



Certified True Copy of The Original

ATTEST: 11-22-2021

Jackson County Court
Trial Court Administrator
State of Oregon - Jackson County

By *J. G. Rester*
G. Rester

MO, DEC 6 2021 AM 9:17

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

NEWTEK SMALL BUSINESS FINANCE,
LLC, a New York limited liability company

Plaintiff,

v.

MIT, LLC, an Oregon limited liability
company; WINCARE, LLC, an Oregon limited
liability company; SHIRLEY A. INGE, an
individual; RAY KLEIN, INC., a Washington
corporation; U.S. DEPARTMENT OF
TREASURY-INTERNAL REVENUE
SERVICE; OREGON DEPARTMENT OF
REVENUE; BRIAN MERICLE, an individual;
and PARTIES IN POSSESSION.

Defendants.

Case No. 21CV12615

**WRIT OF EXECUTION OF REAL
PROPERTY**

(Money Award and Foreclosure)

TO: THE SHERIFF OF JACKSON COUNTY, OREGON

WHEREAS, a Limited Judgment and Money Award was entered on May 28, 2021, in favor of Plaintiff, NEWTEK Small Business Finance, LLC and against defendants, MIT, LLC; Wincare, LLC; Shirley A. Inge; Ray Klein, Inc.; Oregon Department of Revenue; and Parties in Possession and a Supplemental Judgment was entered on August 26, 2021 against defendants MIT, LLC, Wincare, LLC and Shirley A. Inge (the "Judgments") as follows, a copy of each is attached hereto and incorporated herein as Exhibit 1.

FIRST AND SECOND CLAIM FOR RELIEF:

| | | |
|-----|---|--------------|
| (1) | Principal Amount of Judgment | \$339,588.81 |
| (2) | Prejudgment simple interest at the contract rate of 6% per annum | |
| | i) Accrued through August 27, 2021 | \$ 53,315.77 |
| | ii) Per diem thereafter until judgment is entered: | \$ 56.60 |
| (3) | Late Charges | \$ 1,891.05 |
| (4) | Misc. Fees | \$ 19,983.23 |
| (5) | Post judgment simple interest at the contract rate of 6% on the total judgment of F(1) + F(2) + F(3) + F(4) from the date judgment is entered until fully paid: | |

THIRD CLAIM FOR RELIEF:

| | | |
|-----|---|--------------|
| (1) | Principal Amount of Judgment | \$339,588.81 |
| (2) | Prejudgment simple interest at the contract rate of 6% per annum | |
| | i) Accrued through August 27, 2021 | \$ 53,315.77 |
| | ii) Per diem thereafter until judgment is entered: | \$ 56.60 |
| (3) | Late Charges | \$ 1,891.05 |
| (4) | Misc. Fees | \$ 19,983.23 |
| (5) | Post judgment simple interest at the contract rate of 6% on the total judgment of G(1) + G(2) + G(3) + G(4) from the date judgment is entered until fully paid: | |

ALL CLAIMS FOR RELIEF:

Costs, disbursements and attorney fees are awarded to the Judgment Creditor and against the Judgment Debtor. The following amounts are hereby awarded:

| | | |
|-----|--|-------------|
| (1) | Attorney Fees and Costs: | \$17,345.50 |
| (2) | Post judgment simple interest at the contract rate of 6% per annum on the total judgment of H(1) from the date judgment is entered until fully paid. | |

And WHEREAS, on June 18, 2021 the Limited Judgement as to Brian Mericle was entered in favor of Plaintiff, NEWTEK Small Business Finance, LLC and against defendant, Brian Mericle, a copy of which is attached hereto and incorporated herein by reference as Exhibit 2.

And WHEREAS, on July 21, 2021 a Stipulated General Judgment and General Judgment of Foreclosure as to the U.S. Department of Treasury-Internal Revenue Service was entered in favor of Plaintiff and against Defendant, U.S. Department of Treasury-Internal Revenue Service, a copy of which is attached hereto and incorporated herein by reference as Exhibit 3.

