PO Box 724  
Astoria, OR 97103-0724

R. Ryan Morris  
40058 Highway 30  
Astoria, OR 97103

R. Ryan Morris  
PO Box 724  
Astoria, OR 97103-0724

R. Ryan Morris  
PO Box 419  
Astoria, OR 97103-0419

Kimberly Morris  
40058 Highway 30  
Astoria, OR 97103

///

///

Travis W. Hall  
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204  
*Of Attorneys for Morris Glass & Construction, Inc.  
R. Ryan Morris, Kimberly Morris, and Parties in Possession*

John H. Chambers  
Dunn Carney Allen  
851 SW 6<sup>th</sup> Avenue, Suite 1500  
Portland, OR 97204  
*Of Attorneys for Parr Lumber Company*

State of Oregon Department of Revenue  
c/o Ellen Rosenblum, Attorney General  
1162 Court Street NE  
Salem, OR 97301

Janet C. Borth  
Assistant Attorney General  
Civil Recovery Section  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
*Attorney for Oregon Department of Revenue*

Internal Revenue Service  
Department Of The Treasury  
Attn: Technical Services Advisory Group Manager  
915 Second Avenue, M/S W245  
Seattle, WA 98174

Internal Revenue Service  
US Attorney for the District of Oregon  
1000 SW 3<sup>rd</sup> Avenue, Suite 600  
Portland, OR 97204

Hotel Gearhart, Inc.  
c/o William A. Drew, Registered Agent  
707 SW Washington Street, Suite 1500  
Portland, OR 97205

American Express Bank, FSB,  
c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
Salem, OR 97301

///  
///

American Express Bank, FSB  
c/o Donna J. Smith, Aaron R. McLellan  
Zwicker & Associates, P.C.  
10824 SE Oak  
PMB 401  
Milwaukie, OR 97222

American Express Centurion Bank  
c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
Salem, OR 97301

American Express Centurion Bank, FSB  
c/o Donna J. Smith, Aaron R. McLellan  
Zwicker & Associates, P.C.  
10824 SE Oak  
PMB 401  
Milwaukie, OR 97222

Asset Systems, Inc.  
c/o Michael G. Schindler, Registered Agent  
PO Box 14550  
Portland, OR 97293

Asset Systems, Inc.  
c/o Michael G. Schindler, Registered Agent  
4520 SE Belmont St., Ste. 280  
Portland, OR 97215

EFCO Corporation  
c/o Michael T. Davis  
Davis Galm Law Firm  
12220 SW 1<sup>st</sup> St.  
Beaverton, OR 97005

Richard Bourassa  
Eileen Bourassa  
1455 2<sup>nd</sup> St.  
Columbia City, OR 97018-8717

Cascade Collections, Inc.  
c/o W. Brad Coleman, Registered Agent  
1045 13<sup>th</sup> St. SE  
Salem, OR 97302

Cascade Collections, Inc.  
c/o W. Brad Coleman, Registered Agent  
PO Box 3166  
Salem, OR 97302

///

Cavalry Investments, LLC  
c/o Daniel Wilkinson  
Machol & Johannes, LLC  
780 NW York Dr., Ste. 101  
Bend, OR 97703

Cavalry Investments, LLC  
c/o C T Corporation System, R.A.  
780 Commercial St. SE, Ste. 100  
Salem, OR 97301

Richard Bourassa  
PO Box 1154  
McMinnville, OR 97128

Eileen Bourassa  
PO Box 1154  
McMinnville, OR 97218

9. All notices should be sent to the judgment debtors by first class and certified or registered mail, return receipt requested. Notice to other interested persons and the attorney (if any) for the judgment debtors may be by regular mail, US postage prepaid.

10. You are instructed to include the following notice in conspicuous language in the notice of sale:

**Before bidding at the sale a prospective bidder should independently investigate:**

- a. The priority of the lien or interest of the judgment creditor;
- b. Land use laws and regulations applicable to the property;
- c. Approved uses for the property;
- d. Limits on farming or forest practices on the property;
- e. Rights of neighboring property owners; and
- f. Environmental laws and regulations that affect the property.

