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CLACKAMAS COUNTY SHERIFF

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

PAUL SANDLAND, Trustee of the Paul Sandland Revocable Trust dated 12/19/2007;
ALTEDAY INVESTMENTS, LLC, an Oregon limited liability company; PENSICO TRUST COMPANY CUSTODIAN fbo MARVIN BERKMAN IRA and EQUITY TRUST COMPANY CUSTODIAN fbo GREGORY L. KNECHT IRA,

Plaintiffs,

v.

SAGE GROUP, LLC, an Oregon limited liability company; J. PATRICK LUCAS; STEVEN RICHARD KOSKI; CHATEAU VILLOBOIS, LLC, an Oregon limited liability company; WESTERN LAND HOLDING I, LLC, and PACIFIC NORTHWEST LAND DEVELOPMENT, LLC, an Oregon limited liability company,

Defendants.

Case No. 16CV32082
WRIT OF EXECUTION (Real Property)

TO THE SHERIFF OF CLACKAMAS COUNTY:

WHEREAS, in the Circuit Court of the State of Oregon for the County of Clackamas, defendant Western Land Holding I, LLC has recovered a Limited Judgment and Decree of Foreclosure, and Money Award in its favor and against Sage Group, LLC (“Judgment Debtor”).

1. On or about September 14, 2017, the Limited Judgment and Decree of Foreclosure, and Money Award (“Judgment”) was entered in the register for this case providing a money award in the principal amount of \$300,000, plus interest in the amount of \$101,209.59, with post-judgment interest accruing at the rate of twelve percent (12%) per annum on the principal balance

1 of \$300,000.00 from the date of entry of the Judgment until paid. As of December 5, 2017, the
2 amount due on the Judgment is \$411,765.01, with interest continuing to accrue at \$98.63 per diem.
3 A copy of the Judgment is attached as Exhibit A.

4 2. On or about September 14, 2017, the Supplemental Limited Judgment and Money
5 Award (“Supplemental Judgment”) was entered in the register for this case providing a money
6 award in the principal amount of \$31,056.94, with post-judgment interest accruing at the rate of
7 nine percent (9%) per annum from the date of entry of the Supplemental Judgment until paid. As
8 of December 5, 2017, the amount due on the Supplemental Judgment is \$31,684.89, with interest
9 continuing to accrue at \$7.66 per diem. A copy of the Supplemental Judgment is attached as
10 Exhibit B.

11 3. The total amount due for the Judgment and Supplemental Judgment as of
12 December 5, 2017 is \$443,447.90.

13 4. The address for the Judgment Creditor is Western Land Holding I, LLC, c/o Joshua
14 D. Stadtler, Dunn Carney Allen Higgins & Tongue LLP, 851 SW Sixth Avenue, Suite 1500,
15 Portland, OR 97204-1357.

16 5. The address of the Real Property to be sold is 11572 SW Toulouse Street,
17 Wilsonville, Oregon 97070. The legal description of the Real Property to be sold is attached as
18 Exhibit C.

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1 NOW THEREFORE in the name of the state of Oregon, you are commanded to enforce
2 the Judgment and Supplemental Judgment described above in paragraphs 1 and 2, and seize and
3 sell the real property and improvements thereon listed on Exhibit C, attached hereto, to satisfy the
4 sum of \$443,447.90 now due on the Judgment and Supplemental Judgment, plus interest
5 continuing to accrue at the rates described above in paragraphs 1 and 2 until paid, and also the
6 costs of and upon this Writ of Execution. You are hereby further directed to make due return
7 hereon within sixty (60) days after you have received this Writ.

8 WITNESS my hand and seal of the court on December 19, 2017.

9 CLACKAMAS COUNTY CIRCUIT COURT

10
11 Wendy Watson
12 Trial Court Administrator



13 Submitted by:

14 J. David Zehntbauer
15 Joshua D. Stadler, OSB No. 131613
16 Email: jstadtler@dunncarney.com
17 J. David Zehntbauer, OSB No. 964673
18 Email: dzehntbauer@dunncarney.com
19 Attorneys for Western Land Holding I, LLC

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

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

PAUL SANDLAND, Trustee of the Paul Sandland Revocable Trust dated 12/19/2007;
ALTEDAY INVESTMENTS, LLC, an Oregon limited liability company; PENSICO TRUST COMPANY CUSTODIAN fbo MARVIN BERKMAN IRA and EQUITY TRUST COMPANY CUSTODIAN fbo GREGORY L. KNECHT IRA,

Plaintiffs,

v.