NOW, THEREFORE, in the name of the State of Oregon, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to

1 redemption, if applicable), all the interest which the Defendants had on March 31, 2017, the date
2 Deed of Trust which was recorded on April 13, 2017, as Instrument Number 2017-012373 in the
3 official records of the Jackson County Recorder's Office, and also all the interest which the
4 Defendants had thereafter, in the real property described in the Judgment which is commonly
5 known as 11 North Peach Street, Medford OR 97501 ("Property") and described as follows:

6 LOT 1 AND THE EAST 24 FEET OF LOT 2, BLOCK 1, AMENDED PLAT OF
7 BLOCKS 1 AND 4, CROWELLS ADDITION TO THE CITY OF MEDFORD
8 OREGON, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON:

9 to satisfy the sum of \$414,535.46, due as of August 27, 2021, together with post-judgment interest
10 at the contract rate of 6.0% per annum on the total judgment on the first claim of relief from
11 August 27, 2021, until paid in full, and attorney fees of \$12,826.50, with post-judgment interest at
12 the statutory rate of 6.0% per annum from August 27, 2021, until paid in full, and other
13 recoverable amounts of \$4,519.00 (Sheriff's fees in the amount of \$2,000.00, Filing fee of
14 \$594.00, Process Service Fees of \$300.00, Title Fees of \$1,110.00, Recording Fees of \$119.00,
15 Prevailing Party Fee of \$345.00 and Writ issuance fee of \$51.00) for a total of \$430,539.56, and to
16 satisfy the sum of \$431,880.96 plus post-judgment interest from August 27, 2021. Any surplus
17 funds in the sale proceeds, after payment of the costs of sale and satisfaction of the Judgment,
18 shall be deposited with the Clerk of the Court.

19 The real property is commonly known as 11 North Peach Street, Medford OR 97501.

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1 **JUDGMENT CREDITOR INFORMATION:**

2 NEWTEK SMALL BUSINESS FINANCE, LLC
3 c/o Foster Garvey, P.C.,
4 Attn: Jason M. Ayres
5 121 SW Morrison Street, Eleventh Floor
6 Portland, OR 97204-3141

7 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize
8 and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to
9 satisfy the Judgment, interest, fees, and costs.

10 MAKE RETURN HEREOF within 60 days after you received this Writ.



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TRIAL COURT ADMINISTRATOR

11/12/2021 11:07:59 AM

By: 

Court Administrator

Circuit Court Judge Benjamin M. Bloom

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

NEWTEK SMALL BUSINESS FINANCE,
LLC, a New York limited liability company

Plaintiff,

v.

MIT, LLC, an Oregon limited liability
company; WINCARE, LLC, an Oregon limited
liability company; SHIRLEY A. INGE, an
individual; RAY KLEIN, INC., a Washington
corporation; U.S. DEPARTMENT OF
TREASURY-INTERNAL REVENUE
SERVICE; OREGON DEPARTMENT OF
REVENUE; BRIAN MERICLE, an individual;
and PARTIES IN POSSESSION.

Defendants.

Case No. 21CV12615

LIMITED JUDGMENT AND MONEY
AWARD AS TO MIT, LLC, WINCARE,
LLC, SHIRLEY A. INGE, RAY KLEIN,
INC., OREGON DEPARTMENT OF
REVENUE, AND PARTIES IN
POSSESSION

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motion for Entry of Limited Judgment and Money Award Ex Parte as to Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge, Ray Klein, Inc., Oregon Department of Revenue, and Parties in Possession (collectively, the "Defendants"). The court has entered an Order of Default against Defendants, and it further appears that plaintiff is entitled to entry of limited judgment and money award against such Defendants.