11. A proposed form of Notice of Sale is not enclosed.

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12. Other instructions: Newtek Small Business Finance, LLC, as successor in interest by merger to Newtek Small Business Finance, Inc., may credit bid the amount of its judgments, plus the costs of sale that the judgment creditor may recover as provided in ORS 18.950(2).

Dated: September 13, 2017.

FARLEIGH WADA WITT

By: 

Jason M. Ayres, OSB #001966

(503) 228-6044

[jayres@fwwlaw.com](mailto:jayres@fwwlaw.com)

Of Attorneys for Plaintiff

**EXHIBIT A**

**The West half of the West half of the Northeast quarter of the Northwest quarter of Section 20, Township 8 North, Range 8 West, of the Willamette Meridian, in Clatsop County, Oregon**

**EXCEPTING THEREFROM that portion conveyed to State of Oregon by and through its State Highway Commission by deed recorded February 15, 1973, in Book 373, page 623 and by Deed recorded March 20, 1969, in Book 317, page 467, and by deed recorded December 22, 1970, in Book 342, page 565, all in Clatsop County Deed Records.**



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Verified Correct Copy of Original 11/06/2013.

**FILED**

NOV 06 2013

Time:                       
Clatsop Circuit Court

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

STIPULATED LIMITED JUDGMENT OF  
FORECLOSURE AS TO PARR LUMBER  
COMPANY

Pursuant to the stipulation of the parties, the Court hereby  
ORDERS the following under ORCP 67F:

1. Defendant Parr Lumber Company is declared a judgment lien claimant as  
of January 11, 2013, pursuant to Recording No. 201300275, with respect to the subject property  
located at 40058 Highway 30, Astoria, Oregon 97103, hereafter referred to as the "Real  
Property" and more particularly described as:

The land referred to herein below is situated in the County of  
Clatsop, State of Oregon, and is described as follows: The West  
half of the West half of the Northeast quarter of the Northwest

Verified Correct Copy of Original 11/6/2013.

1 quarter of Section 20, Township 8 North, Range 8 West, of the  
2 Willamette Meridian, in Clatsop County, Oregon;

3 EXCEPTING THEREFROM that portion conveyed to State of  
4 Oregon by and through its State Highway Commission by deed  
5 recorded February 15, 1973, in Book 373, page 623 and by Deed  
6 recorded March 20, 1969, in Book 317, page 467, and by deed  
7 recorded December 22, 1970, in Book 342, page 565, all in  
8 Clatsop County Deed Records.

9 2. Plaintiff's Deed of Trust was recorded on April 4, 2011, as Recording  
10 No. 201102768, Records of Clatsop County, Oregon (the "Deed of Trust"). Pursuant to the terms  
11 of the Deed of Trust, Plaintiff was granted Grantor's right, title and interest in the Real Property.

12 3. Defendant Parr Lumber Company's lien is declared subsequent to  
13 Plaintiff's Deed of Trust and is subordinate and inferior thereto.

14 4. Plaintiff is awarded judgment authorizing that its Deed of Trust as to Parr  
15 Lumber Company and any claim or interest of Parr Lumber Company as to the Real Property  
16 shall be likewise foreclosed and extinguished.

17 5. If the proceeds of the sale are more than sufficient to pay the amount due  
18 to Plaintiff and costs, the surplus proceeds of sale shall be deposited with the court and applied to  
19 all interests in, or liens or claims of liens against, the Real Property eliminated by sale in the  
20 order of priority that the interest, lien, or claim attached to the Real Property.

21 6. Neither Plaintiff nor Parr Lumber Company shall be awarded costs or fees  
22 as to either party, and no damages shall be awarded against Parr Lumber Company.

23 7. Foreclosure against Parr Lumber Company is only a remedy if a general  
24 judgment of foreclosure is obtained against R. Ryan Morris. Therefore, if no such judgment is  
25 entered or before the sale the total amount due to Plaintiff is brought to the court and paid to the  
26 clerk, the execution, if issued, shall be recalled, the effect of the judgment as to Parr Lumber  
Company shall have no effect and Parr Lumber Company's lien shall remain a valid and  
subsisting lien in its order of priority.

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8. The terms of this Order shall survive and remain in full force and effect after the termination of this action.

DATED this 5 day of November, 2013.