SAGE GROUP, LLC, an Oregon limited liability company; J. PATRICK LUCAS; STEVEN RICHARD KOSKI; CHATEAU VILLABOIS, LLC, an Oregon limited liability company; WESTERN LAND HOLDING I, LLC, and Oregon limited liability company, and PACIFIC NORTHWEST LAND DEVELOPMENT, LLC, an Oregon limited liability company,

Defendants.

Case No. 16CV32082

LIMITED JUDGMENT AND DECREE OF FORECLOSURE, AND MONEY AWARD

THIS MATTER comes before the Court upon the submission of Joshua D. Stadler of Dunn Carney Allen Higgins & Tongue LLP, of counsel for Western Land Holding I, LLC (“Western”); and

IT APPEARING to the Court that it has entered an Order Granting Western’s Motions for Summary Judgment as to Western’s first and second cross-claims;

NOW, THEREFORE, IT IS HEREBY ADJUDGED, as follows:

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1 1. Western is awarded a Limited Judgment against Sage Group, LLC (“Sage”) in the
2 amount of \$300,000, and interest accrued thereon at the rate of ten percent (10%) per annum from
3 June 26, 2014, through June 24, 2016, and at the default rate of twelve percent (12%) per annum
4 from and after June 25, 2016, until paid in full, together with such further amounts as the Court
5 shall award Western for such reasonable attorney fees, costs, and disbursements as were incurred
6 in connection with Sage’s default under the Sage Note and the Sage Trust Deed,¹ foreclosure of
7 the Sage Trust Deed, and action on the Sage Note, and a Writ of Execution shall issue therefore;

8 2. The Sage Trust Deed is a valid lien for the amount of Western’s judgment set forth
9 in paragraph 1, above, against the Property;

10 3. The lien of the Sage Trust Deed is superior to any interest, lien, right, title, or claim
11 of any other parties in this proceeding, except that of plaintiffs’ trust deed (*i.e.*, that certain trust
12 deed executed by Sage, as grantor, in favor of plaintiffs, as beneficiaries, dated May 18, 2015,
13 recorded May 26, 2015, as Recorder No. 2015-031420, Clackamas County Official Records) and
14 that of the trust deed of Pacific Northwest Land Development, LLC (“Pacific”) (*i.e.*, that certain
15 trust deed Sage, as grantor and owner of certain real property described as LOT 54, VILLEBOIS
16 VILLAGE CENTER NO. 2, Wilsonville, Oregon, corresponding to the address 11572 SW

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20 ¹ On or about June 26, 2014, Sage, as maker and borrower, executed and delivered to
21 Sean T. Keys (“Keys”), as lender, a promissory note in the principal amount of \$300,000
22 (the “Sage Note”), with interest accruing thereon as set forth therein. On or about April 16, 2015,
23 to secure repayment and performance of all obligations owed under the Sage Note, Sage, as
24 grantor, executed and delivered a trust deed to First American Title, as trustee, for the benefit of
25 Keys, as beneficiary, that was recorded on May 28, 2015, as Instrument No. 2015-0031851 in the
26 official real property records of Clackamas County, Oregon. The Sage Trust Deed encumbers real
property legally described as LOT 54, VILLEBOIS VILLAGE CENTER NO. 2, IN THE CITY
OF WILSONVILLE, COUNTY OF CLACKAMAS AND STATE OF OREGON
(the “Property”). For value received, Keys assigned to Western all right, title, and interest in and
to each of the Sage Note and the Sage Trust Deed by indorsing and transferring the Sage Note to
Western, and executing an assignment of the Sage Trust Deed to Western (the “Assignment”) that
was recorded on April 27, 2017, as Instrument No. 2017-028447 in the official real property
records of Clackamas County, Oregon.