IT IS ORDERED AND ADJUGED that plaintiff shall have limited judgment against Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge, Ray Klein, Inc., Oregon Department of

1 Revenue, and Parties in Possession as follows:

2 **A. FIRST CLAIM FOR RELIEF:**

3 1. For judgment against Defendants MIT, LLC and Shirley A. Inge in the
4 total amount of there is a total balance due under the Note of \$409,515.06, consisting of a
5 principal balance of \$339,588.81, accrued interest of \$48,051.97, late fees of \$1,891.05 and fees
6 of \$19,983.23 with interest continuing to accrue at the rate of 6% per annum (\$56.60 per diem)
7 from May 25, 2021 through entry of judgment, plus Plaintiff's reasonable attorney fees, costs, and
8 disbursements incurred herein, with interest to accrue on the total of all of the above sums at the
9 contract rate of 6% percent per annum from the date of judgment, until paid;

10 2. For judgment and decree that the Deed of Trust recorded on April 13, 2017,
11 under Recorder's File Number 2017-012373, Records of Jackson County, Oregon be declared a
12 valid and paramount lien upon the Real Property, superior to any and all right, title, interest, lien
13 or estate of Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge, Ray Klein, Inc., Oregon
14 Department of Revenue, and Parties in Possession or of anyone claiming by, through, or under
15 them in and to the Real Property securing the payment of the judgment;

16 3. For judgment and decree that the Deed be foreclosed, and that the title,
17 claim, interest, or demand of Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge, Ray Klein,
18 Inc., Oregon Department of Revenue, and Parties in Possession, and every part thereof, except
19 statutory rights of redemption, be foreclosed;

20 4. For judgment and decree that the Deed, with all of its appurtenances, rights,
21 privileges, and easements be sold on execution by the Sheriff for Jackson County, Oregon, after
22 giving notice as required by law; that Plaintiff may be and become a purchaser at said sale; that
23 Sheriff give the purchaser thereof a Certificate of Sale and, unless the Real Property is redeemed
24 before the expiration of the redemption period, a deed; that the purchaser have immediate
25 possession of the Real Property, and every part thereof; and that the purchaser be entitled to such
26 remedies as are available at law to secure such position, including a writ of assistance, if

1 Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge, and Parties in Possession or any other
2 parties or persons shall refuse to immediately surrender possession to the purchaser;

3 5. That the proceeds of the sale be applied: first, to pay the costs and expenses
4 of said sale; second to pay the judgment of Plaintiff; and third, the surplus, if any, be paid to the
5 Registry of the Court subject to further Court order;

6 6. That Plaintiff be awarded an equitable lien upon the Real Property and be
7 subrogated to the interests of prior lienholders to the extent of payments made during the
8 redemption period, to protect its interests under the Deed of Trust;

9 7. That if any deficiency remains after application of the proceeds of the sale
10 thereon, execution may be issued for said deficiency against Defendants MIT, LLC, WinCare,
11 LLC, and Shirley A. Inge enforced as provided by law; and

12 8. For interest on the sum of paragraph 1 at the contract rate of 6.00% percent
13 per annum, from the date judgment is entered, until paid in full.

14 **B. SECOND CLAIM FOR RELIEF:**

15 1. For judgment against Defendants MIT, LLC and Shirley A. Inge in the total
16 amount of \$409,515.06, consisting of a principal balance of \$339,588.81, accrued interest of
17 \$48,051.97, late fees of \$1,891.05 and fees of \$19,983.23 with interest continuing to accrue at the
18 rate of 6% per annum (\$56.60 per diem) from May 25, 2021 through entry of judgment, plus
19 Plaintiff's reasonable attorney fees, costs, and disbursements incurred herein, with interest to
20 accrue on the total of all of the above sums at the contract rate of 6% percent per annum from the
21 date of judgment, until paid; and

22 2. For interest on the sum of paragraph 1 at the contract rate of 6% percent per
23 annum, from the date judgment is entered, until paid in full.