Paula Mounslum  
CIRCUIT COURT JUDGE

IT IS SO STIPULATED:

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

By: [Signature]  
John H. Chambers, OSB #922538  
Of Attorneys for Defendant Parr Lumber Company

FARLEIGH WADA WITT

By: [Signature]  
Jason M. Ayres, OSB #001966  
Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2013 I served the foregoing  
STIPULATED LIMITED JUDGMENT OF FORECLOSURE AS TO PARR LUMBER  
COMPANY on the following individuals by mailing to said individuals true copies thereof,  
addressed to their last known regular addresses and deposited in the Post Office at Portland,  
Oregon:

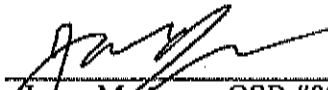
Janet C. Borth  
Assistant Attorney General  
Civil Recovery Section  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
Attorney for Oregon Department of Revenue

Travis W. Hall  
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204  
Of Attorneys for Morris Glass & Construction, Inc.  
R. Ryan Morris, Kimberly Morris, and Parties in Possession

John H. Chambers  
Dunn Carney Allen  
851 SW 6<sup>th</sup> Avenue, Suite 1500  
Portland, OR 97204  
Of Attorneys for Parr Lumber Company

Dated: November 1, 2013.

FARLEIGH WADA WITT

By:   
Jason M. Ayres, OSB #001966  
(503) 228-6044  
jayres@fwwlaw.com  
Of Attorneys for Plaintiff

FILED

MAR 05 2014

Time:                       
Clatsop Circuit Court

Verified Correct Copy of Original 3/6/2014

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

STIPULATED LIMITED JUDGMENT  
WITH MONEY AWARD

STIPULATED GENERAL JUDGMENT

Pursuant to the stipulation of the parties, as evidenced by the signatures set forth  
below, a limited judgment is hereby entered in favor of plaintiff, Newtek Small Business  
Finance, Inc., and against defendants, Morris Glass & Construction, Inc., R. Ryan Morris,  
Kimberly Morris, and Parties in Possession, jointly and severally, as follows:

A. FIRST AND SECOND CLAIMS FOR RELIEF as to Morris Glass &  
Construction, Inc., R. Ryan Morris, and Kimberly Morris:

- 1. For the principal sum of \$476,550.10;

**FARLEIGH WADA WITT**  
Attorneys at Law  
121 SW Morrison Street, Suite 600  
Portland, Oregon 97204-3136  
Telephone: (503) 228-6044  
Facsimile: (503) 228-1741

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- 1                                    2.     For accrued interest of \$27,878.18 through December 17, 2013,
- 2 plus interest on the principal sum at the contract rate of 6.0 percent (\$79.43 per djem), from
- 3 December 18, 2013, until the judgment is entered;
- 4                                    3.     For late fees of \$7,441.31;
- 5                                    4.     For forced place insurance in the amount of \$21,331.05;
- 6                                    5.     For site visit, appraisal fees, and asset searches in the amount
- 7 of \$5,620.00;
- 8                                    6.     For searching and abstracting records in the amount of \$1,304.10;
- 9 and
- 10                                  7.     For interest on the total judgment described in Paragraphs 1
- 11 through 6, at the rate of 6.0 percent per annum, from the date the judgment is entered, until paid.
- 12                                  8.     Plus any additional sums expended by Lender to protect Lender's
- 13 interest in the Real Property or Personal Property Collateral.

14                                  B.     THIRD CLAIM FOR RELIEF as to Morris Glass & Construction, Inc., R.  
15 Ryan Morris, and Kimberly Morris:

16     For judgment entitling Plaintiff to immediate possession of all assets,  
17 inventory, accounts receivable, equipment, accounts, stock and any additional assets as listed on  
18 the Security Agreement (the "Collateral") and 2009 Ford Pickup, VIN 1FTWW31R79EA95390,  
19 and the 2009 Ford Truck, VIN 1FDAW57RX9EA75238, and the assistance of the Sheriff and in  
20 obtaining possession thereof;

21                                  C.     FOURTH CLAIM FOR RELIEF as to Morris Glass & Construction, Inc.,  
22 R. Ryan Morris, Kimberly Morris and the Parties in Possession:

