

RECEIVED
CLACKAMAS COUNTY SHERIFF
18 FEB -5 PM 3:08

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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

MARVIN BERKMAN, Trustee of the Marvin
Berkman Living Trust dated January 25, 2007
and MARY ANN SORRIC,

Plaintiffs,

v.

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

Defendants.

Case No. 16CV32600

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 20, 2017, a Limited Judgment and Decree of Foreclosure
and Money Award (“Judgment”) was entered in the register for this case. On January 4, 2018, a
Corrected Limited Judgment and Decree of Foreclosure and Money Judgment (“Corrected
Judgment”) was entered in the register for this case providing a money award in the principal
amount of \$300,000, plus interest through December 20, 2017 in the amount of \$113,439.71, with
post-judgment interest accruing at the rate of twelve percent (12%) per annum on the principal
balance of \$300,000 from the date of entry of the Judgment until paid. As of January 9, 2018, the

1 amount due on the Corrected Judgment is \$415,313.68, with interest continuing to accrue at \$98.63
2 per diem. A copy of the Corrected Judgment is attached as Exhibit A.

3 2. On or about September 20, 2017, the Supplemental Limited Judgment and Money
4 Award ("Supplemental Judgment") was entered in the register for this case providing a money
5 award in the principal amount of \$8,653.50, with post-judgment interest accruing at the rate of
6 nine percent (9%) per annum from the date of entry of the Supplemental Judgment until paid. As
7 of January 9, 2018, the amount due on the Supplemental Judgment is \$8,890.35, with interest
8 continuing to accrue at \$2.06 per diem. A copy of the Supplemental Judgment is attached as
9 Exhibit B.

10 3. The total amount due for the Corrected Judgment and Supplemental Judgment as
11 of January 9, 2018 is \$424,204.03.

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

15 5. The address of the Real Property to be sold is 11571 SW Toulouse Street,
16 Wilsonville, Oregon 97070. The legal description of the Real Property to be sold is attached as
17 Exhibit C.

18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

1 NOW THEREFORE in the name of the state of Oregon, you are commanded to enforce
2 the Corrected Judgment and Supplemental Judgment described above in paragraphs 1 and 2, and
3 seize and sell the real property and improvements thereon listed on Exhibit C, attached hereto, to
4 satisfy the sum of \$424,204.03 now due on the Corrected Judgment and Supplemental Judgment,
5 plus interest continuing to accrue at the rates described above in paragraphs 1 and 2 until paid, and
6 also the costs of and upon this Writ of Execution. You are hereby further directed to make due
7 return hereon within sixty (60) days after you have received this Writ.

8 WITNESS my hand and seal of the court on January 22, 2018.

9 CLACKAMAS COUNTY CIRCUIT COURT

10
11 
12 Trial Court Administrator



13 Submitted by:

14 

15 Joshua D. Stadtler, OSB No. 131613

Email: jstadtler@dunncarney.com

16 J. David Zehntbauer, OSB No. 964673

Email: dzehntbauer@dunncarney.com

17 Attorneys for Western Land Holding I, LLC and
18 Pacific Northwest Land Development, LLC

19
20
21
22
23
24
25
26
**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.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MARVIN BERKMAN, Trustee of the Marvin
Berkman Living Trust dated January 25, 2007
and MARY ANN SORRIC,

Plaintiffs,

v.

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

Defendants.

Case No. 16CV32600

**CORRECTED LIMITED
JUDGMENT AND DECREE OF
FORECLOSURE, AND MONEY
AWARD**

THIS MATTER comes before the Court upon the submission of Joshua D. Stadtler 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:

1. Western is awarded a Limited Judgment 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

1 shall award Western for such reasonable attorney fees, costs, and disbursements as were incurred
2 in connection with Sage's default under the Sage Note and the Sage Trust Deed,¹ foreclosure of
3 the Sage Trust Deed, and action on the Sage Note, and a Writ of Execution shall issue therefore;

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

6 3. The lien of the Sage Trust Deed is superior to any interest, lien, right, title, or claim
7 of any other parties in this proceeding, except that of the Claim of Construction Lien in favor of
8 Pacific Northwest Land Development, LLC ("**Pacific**") (*i.e.*, that certain claim of construction lien
9 recorded September 12, 2016, as Recorded No. 2016-061807, Clackamas County Official
10 Records) and of plaintiffs' Trust Deed (*i.e.*, that certain trust deed executed by Sage, as grantor, in
11 favor of plaintiffs, as beneficiaries, dated and recorded September 30, 2015, as Recorder No. 2015-
12 066156, Clackamas County Official Records);

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

16 5. The proceeds from the sale of the Property shall be applied first toward the costs of
17 sale, then distributed toward satisfaction of the amounts owed to Pacific on its Claim of
18 Construction Lien and to plaintiffs' on their Trust Deed (including for attorney fees and costs) ,

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 June 1, 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 October 2, 2015, as Instrument No. 2015-66694 in the
26 official real property records of Clackamas County, Oregon. The Sage Trust Deed encumbers real
property legally described as LOT 74, 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. 2017-028448 in the official real property
records of Clackamas County, Oregon.

1 and then towards this Limited Judgment (and any supplemental judgment for attorney fees and
2 costs), with the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as
3 may establish their right thereto;

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

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

12 8. Western, or any other party to this proceeding, may become the purchaser at the
13 sale of the Property, and such purchaser is entitled to exclusive possession of the Property from
14 and after the date of the sale, and is entitled to such remedies as are available at law to secure
15 possession of the Property, including a Writ of Assistance, if any of the other parties to this
16 proceeding, or any party or person, shall refuse to surrender possession to the purchaser
17 immediately on demand for possession by the purchaser.

