

State of Oregon for the County of Coos  
I certify that this is a true and correct copy of  
a document in the possession of the court  
administrator for the Coos County Circuit Court.  
11-5-18  
Dated Court Administrator or Designee

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

LA JOLLA COVE INVESTORS, INC. a  
California corporation,

Plaintiff,

vs.

BIG HORN OWL LLC, a Wyoming limited  
liability company; RICHARD RICE, an  
individual; JILL RICE, an individual;  
ROBERT PUCCI, an individual; GUY R.  
SCHERER, an individual; NOREEN T.  
"NONI" SCHERER; and DEERE &  
COMPANY, a Delaware corporation,

Defendants.

No. 16CV35465

**WRIT OF EXECUTION ON JUDGMENT  
(REAL AND PERSONAL PROPERTY -  
COMMERCIAL)**

**COOS COUNTY SHERIFF**

**DEC 19 2018**

**RECEIVED  
CIVIL DIVISION**

**TO: THE SHERIFF OF COOS COUNTY, OREGON**

On April 10, 2017, in the Circuit Court of the State of Oregon for the County of Coos, a  
General Judgment and Money Award ("General Judgment") was entered in favor of plaintiff La  
Jolla Cove Investors, Inc. ("Judgment Creditor"), against multiple defendants, including  
defendant Big Horn Owl LLC ("Judgment Debtor"), in the principal amount of \$1,280,000.00,  
plus accrued interest as of September 30, 2016, in the amount of \$114,452.00, plus interest on  
the principal amount accruing on and after October 1, 2016, at the default rate of 11.0% per  
annum, until Judgment entry. Post judgment interest accrues on the principal balance and  
prejudgment interest at the rate of 11.0%, from the date of entry of judgment until fully paid.  
Post judgment interest accrues on the attorney fees, costs and litigation expenses awarded at the  
rate of 9.0%, from the date of entry of judgment until fully paid. The Judgment Creditor has  
incurred an additional \$130.00 in post judgment costs. The total amount necessary to satisfy the

1 General Judgment as of September 14, 2018, is \$1,762,420.83, plus \$456.28 per diem interest  
2 thereafter, until paid. A true copy of the General Judgment is attached hereto as Exhibit 1.

3 **NOW, THEREFORE**, in the name of the State of Oregon, you are hereby commanded  
4 to levy and sell the real property of the Judgment Debtor described in the attached Exhibit 2,  
5 commonly known as 88539 Windhurst Lane, Bandon, Oregon and surrounding lots, and also  
6 known as tax lots 1203201, 1203200, 1203290, together with all personal commercial property in  
7 situ.

8 You are to apply the proceeds of such sale as directed in the General Judgment toward  
9 satisfaction of the General Judgment, and the surplus, if any, to be deposited with the Court for  
10 disbursement to any person or entity who may establish their rights thereto. Please make due  
11 return herein within sixty (60) days after you receive this Writ.

12 The mailing address of the Judgment Creditor is LaJolla Cove Investors, Inc., 1793  
13 Union Street, San Francisco, CA 94123. The last known mailing address of the Judgment  
14 Debtor is care of its attorney, Rex Daines, P O Box 12829, Salem, Oregon 97309.

15 Witness my hand and seal of the Court on:

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Signed: 9/14/2018 03:02 PM

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Michelle Jacobs/Court Clerk

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1 Submitted by:

2 Schwabe, Williamson & Wyatt, P.C.

3

s/ Alex I. Poust

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4 Alex I. Poust, OSB #925155

apoust@schwabe.com

5 Joel A. Parker, OSB #001633

jparker@schwabe.com

6 Facsimile: 503.796.2900

Of Attorneys for Plaintiff,

7 La Jolla Cove Investors, Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of September, 2018, I served the foregoing WRIT OF EXECUTION ON JUDGMENT (REAL AND PERSONAL PROPERTY - COMMERCIAL) on the following parties:

Rex K. Daines  
OlsenDaines PC  
3995 Hagers Grove Rd SE  
PO Box 12829  
Salem, OR 97309  
Email: rdaines@olsendaines.com  
*Attorneys for Defendants Big Horn Owl, LLC, Richard Rice, and Jill Rice*

David B. Gray  
Attorney at Law  
12275 SW 2nd St  
Beaverton, OR 97005  
Email: david@davegraylaw.com  
*Attorney for Defendant Deere & Company*

by:

- U.S. Postal Service, ordinary first class mail
- U.S. Postal Service, certified or registered mail, return receipt requested
- hand delivery
- facsimile
- electronic service
- other (specify) \_\_\_\_\_

/s/ Alex Poust  
Alex Poust, OSB #925155

EXHIBIT 2

Parcel 1:  
Government Lot 2 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

EXCEPTING THEREFROM a parcel of land as conveyed in Property Line Adjustment Deed recorded March 27, 2012 as Instrument no. 2012-2355, records of Coos County, Oregon and further described as follows: Beginning at the axle at the Northeast corner of Government Lot 2 of said Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence South along East line of said Lot 2 a distance of 435 feet; thence West parallel with the North line of said Lot 2 a distance of 500 feet; thence North parallel with the East line of said Lot 2 a distance of 435 feet to a point on the North line of said Lot 2; thence East a distance of 500 feet, more or less, to the point of beginning.

Parcel 2:  
Government Lot 1 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SW ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

The SE ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon.

SAVING AND EXCEPTING THEREFROM: Beginning at a point 400 feet West of the Southeast corner of the SE ¼ of the NE ¼ of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence North 100 feet; thence West 300 feet; thence South 100 feet; thence East 300 feet to the point of beginning.

ALSO EXCEPTING THEREFROM a parcel of land located in the East 1/2 of the NE 1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows:

Beginning at a 5/8" rebar from which the 1/4 corner between Sections 4 and 5 of said Township 29 South, Range 14 West, bears South 39° 46' 22" East a distance of 1363.56 feet; thence North 01° 09' 15" West a distance of 304.77 feet to a 5/8" rebar; thence North 33° 00' 46" West a distance of 156.91 feet to a 5/8" rebar; thence North 66° 15' 23" East a distance of 643.29 feet to a 5/8" rebar; thence South 11° 52' 56" West a distance of 536.36 feet to a 5/8" rebar; thence South 60° 09' 58" West a distance of 276.17 feet to a 5/8" rebar; thence South 77° 20' 58" West a distance of 150.87 feet, more or less, to the point of beginning.

Parcel 3:  
A parcel of land located in the East 1/2 of the NE 1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon more particularly described as follows:

Beginning at a 5/8" rebar from which the 1/4 corner between Sections 4 and 5 of said Township 29 South, Range 14 West, bears South 39° 46' 22" East a distance of 1363.56 feet; thence North 01° 09' 15" West a distance of 304.77 feet to a 5/8" rebar; thence North 33° 00' 46" West a distance of 156.91 feet to a 5/8" rebar; thence North 66° 15' 23" East a distance of 643.29 feet to a 5/8" rebar; thence South 11° 52' 56" West a distance of 536.36 feet to a 5/8" rebar; thence South 60° 09' 58" West a distance of 276.17 feet to a 5/8" rebar; thence South 77° 20' 58" West a distance of 150.87 feet, more or less, to the point of beginning.