23     1.     For judgment declaring that Plaintiff's Deed of Trust recorded on  
24 April 4, 2011 in Clatsop County, Oregon, as Recording No. 201102768, a valid lien upon the  
25 Real Property commonly known as 40058 Highway 30, Astoria, Oregon 97103 for the amount of  
26 the judgment prayed for herein under Plaintiff's First and Second Claims for Relief. The Real

1 Property is described as follows:

2 See Exhibit A attached hereto.

3 2. For judgment and decree that Plaintiff's Deed of Trust upon the  
4 Real Property be foreclosed, and that the title, claim, interest, or demand of Defendants R. Ryan  
5 Morris; Kimberly Morris, and the parties in possession or claiming right to possession and each  
6 of them in said property, and every part thereof, except their statutory rights of redemption, be  
7 foreclosed;

8 3. For judgment and decree that the Real Property, with all of its  
9 appurtenances, rights, privileges, and easements be sold on execution by the Sheriff for Clatsop  
10 County, Oregon, after giving notice as required by law; that Plaintiff may be and become a  
11 purchaser at said sale; that the Sheriff give the purchaser thereof a Certificate of Sale and, unless  
12 the property is redeemed before the expiration of the redemption period, a deed; that said  
13 purchaser have immediate possession of the property, and every part thereof; and that said  
14 purchaser be entitled to such remedies as are available at law to secure such position, including a  
15 writ of assistance, if Defendants or any other parties or persons shall refuse to immediately  
16 surrender possession to the purchaser;

17 4. That the proceeds of the sale be applied: first, to pay the costs and  
18 expenses of said sale; second, to pay the judgment of Plaintiff; and third, the surplus, if any, be  
19 paid to the Registry of the Court subject to further Court order; and

20 D. ALL CLAIMS FOR RELIEF:

21 Plaintiff's attorney fees, costs, and disbursements to be awarded in  
22 accordance with ORCP 68C. Plaintiff shall be additionally entitled to file a supplemental  
23 judgment for any additional amounts incurred by Lender to protect its interest in the Real  
24 Property or Personal Property Collateral and for fees incurred in collecting the judgment  
25 hereunder.

26

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**MONEY AWARD**

A. JUDGMENT CREDITOR: Newtek Small Business Finance, Inc.

B. JUDGMENT CREDITOR'S ATTORNEY: Jason M. Ayres, OSB #001966  
Farleigh Wada Witt  
121 SW Morrison Street, Suite 600  
Portland, OR 97204-3136  
(503) 228-6044

C. JUDGMENT DEBTORS: Morris Glass & Construction, Inc.  
Parties in Possession  
If Known Address: 40058 Highway 30  
Astoria, OR 97103

R. Ryan Morris  
Address: 40058 Highway 30  
Astoria, OR 97103  
Date of Birth: Unknown  
SS#: Unknown  
Driver Lic. No. Unknown State: N/A

Kimberly Morris  
Address: 40058 Highway 30  
Astoria, OR 97103  
Date of Birth: Unknown  
SS#: Unknown  
Driver Lic. No. Unknown State: N/A

D. JUDGMENT DEBTOR'S ATTORNEY: Travis W. Hall  
Bateman Seidel Miner Blomgren  
Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204

E. PERSON/PUBLIC BODY ENTITLED TO PORTION: None Known

F. AMOUNT OF GENERAL JUDGMENT ON THE FIRST AND SECOND CLAIMS:

(1) Principal	\$476,550.10
(2) Accrued Interest through December 17, 2013:	*27,878.18
(3) Late Fees:	7,441.31
(4) Forced Place Insurance:	21,331.05
(5) Appraisal Fees & Site Visit:	5,020.00
(6) Asset Searches:	600.00
(7) Title Records Search Fees:	<u>1,304.10</u>

TOTAL JUDGMENT: \*\* \$540,124.74



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1 Plus interest on the principal at the rate of \$79.43 per day from December 17,  
2 2013, until the judgment is entered.

3 Plus interest on the total judgment at the rate of 6.0% per annum from the date the  
4 judgment is entered until paid in full.