18 **MONEY AWARD**

19 Judgment Creditor: Western Land Holding I, LLC
20 20241 S. Central Point Road
Oregon City, OR 97045

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

23 Judgment Debtor: Sage Group, LLC
24 Two Centerpointe Drive, 6th Floor
25 Lake Oswego, OR 97035
26

1 Attorney for Judgment Debtor:

Peter Mohr
Jordan Ramis, PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035

2

3

4 Amount of Limited Judgment:

\$ 300,000.00

5

6 Interest through December 20, 2017
7 (with interest continuing to accrue at
8 \$98.63/day until entry of judgment):

\$ 113,439.71

9

10 Attorney Fees:

To be determined pursuant to ORCP 68

11

12 Costs and Disbursements:

To be determined pursuant to ORCP 68

13

14 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.

15

16

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

17

18

Signed: 1/2/2018 09:49 AM

19

20

21

22

23

24



Circuit Court Judge Michael C. Wetzel

25

26 Submitted by:

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

27

28

29

30

31

32

33

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 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 December 26, 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
 J. David Zehntbauer, OSB No. 964673
 Email: jzehntbauer@dunncarney.com
 Attorneys for Western Land Holding I, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing **CORRECTED LIMITED JUDGMENT AND DECREE OF FORECLOSURE, 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, LLC and</i>	<u> </u>	By serving through the eFiling system at
<i>J. Patrick Lucas</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.

December 26, 2017

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Joshua D. Stadtler
 Joshua D. Stadtler, OSB No. 131613
 Email: jstadtler@dunncarney.com
 J. David Zehntbauer, OSB No. 964673
 Email: [dzehtbauer@dunncarney.com](mailto:dzehntbauer@dunncarney.com)
 Attorneys for Western Land Holding I, LLC



Certified True Copy Of The Original
Dated This 8 Day of Jan 2018
Fifth Judicial District, State of Oregon
Trial Court Administrator
By: J. Coyle
Total pages 6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MARVIN BERKMAN, Trustee of the Marvin
Berkman Living Trust dated January 25, 2007
and MARY ANN SORRIC,

Plaintiffs,

v.

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

Defendants.

Case No. 16CV32600

**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

///
///
///
///

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 August 14, 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 is **\$8,353.50**, consisting of
6 **\$7,722.50** in reasonable attorney fees and **\$631.00** in costs,, plus Western's prevailing party fee
7 pursuant to ORS 20.190(2)(a)(A) of **\$300**.

8 On August 17, 2017, Western filed with the Court and served by first-class mail on all
9 parties a copy of its Statement of Reasonable Attorney Fees, Legal Costs, and Other Disbursements
10 in this matter pursuant to ORCP 68C. Thereafter, Western, Sage, and J. Patrick Lucas filed a
11 Stipulation for Entry of Supplemental Limited Judgment and Money Award.

12 Accordingly, IT IS HEREBY ADJUDGED that Western shall have judgment against Sage
13 for reasonable attorney fees, costs, and disbursements in the total amount of **\$8,653.50**, plus post-
14 judgment interest thereon at the rate of 9% per annum from entry of this supplemental judgment
15 until Sage pays it in full.

16 ///

17 ///

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 June 1, 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 October 2, 2015, as Instrument No. 2015-066156 in the
26 official real property records of Clackamas County, Oregon. The Sage Trust Deed encumbers real
property legally described as LOT 74, 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 that was recorded on
April 27, 2017, as Instrument No. 2017-028448 in the official real property records of Clackamas
County, Oregon.

1 **MONEY AWARD**

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

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

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

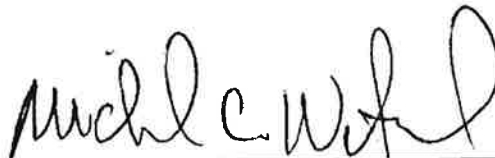
8 Attorney for Judgment Debtor: Peter Mohr
9 Jordan Ramis, PC
Two Centerpointe Drive, 6th Floor
10 Lake Oswego, OR 97035

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,
And Other Disbursements: **\$8,653.50**

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

16
17 Signed: 9/11/2017 04:18 PM

18 

19
20 **Circuit Court Judge Michael C. Wetzel**

21
22
23 Presented by:
24 Dunn Carney Allen Higgins & Tongue LLP
Joshua D. Stadler, OSB 131613
25 Email: jstadtler@dunncarney.com
Attorneys for Western Land Holding I, LLC
26

CERTIFICATE OF READINESS – UTCR 5.100

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

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

August 25, 2017

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Joshua D. Stadler
 Joshua D. Stadler, OSB No. 131613
 Email: jstadtler@dunncarney.com
 Attorneys for Western Land Holding I, LLC

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing SUPPLEMENTAL LIMITED JUDGMENT 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, LLC and J. Patrick Lucas
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 25, 2017

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Joshua D. Stadler
Joshua D. Stadler, OSB No. 131613
Email: jstadtler@dunncarney.com
J. David Zehntbauer, OSB No. 964673
Email: dzehntbauer@dunncarney.com
Attorneys for Western Land Holding I, LLC



Certified True Copy Of The Original
Dated This 16 Day of Oct 20 17
Fifth Judicial District, State of Oregon
Trial Court Administrator
By: igeshe
Total pages 5

EXHIBIT C

LEGAL DESCRIPTION

Lot 74, Villebois Village Center No. 2, in the City of Wilsonville, County of Clackamas and State of Oregon.

(aka 11571 SW Toulouse Street, Wilsonville, Oregon 97070)