1 Toulouse Street, granted in favor of Pacific, as beneficiary, recorded September 7, 2016, as
2 Recorder No. 2016-061005, Clackamas County Official Records)²;

3 4. The lien of the Sage Trust Deed is foreclosed and sale of the Property by the Sheriff
4 of Clackamas County, Oregon, in the manner prescribed by law and in accordance with the practice
5 of this Court, is ordered;

6 5. The proceeds from the sale of the Property shall be applied first toward the costs of
7 sale, then distributed toward satisfaction of the amount of plaintiffs' Limited Judgment (and any
8 supplemental judgment for attorney fees and costs), next towards satisfaction of the amount of
9 Pacific's Limited Judgment (and any supplemental judgment for attorney fees and costs), and then
10 towards this Limited Judgment (and any supplemental judgment for attorney fees and costs), with
11 the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish
12 their right thereto;

13 6. If the proceeds of the sale are not sufficient to satisfy this Limited Judgment (and/or
14 any supplemental judgment for attorney fees and costs), that any such deficiency may be enforced
15 against Sage by execution as provided by law;

16 7. With the exception of plaintiffs and Pacific, the other parties in this proceeding, and
17 each of them, and all persons claiming through or under those parties as purchasers, encumbrances
18 or otherwise, are forever foreclosed of all interest, lien, or claim in the Property, and every portion
19 thereof, excepting only any statutory right of redemption as those other parties, or any of them,
20 may have therein; and

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25 ² On or about May 9, 2017, a Subordination of Trust Deed was recorded as Recorder No. 2017-
26 030979, Clackamas County Official Records (a true and correct copy of which is attached as
Exhibit A to Pacific's Limited Judgment), subordinating the lien of Western, as successor-in-
interest to the Sage Trust Deed, to the lien of the Pacific Trust Deed.

1 Post-Judgment Interest:

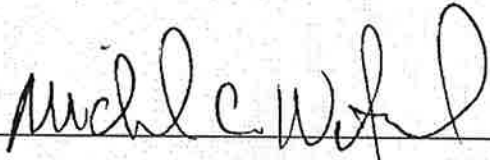
Contract Balance:

Interest at the contractual rate of 12% per annum (\$98.63 per diem) on the principal balance due under the Sage Note of \$300,000 until paid in full.

Attorney Fees, Costs and Disbursements:

Interest at the statutory rate of 9% per annum on the amount of attorney fees, costs, and disbursements determined pursuant to ORCP 68

Signed: 9/11/2017 03:31 PM



Circuit Court Judge Michael C. Wetzel

16 Submitted by:

17 Joshua D. Stadtler, OSB No. 131613
18 Dunn Carney Allen Higgins & Tongue, LLP
19 Email: jstadtler@dunncarney.com
20 Attorneys for Western Land Holding I, LLC

CERTIFICATE OF SERVICE

I certify that a true copy of LIMITED JUDGMENT AND DECREE OF FORECLOSURE, AND MONEY AWARD was served on:

Robert A. Smejkal
Robert A. Smejkal, P.C.
800 Willamette Street, Suite 800
P.O. Box 1758
Eugene, OR 97440-1758
Attorneys for Plaintiffs

By hand delivery
x By first-class mail*
x By e-mail: bob@attorneysmejkal.com
By overnight mail
By serving through the eFiling system at the party's email address as recorded on the date of service in the eFiling system.

Peter D. Mohr
Jordan Ramis PC
Two Centerpointe Dr., 6th Floor
Lake Oswego, OR 97035
Attorneys for Sage Group, J. Patrick Lucas and Chateau Villebois, LLC

By hand delivery
x By first-class mail*
x By e-mail: Peter.Mohr@jordanramis.com
By overnight mail
By serving through the eFiling system at the party's email address as recorded on the date of service in the eFiling system

*With postage prepaid and deposited in Portland, OR.

August 18, 2017

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Joshua D. Stadler

Joshua D. Stadler, OSB No. 131613
Email: jstadtler@dunncarney.com
J. David Zehntbauer@dunncarney.com
Email: dzehntbauer@dunncarney.com
Attorneys for Western Land Holding I, LLC

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

PAUL SANDLAND, Trustee of the Paul Sandland Revocable Trust dated 12/19/2007;
ALTEDAY INVESTMENTS, LLC, an Oregon limited liability company; PENSCO TRUST COMPANY CUSTODIAN fbo MARVIN BERKMAN IRA and EQUITY TRUST COMPANY CUSTODIAN fbo GREGORY L. KNECHT IRA,

Plaintiffs,

v.