5 DATED this 5 day of March, 2014

6 Paula Mounlmm  
7 Circuit Court Judge

8  
9 IT IS SO STIPULATED:

10 MORRIS GLASS & CONSTRUCTION, INC.  
11 R. RYAN MORRIS  
12 KIMBERLY MORRIS  
13 PARTIES IN POSSESSION

14 By: Travis W. Hall Date: 1/29/14  
15 Travis W. Hall  
16 Bateman Seidel Miner Blomgren Chellis & Gram, P.C.  
17 Of Attorneys for Defendants Morris Glass & Construction, Inc.  
18 R. Ryan Morris, Kimberly Morris and Parties in Possession

19 By: Jason M. Ayres Date: 3/3/14  
20 Jason M. Ayres, OSB #001966  
21 Farleigh Wada Witt  
22 Of Attorneys for Plaintiff

**EXHIBIT A**

**The West half of the West half of the Northeast quarter of the Northwest quarter of Section 20, Township 8 North, Range 8 West, of the Willamette Meridian, in Clatsop County, Oregon  
EXCEPTING THEREFROM that portion conveyed to State of Oregon by and through its State Highway Commission by deed recorded February 15, 1973, in Book 373, page 623 and by Deed recorded March 20, 1969, in Book 317, page 467, and by deed recorded December 22, 1970, in Book 342, page 565, all in Clatsop County Deed Records.**

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION.

Defendants.

Case No. 13CV05575

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2014, I served the foregoing STIPULATED LIMITED JUDGMENT WITH MONEY AWARD on the following individuals by mailing to said individuals true copies thereof, addressed to their last known regular addresses and deposited in the Post Office at Portland, Oregon:

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Janet C. Borth  
Assistant Attorney General  
Civil Recovery Section  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
Attorney for Oregon Department of Revenue

State Of Oregon, Dept of Revenue  
C/O Ellen F. Rosenblum, Attorney General  
1162 Court Street NE  
Salem, OR 97301

Internal Revenue Service  
Department Of The Treasury  
Attn: Technical Services Advisory Group Manager  
915 Second Avenue, M/S W245  
Seattle, WA 98174

Travis W. Hall  
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.  
888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204  
Of Attorneys for Morris Glass & Construction, Inc.  
R. Ryan Morris, Kimberly Morris, and Parties in Possession

Hotel Gearhart, Inc.  
c/o William A. Drew, Registered Agent  
707 SW Washington Street, Suite 1500  
Portland, OR 97205

American Express Bank, FSB  
c/o CT Corporation System, Registered Agent  
388 State Street, Suite 420  
Salem, OR 97301

American Express Centurion Bank  
c/o CT Corporation System, Registered Agent  
388 State Street, Suite 420  
Salem, OR 97301

///

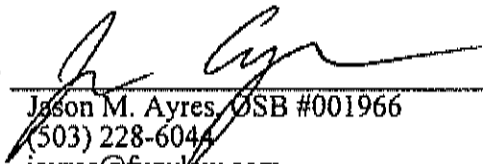
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John H. Chambers  
Dunn Carney Allen  
851 SW 6<sup>th</sup> Avenue, Suite 1500  
Portland, OR 97204  
Of Attorneys for Parr Lumber Company

Dated: March 3, 2014.

FARLEIGH WADA WITT

By:   
Jason M. Ayres, OSB #001966  
(503) 228-6044  
jayres@fwwlaw.com  
Of Attorneys for Plaintiff

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**FILED**

MAR 13 2014

Time:                       
Clatsop Circuit Court

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

NEWTEK SMALL BUSINESS FINANCE,  
INC., a New York corporation,

Plaintiff,

v.

MORRIS GLASS & CONSTRUCTION, INC.,  
an Oregon corporation; R. RYAN MORRIS, an  
individual; KIMBERLY MORRIS, an  
individual; STATE OF OREGON  
DEPARTMENT OF REVENUE; INTERNAL  
REVENUE SERVICE; HOTEL GEARHART,  
INC., an Oregon corporation; AMERICAN  
EXPRESS BANK, FSB; AMERICAN  
EXPRESS CENTURION BANK; PARR  
LUMBER COMPANY; and PARTIES IN  
POSSESSION,

Defendants.