24 **C. THIRD CLAIM FOR RELIEF:**

25 1. For judgment against Defendant WinCare, LLC in the amount of
26 \$409,515.06, consisting of a principal balance of \$339,588.81, accrued interest of \$48,051.97, late

1 fees of \$1,891.05 and fees of \$19,983.23 with interest continuing to accrue at the rate of 6% per
2 annum (\$56.60 per diem) from May 25, 2021 through entry of judgment, plus Plaintiff's
3 reasonable attorney fees, costs, and disbursements incurred herein, with interest to accrue on the
4 total of all of the above sums at the contract rate of 6% percent per annum from the date of
5 judgment, until paid; and

6 2. For interest on the sum of paragraph 1 at the contract rate of 6% percent per
7 annum, from the date judgment is entered, until paid in full.

8 **D. ALL CLAIMS FOR RELIEF:**

9 1. For judgment against Defendants MIT, LLC, WinCare, LLC, and Shirley A.
10 Inge for plaintiff's attorney fees in the total amount of \$8,944.00, for filing fee in the amount of
11 \$594.00, a prevailing party fee in the amount of \$345.00, Process of Service fees in the amount of
12 \$300.00, and title fees in the amount of \$1,110.00, to be submitted in accordance with ORCP 68B
13 and C; and

14 2. For interest on the sum of paragraphs 1 at the contract rate of 6% percent
15 per annum, from the date judgment is entered, until paid in full;

16 **MONEY AWARD**

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| 17 A. JUDGMENT CREDITORS: | |
| 18 Address: | Newtek Small Business Finance, LLC 1981 Marcus Avenue, Suite 130 Lake Success, NY 11042 |
| 19 B. JUDGMENT CREDITOR'S ATTORNEY: | |
| 20 | Jason M. Ayres, OSB #001966 |
| 21 | Justice J. Brooks, OSB #190014 |
| 22 | Foster Garvey P.C. 121 SW Morrison Street, Suite 1100 Portland, OR 97204 (503) 228-3939 |
| 23 C. JUDGMENT DEBTORS: | |
| 24 Address: | MIT, LLC c/o Shirley A. Inge, as Registered Agent 716 Bay Skipper Ct Griffin, GA 30223 |
| 25 Year of birth: | N/A |
| 26 Social Security #: | N/A |
| Driver License #: | N/A |

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1 Address: WinCare, LLC
2 c/o Shirley A. Inge, as Registered Agent
3 716 Bay Skipper Ct
4 Griffin, GA 30223
5 Year of birth: N/A
6 Social Security #: N/A
7 Driver License #: N/A

8 Address: Shirley A. Inge
9 716 Bay Skipper Ct
10 Griffin, GA 30223
11 Year of birth: 1932
12 Social Security #: xxx-xx-3326
13 Driver License #: N/A

14 D. JUDGMENT DEBTORS' ATTORNEY: No appearance in this proceeding.

15 E. PERSON/PUBLIC BODY ENTITLED TO PORTION: None known

16 F. AMOUNT OF LIMITED JUDGMENT ON FIRST AND SECOND CLAIMS FOR RELIEF:

| | | |
|-----|--|--------------|
| (1) | Principal Amount of Judgment | \$339,588.81 |
| (2) | Prejudgment simple interest at the contract rate of 6% per annum | |
| | i) Accrued through May 25, 2021 | \$ 48,051.97 |
| | ii) Per diem thereafter until judgment is entered: | \$ 56.60 |
| (3) | Late Charges | \$ 1,891.05 |
| (4) | Misc. Fees | \$ 19,983.23 |
| (5) | Postjudgment simple interest at the contract rate of 6% on the total judgment of F(1) + F(2) + F(3) + F(4) from the date judgment is entered until fully paid: | |

17 For judgment and decree that the Deed of Trust recorded on April 13, 2017,
18 under Recorder's File Number 2017-012373, Records of Jackson County,
19 Oregon be declared a valid and paramount lien upon the Real Property,
20 superior to any and all right, title, interest, lien or estate of Defendants MIT,
21 LLC, WinCare, LLC, Shirley A. Inge, Ray Klein, Inc., Oregon Department of
22 Revenue, and Parties in Possession or of anyone claiming by, through, or under
23 them in and to the Real Property securing the payment of the judgment.

