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

WASHINGTON FEDERAL, a federal banking institution,

Case No. 15CV09672

Plaintiffs,

WRIT OF EXECUTION

vs.

SPALDING & SON, INCORPORATED, an Oregon corporation; MERWIN L. SPALDING; and SALLY B. SPALDING,

Defendants.

**TO: The Sheriff of Josephine County, Oregon**

WHEREAS, on the 8<sup>th</sup> of June, 2015, in the above-entitled Court, a Limited Judgment was rendered in the above-entitled action which provided for a Money Award in favor of Plaintiff and against Defendants Merwin L. Spalding and Sally B. Spalding, which created a judgment lien attaching the debt for the payment of said sums to real property of the judgment debtors, which Limited Judgment was enrolled and docketing in the Clerk's Office in said Court on the 8<sup>th</sup> day of June, 2015;

NOW THEREFORE, in the name of the State of Oregon:

1. You are hereby commanded to sell, in the manner prescribed by law for the sale of real properties upon execution (subject to redemption) all of the interest which Defendants Merwin L. Spalding and Sally B. Spalding had on or after June 8, 2015, in the real property described in Exhibit A hereto attached and incorporated herein by this reference, which has a street address of 741 Granite Hill Road, Grants Pass, Oregon 97526, to satisfy the remaining sums owing on the judgment in the above-entitled cause which are currently

1 calculated by plaintiff to be \$2,144,021.20, plus interest at the per diem default rate of twelve  
2 percent (12%) of \$628.33 per day from January 4, 2019 until paid; the costs of this writ and  
3 other attorney's fees and costs incurred by creditor through the date of sale making due return  
4 within sixty (60) days after receipt of this writ. It is believed that a homestead exemption  
5 applies to the subject real property. Therefore, pursuant to ORS 18.395, the homestead  
6 should be in the maximum amount of \$50,000.

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11 *C. Huffman*  
12 JAN 09 2019



13 *Submitted by:*  
14 JOSEPH E. KELLERMAN, OSB No. 921997  
15 Hornecker Cowling LLP  
16 Of Attorneys for Plaintiff  
17 [jek@roguelaw.com](mailto:jek@roguelaw.com)

Court Clerk

RECEIVED AND FILED

2015 JUN -8 AM 8:40

STATE COURTS- JOSEPHINE

BY Adams

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

WASHINGTON FEDERAL, a federal banking institution,

Case No. 15CV09672

Plaintiff,

LIMITED JUDGMENT

vs.

SPALDING & SON, INCORPORATED, an Oregon corporation; MERWIN L. SPALDING; and SALLY B. SPALDING,

Defendants.

This matter having come before the Court on Plaintiff's Motion for Limited Judgment and Plaintiff's Statement for Attorney Fees, Costs and Disbursements to Plaintiff in the above-entitled action, and the Court having reviewed the file and noting that Defendants Merwin L. Spalding and Sally B. Spalding have previously been defaulted; and there being no just cause for delay; and the Court being otherwise fully advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED that judgment in favor of Plaintiff and against Defendants Merwin L. Spalding and Sally B. Spalding, and each of them, as detailed below is hereby entered:

1. That money award in favor of Plaintiff and against Defendant Merwin L. Spalding and Sally B. Spalding, and each of them, is hereby entered consistent with the money award set forth below.

2. Limited Judgment is sought solely for Defendants Merwin L. Spalding's and Sally B. Spalding's liabilities under the promissory notes at issue in these proceedings. There are related loan documents that create obligations under the guarantees, including the trust



Certified True Copy Of The Original  
Dated This 9 Day Of Jan, 2019  
Circuit Court Administrator  
by C. Huttman

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deeds that are alleged in Plaintiff's complaint. Since Spalding & Son, Incorporated has filed for bankruptcy protection, the full amount of the liability owing under the related loan documents including the trust deeds separate and apart from the promissory notes cannot be fully liquidated at this time. For such reasons, Plaintiff is only seeking limited judgment against Defendant Guarantors to the extent of their obligations under the promissory notes for the sum owing thereunder and will make subsequent application for entry of judgment when the remaining liabilities of the guarantors is fully liquidated.

**MONEY AWARD**

- 1. Judgment Creditor:  
Washington Federal  
891 O'Hare Parkway  
Medford, OR 97504
- 2. Judgment Creditor's Attorney:  
Joseph E. Kellerman, OSB No. 92199  
Hornecker, Cowling, Hassen & Heysell, L.L.P.  
717 Murphy Road  
Medford, OR 97504
- 3. Judgment Debtor(s):  
Merwin L. Spalding  
741 Granite Hill Road  
Grants Pass, OR 97526  
Driver's License No.: Unknown  
SSN: XXX-XX-9238  
Birthdate: 11/7/26  
  
Sally B. Spalding  
741 Granite Hill Road  
Grants Pass, OR 97526  
Driver's License No.: Unknown  
SSN: XXX-XX-6324  
Birthdate: 11/26/27
- 4. Judgment Debtors' Attorney:  
Thomas A. Huntsberger  
970 W. Centennial Blvd.  
Springfield, OR 97477

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5. Face amount owing under notes:  
Note 1: \$1,284,979.00 (\$1,248,800.00 principal plus \$36,179.00 interest)  
as of February 16, 2015;  
Note 2: \$2,770,467.29 (\$2,692,744.81 principal plus \$77,722.48 interest)  
as of February 16, 2015;

6. Costs of examining title:  
Note 1: \$2,550.00  
Note 2: \$4,825.00

7. Appraisal costs:  
Note 1: \$13,486.00  
Note 2: \$44,514.00

8. Costs of environmental reviews:  
Note 1: \$900.00  
Note 2: \$10,450.00

9. Attorneys' Fees: \$19,678.00

10. Costs and Disbursements: \$1,351.00

11. Pre-judgment interest on the principal balances in item 5 above at the rate of 12% per annum from February 16, 2015 until judgment entry;

12. Post-judgment interest in items 5, 6, 7, 8, 9, 10 and 11 above at the rate of 12% from judgment entry until paid.

13. Judgment Creditor reserves the right to seek additional fees and costs as is necessary in order to secure payment of the outstanding obligations and the court retains jurisdiction for such purpose. Judgment Creditor further reserves the right to seek further judgments against Defendants Merwin L. Spalding and Sally B. Spalding that may accrue as a result of their guarantee of obligations of Spalding & Son, Incorporated, which is currently under bankruptcy protection and under the related loan documents for damages that are not fully liquidated at this time.

DATED: June 8, 2015

  
CIRCUIT COURT JUDGE

THOMAS M. HULL

Submitted by:  
JOSEPH E. KELLERMAN, OSB No. 921997  
Hornecker Cowling LLP  
Of Attorneys for Plaintiff  
[jek@roguelaw.com](mailto:jek@roguelaw.com)