SAGE GROUP, LLC, an Oregon limited liability company; J. PATRICK LUCAS; STEVEN RICHARD KOSKI; CHATEAU VILLABOIS, LLC, an Oregon limited liability company; WESTERN LAND HOLDING I, LLC, an Oregon limited liability company, and PACIFIC NORTHWEST LAND DEVELOPMENT, LLC, an Oregon limited liability company,

Defendants.

Case No. 16CV32082

SUPPLEMENTAL LIMITED JUDGMENT AND MONEY AWARD

The Court entered a Limited Judgment And Decree Of Foreclosure, And Money Award (the “**Judgment**”) in favor of Western Land Holding I, LLC (“**Western**”) and against Sage Group, LLC (“**Sage**”) in the amount of \$300,000, and interest accrued thereon at the rate of ten percent (10%) per annum from June 26, 2014, through June 24, 2016, and at the default rate of twelve percent (12%) per annum from and after June 25, 2016, until paid in full, together with such further amounts as the Court shall award Western for such reasonable attorney fees, costs, and

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1 disbursements as were incurred in connection with Sage's default under the Sage Note and the
2 Sage Trust Deed, foreclosure of the Sage Trust Deed, and/or action on the Sage Note.¹

3 As of July 21, 2017, the amount of reasonable attorney fees, costs, and disbursements
4 incurred in connection with Sage's default under the Sage Note and the Sage Trust Deed,
5 foreclosure of the Sage Trust Deed, and/or action on the Sage Note was **\$30,756.94**, consisting of
6 **\$30,115.50** in reasonable attorney fees and **\$641.44** in costs, plus Western's prevailing party fee
7 pursuant to ORS 20.190(2)(a)(A) of **\$300**.

8 On July 21, 2017, Western filed with the Court and served by first-class mail on all parties
9 a copy of its Statement of Reasonable Attorney Fees, Legal Costs, and Other Disbursements in
10 this matter pursuant to ORCP 68C. On August 7, 2017, Sage, J. Patrick Lucas, and Chateau
11 Villebois (the "**Sage Defendants**") filed an Objection. Thereafter, Western and the Sage
12 Defendants entered into and filed a Stipulation for Entry of Supplemental Limited Judgment and
13 Money Award.

14 Accordingly, IT IS HEREBY ADJUDGED that Western shall have judgment against Sage
15 for reasonable attorney fees, costs, and disbursements in the total amount of **\$31,056.94**, plus post-
16 judgment interest thereon at the rate of 9% per annum from entry of this supplemental judgment
17 until Sage pays it in full.

18 ///

19 _____
20 ¹ On or about June 26, 2014, Sage, as maker and borrower, executed and delivered to
21 Sean T. Keys ("**Keys**"), as lender, a promissory note in the principal amount of \$300,000
22 (the "**Sage Note**"), with interest accruing thereon as set forth therein. On or about April 16, 2015,
23 to secure repayment and performance of all obligations owed under the Sage Note, Sage, as
24 grantor, executed and delivered a trust deed to First American Title, as trustee, for the benefit of
25 Keys, as beneficiary, that was recorded on May 28, 2015, as Instrument No. 2015-0031851 in the
26 official real property records of Clackamas County, Oregon. The Sage Trust Deed encumbers real
property legally described as LOT 54, VILLEBOIS VILLAGE CENTER NO. 2, IN THE CITY
OF WILSONVILLE, COUNTY OF CLACKAMAS AND STATE OF OREGON
(the "**Property**"). For value received, Keys assigned to Western all right, title, and interest in and
to each of the Sage Note and the Sage Trust Deed by indorsing and transferring the Sage Note to
Western, and executing an assignment of the Sage Trust Deed to Western (the "**Assignment**") that
was recorded on April 27, 2017, as Instrument No. 2017-028447 in the official real property
records of Clackamas County, Oregon.