24 For judgment and decree that the Deed be foreclosed, and that the title, claim,
25 interest, or demand of Defendants MIT, LLC, WinCare, LLC, Shirley A. Inge,
26 Ray Klein, Inc., Oregon Department of Revenue, and Parties in Possession,
and every part thereof, except statutory rights of redemption, be foreclosed;

For judgment and decree that the Deed, with all of its appurtenances, rights,
privileges, and easements be sold on execution by the Sheriff for Jackson
County, Oregon, after giving notice as required by law; that Plaintiff may be

1 and become a purchaser at said sale; that Sheriff give the purchaser thereof a
2 Certificate of Sale and, unless the Real Property is redeemed before the
3 expiration of the redemption period, a deed; that the purchaser have immediate
4 possession of the Real Property, and every part thereof; and that the purchaser
5 be entitled to such remedies as are available at law to secure such position,
6 including a writ of assistance, if Defendants MIT, LLC, WinCare, LLC,
7 Shirley A. Inge, and Parties in Possession or any other parties or persons shall
8 refuse to immediately surrender possession to the purchaser;

9 That the proceeds of the sale be applied: first, to pay the costs and expenses of
10 said sale; second to pay the judgment of Plaintiff; and third, the surplus, if any,
11 be paid to the Registry of the Court subject to further Court order;

12 That Plaintiff be awarded an equitable lien upon the Real Property and be
13 subrogated to the interests of prior lienholders to the extent of payments made
14 during the redemption period, to protect its interests under the Deed of Trust;

15 That if any deficiency remains after application of the proceeds of the sale
16 thereon, execution may be issued for said deficiency against Defendants MIT,
17 LLC, WinCare, LLC, and Shirley A. Inge enforced as provided by law; and

18 For the immediate recovery and possession of the Collateral by Plaintiff and
19 the assistance of the sheriff in obtaining the Collateral, and Plaintiff's right to
20 immediate possession is superior to any right or interest of Defendant.

21 G. AMOUNT OF LIMITED JUDGMENT ON THIRD CLAIM FOR RELIEF:

| | | |
|----|---|--------------|
| 22 | (1) Principal Amount of Judgment | \$339,588.81 |
| 23 | (2) Prejudgment simple interest at the contract rate of 6% per annum | |
| 24 | i) Accrued through May 25, 2021 | \$ 48,051.97 |
| 25 | ii) Per diem thereafter until judgment is entered: | \$ 56.60 |
| 26 | (3) Late Charges | \$ 1,891.05 |
| | (4) Misc. Fees | \$ 19,983.23 |
| | (5) Postjudgment simple interest at the contract rate of 6% on the total judgment of G(1) + G(2) + G(3) + G(4) from the date judgment is entered until fully paid: | |

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1 H. AMOUNT OF LIMITED JUDGMENT ON ALL CLAIMS FOR RELIEF:
2 Costs, disbursements and attorney fees are awarded to the Judgment Creditor and against
3 the Judgment Debtor. The following amounts are hereby awarded:

- 4 (1) Attorney Fees and Costs: \$10,354.00
5 (2) Filing Fee: \$ 594.00
6 (3) Prevailing Party Fee: \$ 345.00
7 (4) Post judgment simple interest at the contract rate
8 of 6% per annum on the total judgment of H(1) + H(2)
9 +H(3) from the date judgment is entered until fully paid.

10 IT IS HEREBY ORDERED that judgment be entered as set forth above.

11 Signed: 5/28/2021 08:51 AM

12 

13 Circuit Court Judge Benjamin M. Bloom

14 SUBMITTED BY:

15 /s/ Jason M. Ayres

16 Jason M. Ayres, OSB# 001966
17 Foster Garvey P.C.
18 (503) 228-3939
19 jason.ayres@foster.com
20 Of Attorneys for Plaintiff
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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 the 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:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with Defendant despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, Defendant 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 this 26th day of May, 2021.

/s/ Jason M. Ayres

Jason M. Ayres, OSB #001966