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CURRY COUNTY SHERIFF
GOLD BEACH, OR

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

JENNIFER ZEUTSCHEL, an individual;
DAVID HARRIS, an individual; MICHAEL
WILLIAMS, an individual; BRIAN
McNAMEE, an individual; and
CHRISTOPHER HOLM, an individual,

Plaintiff(s),

v.

DANA LEWIS as Trustee of the WEST
COAST RESOURCES, REIT, a Florida
land trust; and DANA LEWIS, an
individual.

Defendant(s),

Case No. 18CV29285

WRIT OF EXECUTION ON REAL
PROPERTY

TO THE SHERIFF OF CURRY COUNTY:

GREETINGS:

On the 30th day of October, 2018, in the Circuit Court of the State of Oregon for the County of Curry, a General Judgment was entered on the court's register requiring the Sheriff of Curry County to sell the real property described on Exhibit A hereto to satisfy the judgment Plaintiffs obtained in this action. As alleged in the Complaint, such real property is described as the "Property" in the General Judgment, which is attached hereto as Exhibit B.

As of December 12, 2018, the total amount necessary to satisfy Plaintiffs' General Judgment, including pre-judgment interest and post-judgment interest through and

1 including December 12, 2018, is \$386,771.79. Interest at the rate of 21 percent per year
2 will accrue on the principal sum of \$377,689.89 from December 13, 2018, until paid.

3 **NOW, THEREFORE,** in the name of the State of Oregon, you are hereby
4 commanded out of the sale of the real property (subject to redemption) described in
5 Exhibit A and in the General Judgment attached as Exhibit B, both of which are
6 incorporated herein by this reference, and commonly known as 28450 Hwy 101, Gold
7 Beach, OR 97444, to apply the proceeds of such sale as directed by the General
8 Judgment (see Exhibit B) to the unpaid balance of the Money Award described in the
9 General Judgment and post-judgment interest until paid, and make due return hereon
10 within sixty (60) days after you receive this Writ, unless an extension of the return date is
11 requested by the Plaintiffs.

12 Witness my hand and seal of the court on December 18, 2018.

13 CURRY COUNTY TRIAL COURT ADMINISTRATOR

14
15 By Cheryl Kerr JSS3
16

17 *23941-011WRIT OF EXECUTION (03019445);1
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**EXHIBIT A
LEGAL DESCRIPTION**

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Tract A:

Parcel Two (2), BUENA VISTA PARTITION 3, Plat No. 2004-08, recorded May 12, 2004 as Instrument No. 2004-2965, Official Records, Curry County, Oregon.

Tract B:

That portion of Parcel Two (2), RINGER PARTITION Plat No. 1995-32 recorded September 28, 1995 as Instrument No. 1995-4485, Official Records, Curry County, Oregon, lying in the Northwest Quarter (NW1/4) of Section Eighteen (18), Township Thirty-seven (37) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon.

Tract C:

All that portion of the following described property lying in Government Lot Three (3), Section Eighteen (18), Township Thirty-seven (37) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon, to-wit: Beginning on the West line of Section Eighteen (18), Township Thirty-seven (37) south, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon, 666.0 feet North from the Southwest corner thereof;

- Thence South 89° 37' 20" East 815.8 feet;
- Thence North 00° 46' 40" West 832.4 feet to an iron pipe;
- Thence North 46° 53' East 197.0 feet to Point "A";
- Thence North 11° 38' East 186.8 feet to an iron pipe, Point "B", and the boundary line of the Evans Products company;
- Thence along said boundary line which is described as being South 67° 43' 10" West 1077.14 feet to an iron pipe located on the West boundary line of said Section Eighteen (18);
- Thence South 00° 46' 40" East 714.62 feet along said West boundary line of said Section Eighteen (18) to the Point of Beginning.

Excepting therefrom that certain tract of land lying in Government Lot Four (4), Section Eighteen (18), Township thirty-seven (37) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon, described as follows:

- Beginning at a point 674.28 feet North and 250.28 feet East of the Southwest corner of said Section Eighteen (18);
- Thence South 3° 51' West 14.77 feet;
- Thence North 88° 48' West 257.63 feet to an iron pipe driven on the West boundary of said Section Eighteen (18) (This bearing sometimes called North 89° 37' 20" West.);

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Thence following the West boundary of said Section Eighteen (18), North 0° 43' West 682.53 feet to the Northwest corner of said Government Lot Four (4) (Marked by an Iron bar.);

Thence following the North boundary of said Government Lot Four (4), South 88° 01' East 311.93 feet;

Thence South 3° 51' West 663.85 feet to the point of beginning.