Page 2 SUPPLEMENTAL LIMITED JUDGMENT AND MONEY AWARD

1
2 **MONEY AWARD**

3 Judgment Creditor: Western Land Holding I, LLC
20241 S. Central Point Road
Oregon City, OR 97045

4 Attorney for Judgment Creditor: Joshua D. Stadtler
5 Dunn Carney Allen Higgins & Tongue, LLP
851 SW Sixth Avenue, Suite 1500
6 Portland, OR 97204

7 Judgment Debtor: Sage Group, LLC
Two Centerpointe Drive, 6th Floor
8 Lake Oswego, OR 97035


9 Attorney for Judgment Debtor: Peter Mohr
Jordan Ramis, PC
10 Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035

11 No person or public body is entitled to any portion of a payment made on the judgment.

12 Amount of Supplemental Judgment for
13 Reasonable Attorney Fees, Legal Costs,
14 And Other Disbursements: **\$31,056.94**

15 Simple interest at the rate of 9% per annum on that amount from entry of this supplemental
16 judgment until Sage pays it in full.

17 Signed: 9/11/2017 04:53 PM

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20 **Circuit Court Judge Michael C. Wetzel**

21
22 Presented by:
23 Dunn Carney Allen Higgins & Tongue LLP
Joshua D. Stadtler, OSB 131613
24 Email: jstadtler@dunncarney.com
Attorneys for Western Land Holding I, LLC

1 **CERTIFICATE OF READINESS – UTCR 5.100**

2 This proposed order or judgment is ready for judicial signature because:

- 3 1. Each opposing party affected by this order or judgment has stipulated to the order or
4 judgment, as shown by each opposing party's signature on the document being submitted.
- 5 2. Each opposing party affected by this order or judgment has approved the order or
6 judgment, as shown by signature on the document being submitted or by written
7 confirmation of approval sent to me.
- 8 3. I have served a copy of this order or judgment on all parties entitled to service and:
9 No objection has been served on me.
10 I received objections that I could not resolve with the opposing party despite
11 reasonable efforts to do so. I have filed a copy of the objections I received and
12 indicated which objections remain unresolved.
- 13 4. After conferring about objections, [role and name of opposing party] agreed to
14 independently file any remaining objection. .
- 15 4. The relief sought is against a party who has been found in default.
- 16 5. An order of default is being requested with this proposed judgment.
- 17 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
18 otherwise.
- 19 7. This is a proposed judgment that includes an award of punitive damages and notice has
20 been served on the Director of the Crime Victims' Assistance Section as required by
21 subsection (4) of this rule.

22 August 22, 2017

23 DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

24 /s/ Joshua D. Stadler

25 Joshua D. Stadler, OSB No. 131613

26 Email: jstadtler@dunncarney.com

Attorneys for Western Land Holding I, LLC

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CERTIFICATE OF SERVICE

I certify that a true copy of **SUPPLEMENTAL LIMITED JUDGMENT AND MONEY AWARD** was served on:

Robert A. Smejkal	<u> </u>	By hand delivery
Robert A. Smejkal, P.C.	<u> x </u>	By first-class mail*
800 Willamette Street, Suite 800	<u> x </u>	By e-mail: bob@attorneysmejkal.com
P.O. Box 1758	<u> </u>	By overnight mail
Eugene, OR 97440-1758	<u> </u>	By serving through the eFiling system at
<i>Attorneys for Plaintiffs</i>		the party's email address as recorded on
		the date of service in the eFiling system
Peter D. Mohr	<u> </u>	By hand delivery
Jordan Ramis PC	<u> x </u>	By first-class mail*
Two Centerpointe Dr., 6 th Floor	<u> x </u>	By e-mail: Peter.Mohr@jordanramis.com
Lake Oswego, OR 97035	<u> </u>	By overnight mail
<i>Attorneys for Sage Group, J. Patrick</i>	<u> </u>	By serving through the eFiling system at
<i>Lucas and Chateau Villebois, LLC</i>		the party's email address as recorded on
		the date of service in the eFiling system

*With postage prepaid and deposited in Portland, OR.

August 22, 2017

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Joshua D. Stadtler
 Joshua D. Stadtler, OSB No. 131613
 Email: jstadtler@dunncarney.com
 J. David Zehntbauer [@dunncarney.com](mailto:dunncarney.com)
 Email: dzehntbauer@dunncarney.com
 Attorneys for Western Land Holding I, LLC

EXHIBIT C

LEGAL DESCRIPTION

Lot 54, Villebois Village Center No. 2, in the City of Wilsonville, County of Clackamas and State of Oregon.

(aka 11572 SW Toulouse Street, Wilsonville, Oregon 97070)