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

SHARON I. POLAND and RANDALL J.
POLAND,

Plaintiffs,

v.

COLE B. COLSON, individually, and ALL
PERSONS, KNOWN AND UNKNOWN, WITH
AN INTEREST in the real property described in
the Complaint,

Defendants.

Case No.: 17CV14526

ORDER APPOINTING WILLIAM
FREE AND STUART REALTY
GROUP, INC. AS REFEREE; ORDER
FOR WRIT OF ASSISTANCE

THIS MATTER HAVING COME BEFORE THE COURT upon the Plaintiffs’ Motion for Appointment of William Free and Stuart Realty Group, Inc., as Referee, and Plaintiffs’ Motion for Writ of Assistance, and the Declarations of William Free and Nicholas R. Balthrop on file herein, and the entire record presented in this case, the court, now being fully advised,

IT IS HEREBY ORDERED that the following motions are granted or denied:

**ORDER APPOINTING WILLIAM FREE AND STUART REALTY GROUP, INC. AS
REFEREE**

1. Appointment of Referee. That William Free individually and Stuart Realty Group, Inc., an Oregon Domestic Corporation (collectively, the “Referee”), whose office is located at 1525 12th Street, Suite. 4, Florence, Oregon 97439; Telephone: 541-997-3263; email:

1 freeandassoc@harborside.com, is a qualified individual to be appointed as a referee of the sale of
2 the real property located at 4592 Foulweather Street, Florence, Oregon 97439 (the “Property”).

3 2. Powers and Duties of the Referee. The Referee has the power and authority to
4 conduct the public sale of the Property expeditiously in accordance with ORS 105.205 *et seq.*,
5 including without limitation as follows:

6 a. The referee shall proceed with all reasonable diligence to accomplish the
7 sale of the Property, for cash only, to the highest bidder at public auction sale in accordance with
8 ORS 105.280.

9 b. The referee shall have the power and authority to choose the date of the sale,
10 so long as the sale proceeds with all reasonable diligence.

11 c. The referee shall have the power and authority to order appropriate title
12 searches for the Property, and shall order a title report before sale, and report to the court regarding
13 the status of property title.

14 d. The referee shall have the power and authority to require that owners,
15 lienholders or encumbrance holders supply to the referee a verified statement of their interest, lien
16 or encumbrance. Parties subject to jurisdiction of the court shall respond to the referee’s request
17 for a verified statement within ten days of mailing of the referee’s request.

18 e. The referee shall have the power and authority to issue and publish a Notice
19 of Sale in accordance with ORS 105.280 and ORS 18.924.

20 f. The referee shall have the power and authority to advertise the sale of the
21 Property, including without limitation through listing on any appropriate Regional Multiple Listing
22 Service (RMLS); through print flyers; and through listing on internet-based real estate sale
23 websites.

24 g. The referee shall have the power and authority to file a Referee’s Report of
25 Sale of Real Property, requesting the Court’s approval of the sale of the Property.

26 h. After approval by the court of the sale to the successful bidder, the referee

1 shall deed the Property to the purchaser by statutory bargain and sale deed.

2 i. Upon sale, the referee shall collect the sale proceeds from the successful
3 bidder and deposit the proceeds with the trial court administrator, pursuant to ORS 105.290.
4 Plaintiffs shall move for the distribution of the sale proceeds pursuant to ORS 105.285 and the
5 Court's Order entered on October 2, 2017.

6 j. The referee shall have the power and authority to generally do the things
7 which are necessary or incidental to the foregoing specific powers, directions, and general
8 authorities.

9 3. Referee's Compensation. The compensation for the Referee shall be as follows:
10 (the "Commission"):

11 a. The Commission shall be collected from the sale of the Property. The
12 Commission amount shall be five percent (5%) of the accepted high bid from the owners of the
13 Property. The Commission shall be distributed to the Referee pursuant to ORS 105.285 and per
14 the Court's Order entered on October 2, 2017.

15 b. There will also be a standard five percent (5%) auction fee collected from
16 the buyer of the Property in the form of a "Buyer's Premium". This fee will be added to the high
17 bid at the auction to create the final contract/purchase price. The Buyer's Premium shall not be
18 collected from the owners of the Property.

19 4. Costs of the Sale. Pursuant to ORCP 65 A(2) and ORS 105.450, the Plaintiffs
20 shall pay the referee's costs associated with the sale of the Property. Such costs shall be reimbursed
21 to Plaintiffs out of the proceeds of the sale of the Property, except as follows:

22 a. Plaintiffs shall pay Referee \$1,500 for advertising and marketing costs
23 within 10 days of appointment by the Court (the "Marketing Budget"). In the distribution

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1 of the proceeds of the sale, the Commission shall be reduced by the amount of the Marketing
2 Budget.

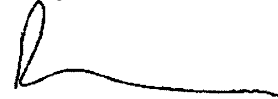
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4 Granted Denied

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6 **ORDER FOR WRIT OF ASSISTANCE**

7 1. Motion for a Writ of Assistance, allowing a Lane County Sheriff to remove
8 Defendant Cole Colson from occupancy of the Property on or before 20 days of the date this order
9 is entered. A copy of this Order and the Writ of Assistance shall be served via first class mail upon
10 Defendant Cole Colson within 5 days of the entry of this Order.

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12 Granted Denied

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16 Signed: 1/16/2018 03:25 PM



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18 **R.Curtis Conover, Circuit Court Judge**

19 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100**

20 Pursuant to UTCR 5.100, the proposed Order is ready for judicial signature because service
21 is not required pursuant to subsection (3) of this rule, or by state, rule or otherwise.

22 DATED: December 15, 2017

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Nicholas R. Balthrop, OSB No. 153110
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Of Attorneys for Plaintiffs

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