Case No. 13CV05575

GENERAL JUDGMENT OF  
FORECLOSURE AS TO DEFENDANTS  
STATE OF OREGON DEPARTMENT OF  
REVENUE, INTERNAL REVENUE  
SERVICE, HOTEL GEARHART, INC.,  
AMERICAN EXPRESS BANK, FSB, AND  
AMERICAN EXPRESS CENTURION  
BANK

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motions for Order of Default. The court has entered Orders of Default against defendants State of Oregon Department of Revenue, Internal Revenue Service, Hotel Gearhart, Inc., American Express Bank, FSB, and American Express Centurion Bank and it further appears that plaintiff is entitled to entry of general judgment of foreclosure against these defendants;

IT IS ORDERED AND ADJUDGED that plaintiff shall have General Judgment Of Foreclosure against defendants State of Oregon Department of Revenue, Internal Revenue Service, Hotel Gearhart, Inc., American Express Bank, FSB, and American Express Centurion

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1 Bank as follows:

2 1. For judgment and decree that Plaintiff's Deed of Trust upon the  
3 Real Property be foreclosed, and that the title, claim, interest, or demand of Defendants State of  
4 Oregon Department of Revenue; Internal Revenue Service; Hotel Gearhart, Inc., an Oregon  
5 corporation; American Express Bank, FSB; and American Express Centurion Bank; and each of  
6 them in said property, and every part thereof, except their statutory rights of redemption, be  
7 foreclosed;

8 2. For such other relief as the court deems just and equitable.

9 A. JUDGMENT CREDITOR: Newtek Small Business Finance, Inc.  
10 Address: 60 Hempstead Avenue, 2<sup>nd</sup> Floor  
West Hempstead, NY 11552

11 B. JUDGMENT CREDITOR'S ATTORNEY: Jason M. Ayres, OSB #001966  
12 Farleigh Wada Witt  
13 121 SW Morrison Street, Suite 600  
Portland, OR 97204-3136  
(503) 228-6044

14 C. JUDGMENT DEBTORS: State of Oregon Department of Revenue  
15 c/o Ellen Rosenblum, Attorney General  
16 1162 Court Street NE  
Salem, OR 97301

17 Internal Revenue Service  
18 US Attorney for the District of Oregon  
1000 SW 3<sup>rd</sup> Avenue, Suite 600  
Portland, OR 97204

19 Hotel Gearhart, Inc.  
20 c/o William A. Drew, Registered Agent  
707 SW Washington Street, Suite 1500  
Portland, OR 97205

21 American Express Bank, FSB,  
22 c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
23 Salem, OR 97301

24 American Express Centurion Bank  
25 c/o CT Corporation, Registered Agent  
388 State Street, Suite 420  
26 Salem, OR 97301

Verified Correct Copy of Original 3/13/2014

1 D. JUDGMENT DEBTOR'S ATTORNEY: Janet C. Borth  
2 Assistant Attorney General  
3 Civil Recovery Section  
4 Department of Justice  
5 1162 Court Street NE  
6 Salem, OR 97301  
7 Attorney for OR Department of Revenue

8 DATED this 12 day of March, 2014.

9 Paula Mounblum  
10 Circuit Court Judge

11 SUBMITTED BY:

12 Jason M. Ayres  
13 Jason M. Ayres, OSB #001966  
14 Farleigh Wada Witt  
15 (503) 228-6044  
16 jayres@fwwlaw.com  
17 Of Attorneys for Plaintiff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 2014 I served the foregoing GENERAL JUDGMENT OF FORECLOSURE on the following individuals by mailing to said individuals true copies thereof, addressed to their last known regular addresses and deposited in the Post Office at Portland, Oregon:

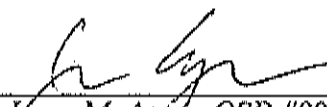
Janet C. Borth  
Assistant Attorney General  
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Department of Justice  
1162 Court Street NE  
Salem, OR 97301  
Attorney for Oregon Department of Revenue

Travis W. Hall  
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888 SW Fifth Avenue, Suite 1250  
Portland, OR 97204  
Of Attorneys for Morris Glass & Construction, Inc.  
R. Ryan Morris, Kimberly Morris, and Parties in Possession

John H. Chambers  
Dunn Carney Allen  
851 SW 6<sup>th</sup> Avenue, Suite 1500  
Portland, OR 97204  
Of Attorneys for Parr Lumber Company

Dated: March 11, 2014.

FARLEIGH WADA WITT

By:   
Jason M. Ayles, OSB #001966  
(503) 228-6044  
jayres@fwwlaw.com  
Of Attorneys for Plaintiff