

SHERIFF'S OFFICE
CLATSOP COUNTY OREGON
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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

WRIT OF EXECUTION OF REAL
PROPERTY
(Money Award and Foreclosure)

TO: THE SHERIFF OF CLATSOP COUNTY, GREETINGS:

WHEREAS, on November 6, 2013, a Stipulated Limited Judgment of Foreclosure
as to defendant Parr Lumber Company ("Limited Judgment of Foreclosure") was entered herein;
and on March 5, 2014, a Stipulated Limited Judgment with Money Award as to defendants
Morris Glass & Construction, Inc., R. Ryan Morris, Kimberly Morris, and Parties in Possession
("Limited Judgment with Money Award") was entered herein; and on March 13, 2014, a 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

1 Centurion Bank ("General Judgment of Foreclosure") was entered herein; and on May 28, 2014,
2 an Amended Supplemental Judgment as to defendants Morris Glass & Construction, Inc., R.
3 Ryan Morris, Kimberly Morris, and Parties in Possession ("Supplemental Judgment"). A true
4 copy of the Limited Judgment of Foreclosure is attached hereto and incorporated herein as
5 Exhibit 1. A true copy of the Limited Judgment with Money Award is attached hereto and
6 incorporated herein as Exhibit 2. A true copy of the General Judgment of Foreclosure is attached
7 hereto and incorporated herein as Exhibit 3. A true copy of the Supplemental Judgment is
8 attached hereto and incorporated herein as Exhibit 4. Said judgments are collectively hereinafter
9 referred to as "Judgments".

10 The amount of the Limited Judgment with Money Award is as follows:

11 **First and Second Claims for Relief as to Morris Glass & Construction, Inc.,**
12 **R. Ryan Morris, and Kimberly Morris:**

13	(1) Principal	\$476,550.10
14	(2) Prejudgment Interest to December 19, 2013:	*27,878.18
15	(3) Late Fees:	7,441.31
16	(4) Forced Place Insurance:	21,331.05
17	(5) Appraisal Fees & Site Visit:	5,020.00
18	(6) Asset Searches:	600.00
19	(7) Title Records Search Fees:	<u>1,304.10</u>

20 TOTAL JUDGMENT AS OF DECEMBER 19, 2013: ** \$540,124.74

21 * Plus prejudgment interest in the per diem amount of \$79.43 per day from
22 December 19, 2013, until the judgment was entered on March 5, 2014.

23 ** Plus postjudgment interest on the total judgment at the rate of 6.0% per annum
24 from March 5, 2014, until paid in full.

25 The amount of the Supplemental Judgment is as follows:

26 **All Claims for Relief as to Morris Glass & Construction, Inc., R. Ryan**
Morris, and Kimberly Morris:

27	(1) Reasonable Attorney Fees	\$20,200.64
28	(2) Costs	<u>3,856.33</u>

29 ///

1 TOTAL JUDGMENT AS OF MAY 28, 2014: ** \$24,056.97

2 ** Plus postjudgment interest on the total judgment at the rate of 6.0% per annum
3 from March 28, 2014, until paid in full.

4 NOW THEREFORE, in the name of the State of Oregon, you are commanded to
5 levy on and sell, in the manner prescribed by law for the sale of real property, upon execution
6 (subject to redemption) all of the interest which the defendants had on March 18, 2011, the date
7 of the Deed of Trust, and also all of the interest which the defendants had thereafter, in the real
8 property described in the Judgment, which is commonly known as 40058 Hwy 30, Astoria,
9 Oregon 97103, and more particularly described as follows:

10 See Exhibit A attached hereto and incorporated herein
11 to satisfy the total sum of \$626,113.62, due as of June 23, 2017, after applying payments in the
12 amount of \$51,303.46, plus postjudgment interest at the rate of \$88.30 per diem from June 23,
13 2017, until paid in full, plus the costs of this writ, sheriff's fees, and costs of sale, and all other
14 recoverable costs pursuant to law.

15 **JUDGMENT CREDITOR INFORMATION:**

16 The mailing address of the judgment creditor is as follows:

17 Newtek Small Business Finance, Inc.
18 c/o Jason M. Ayres
19 Farleigh Wada Witt
121 SW Morrison St., Ste. 600
Portland, OR 97204

20 WITNESS my hand and seal of this said Court on this 5th day of
21 July, 2017.

22 TRIAL COURT ADMINISTRATOR



23
24 By: [Signature]
25 Court Administrator
26 Janina Lindsey, Court Clerk

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 457, and by deed recorded December 22, 1970, in Book 342, page 565, all in Clatsop County Deed Records.**

FILED

NOV 06 2013

Time:
Clatsop Circuit Court

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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 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

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

3 DATED this 5 day of November, 2013.

4 Paula Morrison
5 CIRCUIT COURT JUDGE

6
7 IT IS SO STIPULATED:

8
9 DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

10
11 By: J H C
12 John H. Chambers, OSB #922538
13 Of Attorneys for Defendant Parr Lumber Company

14 FARLEIGH WADA WITT

15
16 By: J M Ayres
17 Jason M. Ayres, OSB #001966
18 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:

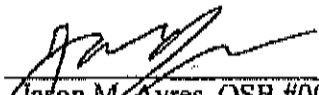
Janet C. Borth
Assistant Attorney General
Civil Recovery Section
Department of Justice
1162 Court Street NE
Salem, OR 97301
Attorney for Oregon Department of Revenue

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 6th 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: *JMC*
Clatsop Circuit Court

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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;

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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.

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MONEY AWARD

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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
40058 Highway. 30
Astoria, OR 97103

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

Address: Kimberly Morris
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

Verified Correct Copy of Original 3/6/2014

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 Mroumlm
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 NEWTEK SMALL BUSINESS FINANCE, INC.

20 By: Jason M. Ayres Date: 3/3/14
21 Jason M. Ayres, OSB #001966
22 Farleigh Wada Witt
23 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

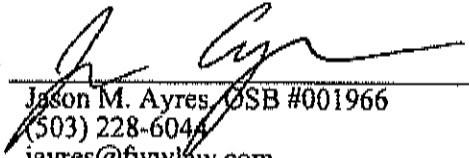
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John H. Chambers
Dunn Carney Allen
851 SW 6th Avenue, Suite 1500
Portland, OR 97204
Of Attorneys for Parr Lumber Company

Dated: March 3, 2014.

FARLEIGH WADA WITT

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