Also excepting therefrom all that portion lying in Government Lot Four (4), Section Eighteen (18), Township Thirty-seven (37) South, Range Fourteen (14) West, Willamette Meridian, Curry County, Oregon

Tract D:

That portion of Parcel Two (2) of RINGER PARTITION Plat No. 1995-32, recorded September 28, 1995 as Instrument No. 1995-04485, Official Records, Curry County, Oregon, lying East of the Hunter Creek County Road right of way.

Tract E:

Parcels One (1), Two (2) and Three (3), RINGER PARTITION REPLAT of Partition #95-32, Partition Plat No. 2006-32, recorded July 27, 2006 as Instrument No. 2006-4016, Official Records, Curry County, Oregon.

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

JENNIFER ZEUTSCHEL, an individual;)	Case No. 18CV29285
DAVID HARRIS, an individual; MICHAEL)	
WILLIAMS, an individual; BRIAN)	GENERAL JUDGMENT
McNAMEE, an individual; and)	
CHRISTOPHER HOLM, an individual,)	
)	
Plaintiff(s),)	
)	
v.)	
)	
DANA LEWIS as Trustee of the WEST)	
COAST RESOURCES, REIT, a Florida)	
land trust; and DANA LEWIS, an)	
individual.)	
)	
Defendant(s),)	

Based on the Order of Default and For Entry of General Judgment filed herewith and the remaining pleadings on file herein, now, therefore,

JUDGMENT is hereby entered in favor of Plaintiffs and against Defendants Dana Lewis as Trustee of West Coast Resources, REIT ("WCR") and Dana Lewis, individually ("Lewis"), jointly and severally, as follows:

1. On Plaintiff's First and Fourth Claims for Relief, a Judgment in favor of Plaintiffs and against WCR and Lewis, jointly and severally, in the principal sum of \$300,000.00, plus accrued interest in the amount of \$35,063.01 through June 26, 2018, plus accrued interest in the amount of \$21,575.00 from June 27, 2018 until October 29, 2018, plus interest accruing at the rate of \$172.60 per day from October 30, 2018 until judgment is entered, plus late fees in the amount of \$1,800.00, plus other fees allowed

1 under the Note in the amount of \$185.00, plus Plaintiffs' attorney fees in the sum of
2 \$15,943.50, litigation expenses in the sum of \$1,511.89, and costs and disbursements
3 in the sum of \$1,611.49 (collectively the "Money Award").

4 2. On Plaintiff's Second Claim for Relief, a judgment:

5 a. Declaring that WCR is in default under the terms of the Loan
6 Agreements and that, under the Loan Agreements, there is now due and owing to
7 Plaintiffs the entire Money Award;

8 b. For Plaintiffs' costs, disbursements, and attorney fees incurred in
9 foreclosing the Deed of Trust;

10 c. Foreclosing the Deed of Trust and ordering the sale of the Property
11 by the Sheriff of Curry County in the manner prescribed by law;

12 d. Applying the proceeds of the sale of the Property first to the costs
13 of the sale, then toward satisfaction of the Money Award sought in paragraph 1 above,
14 and the surplus, if any, to the Clerk of the Court, to be held subject to the further order
15 of this Court;

16 e. Ordering that WCR, and all persons claiming through or under it,
17 either as purchasers, encumbrancers, or otherwise, be foreclosed of all interests or
18 claims in the Property, except any statutory right of redemption Defendants may have
19 with respect to the collateral, if any;

20 f. Providing that Plaintiffs, or any of them, or any other party to this
21 action, may become the purchaser at the sale of the Property and that such purchaser
22 shall be entitled to exclusive possession of said real property purchased from the date
23 of the sale, and that such purchaser shall be entitled to such remedies as are available
24 at law to secure possession thereof, including, but not limited to, petitioning the court for
25 a writ of assistance; and

26 g. For a judgment declaring and ordering that the Sheriff shall issue to

1 the purchaser a Sheriff's Deed for the Property upon the expiration of WCR's statutory
2 right of redemption.

3 3. On Plaintiff's Third Claim for Relief, a judgment:

4 a. Declaring that WCR is in default under the terms of the Loan
5 Agreements and that, under the Loan Agreements, there is now due and owing to
6 Plaintiff the Money Award;

7 b. For Plaintiff's statutory costs, disbursements, and attorney fees
8 incurred in foreclosing the Security Agreement alleged in the Complaint;

9 c. Foreclosing the Security Agreement and ordering the sale of the
10 personal property collateral subject to the Security Agreement ("Personal Property
11 Collateral") by the Sheriff of Curry County in the manner prescribed by law;

12 d. Applying the proceeds of the sale of the Personal Property
13 Collateral first to the costs of the sale, then toward satisfaction of the Money Award, and
14 the surplus, if any, to the Clerk of the Court, to be held subject to the further order of this
15 Court;

16 e. Ordering that WCR, and all persons claiming through or under it,
17 either as purchasers, encumbrancers, or otherwise, be foreclosed of all interests or
18 claims in the Personal Property Collateral;

19 f. Providing that Plaintiffs, or any other party to this action, may
20 become the purchaser at the sale of the Personal Property Collateral and that such
21 purchaser shall be entitled to exclusive possession of said Personal Property Collateral
22 purchased from the date of the sale, and that such purchaser shall be entitled to such
23 remedies as are available at law to secure possession thereof, including, but not limited
24 to, petitioning the court for a writ of assistance; and

25 g. Declaring and ordering that the Sheriff shall issue to the purchaser
26 a bill of sale for the Personal Property Collateral;

1 4. Execution shall issue therefor, and the entire General Judgment shall bear
2 interest at the rate of 21% per year from the date entered, until paid in full.

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4 **MONEY AWARD**

5 Judgment Creditors:	Jennifer Zeutschel David Harris Michael Williams Brian McNamee Christopher Holm
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9 Attorney(s) for Judgment Creditor(s):	Laurie R. Hager Sussman Shank LLP 1000 SW Broadway, Suite 1400 Portland, OR 97205 Telephone Number: 503-227-1111
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12 Judgment Debtor 1:	West Coast Resources, REIT, a Florida land trust 15019 Madeira Way, # 8611 Madeira Beach, FL 33708
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15 Date of birth:	N/A
16 EIN:	Unknown
17 Driver's License # and state of issuance:	N/A
18 Attorney for Judgment Debtor:	No Oregon attorney known
19 Judgment Debtor 2:	Dana Lewis 9648 SW 52 nd Ave Portland, OR 97219
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21	
22 Date of birth:	N/A
23 EIN:	Unknown
24 Driver's License # and state of issuance:	OR license expired 03-15-18
25 Attorney for Judgment Debtor:	No Oregon attorney known
26	
Others Entitled to Any Portion of Money Award:	None known
TOTAL AMOUNT OF MONEY AWARD (As of October 29, 2018)	\$377,689.89
PRINCIPAL AMOUNT OF MONEY AWARD	\$300,000.00
LATE FEES	\$1,800.00

1	OTHER LOAN FEES		\$185.00
2	PRE-AWARD INTEREST:		
	Interest Rate:	21%	
3	Balance Upon Which		
	Interest Accrues:	\$300,000.00	
4	Interest Type:	Simple	
	Accrued through 6/26/18	\$35,063.01	
5	Accrued from 6/27/18 – 10/29/18:	\$21,575.00	
6	Total prejudgment interest through 10/29/18:		\$56,638.01
7	Per Diem Thereafter until Entry of Judgment/Award:	\$172.60	
8	POST-AWARD INTEREST		
9	Interest Rate:	21%	
	Balance Upon Which		
10	Interest Accrues:	Entire Judgment/Award	
	Interest Start Date:	Date of Judgment/Award	
11	Interest Type:	Simple	

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13 **COSTS, DISBURSEMENTS AND ATTORNEY FEES:**
 14 Costs, disbursements, and attorneys' fees are awarded to the Judgment Creditors and
 15 against Defendants, jointly and severally. The Judgment Creditors are entitled to
 16 recover attorneys' fees pursuant to the loan agreement, promissory note, and personal
 17 guaranty alleged in the Complaint. The following amounts are hereby awarded against
 18 Defendants, jointly and severally:

16	Filing Fee:	\$560.00	
17	Service Fee:	751.49	
	Prevailing Party Fee:	300.00	
18	Other Costs (itemize):	<u>0.00</u>	
	Total Costs and Disbursements:		\$1,611.49

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1	Foreclosure Guarantee Title Report	\$1,036.00	
	Recording Cost (Lis Pendens)	\$ 114.00	
2	Duplicating expenses	\$ 216.60	
	Automated Legal Research	<u>\$ 145.29</u>	
3	Total Litigation Expenses:		\$1,511.89
4	Attorneys' Fees:		\$15,943.50

Signed: 10/30/2018 04:02 PM



Circuit Court Judge Jesse Margolis

10 SUBMITTED BY:

11 SUSSMAN SHANK LLP

13 By s/ Laurie R. Hager
 14 Laurie R. Hager, OSB No. 012715
 15 lhager@sussmanshank.com
 Attorneys for Plaintiff

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Certificate of Readiness – UTCR 5.100

The submission 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 or approval sent to me.
- 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me.
 - b. 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 unsolved.
 - c. After conferring about objections, (opposing party) agreed to independently file any remaining objection.
- 4. The relief sought is against an opposing 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.

DATED: October 29, 2018

s/ Laurie R. Hager

*23941-0111DEFAULT JUDGMENT (03012565);1