

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

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RONALD DEAN JONES,

Plaintiff,

vs.

OVER CREEK FARM, LLC, an Oregon
Limited Liability Company, JACK
PROTZMAN AND ERIC STEVEN
PAPADOUPALOS,

Defendants.

CASE NO. 21CV31600

WRIT OF EXECUTION

FR. OCT 28 2022 4:17:07

TO: JACKSON COUNTY SHERIFF

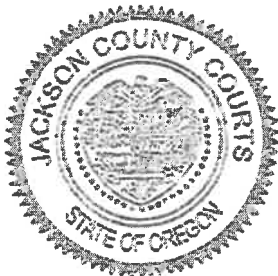
WHEREAS, on September 15, 2022, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause.

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 redemption) all of the interest which the defendants had on February 21, 2017, the date of the Deed of Trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the Judgment:

PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A", commonly known as 15534 E Evans Creek Road, Rogue River, Oregon 97537, to satisfy the sum of \$541,073.26, as of September 15th, 2022, together with additional post judgment interest of 9.00% from that date, and costs of this execution, making due return within 60 days after you receive this writ.

1 Ronald Dean Jones is the Judgment Creditor, and his address for purpose of this Writ
2 only is: C/O Grantland & Abel, Attorneys at Law, 3235 Hillcrest Park Drive, Suite 106,
3 Medford, Oregon 97501, (541)-773-6855. Grantland & Abel, Attorneys at Law is the attorneys
4 for the Judgment Creditor.

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9/26/2022 11:18:24 AM

David G. Hoppe

Circuit Court Judge David G. Hoppe

Submitted by:

Gregory M. Abel

Gregory M. Abel OSB# 031784
Of Attorney for Plaintiff
3235 Hillcrest Park Drive STE 106
Medford, Oregon 97501
(541)-773-6855
gregoryabel@medfordlegal.com

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

PARCEL 1:

THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON. EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT A POINT SOUTH 0° 51' 20" EAST, 1208.50 FEET, FROM THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE SOUTH 56° 47' WEST, 208.0 FEET; THENCE SOUTH 33° 53' WEST, 175.0 FEET; THENCE SOUTH 18° 43' WEST, 135.0 FEET; THENCE SOUTH 10° 37' WEST, 91.5 FEET; THENCE EAST 66.0 FEET; THENCE NORTH 44° 51' 50" EAST, 381.06 FEET, TO THE WEST LINE OF SAID SECTION 3; THENCE NORTH, 206.0 FEET, TO THE POINT OF BEGINNING. ALSO EXCEPTING THEREFROM A PARCEL OF LAND LYING AND SITUATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE 15 RODS NORTH, FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 8 RODS, TO AN ASH TREE; THENCE SOUTHWEST, 37 RODS, TO A STAKE; THENCE EAST, 4 RODS, TO A STAKE; THENCE NORTHEAST, 28 RODS, TO THE POINT OF BEGINNING. ALSO EXCEPTING THEREFROM THAT PORTION LYING NORTHERLY OF EVANS CREEK.

PARCEL 2:

A PARCEL OF LAND LYING AND SITUATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A STAKE 15 RODS NORTH, FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 8 RODS, TO AN ASH TREE; THENCE SOUTHWEST, 37 RODS, TO A STAKE; THENCE EAST, 4 RODS, TO A STAKE; THENCE NORTHEAST, 28 RODS, TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF AN OLD FENCE AND THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4, WHICH BEARS SOUTH OF AND 492.0 FEET DISTANT FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE NORTH 85° WEST ALONG SAID FENCE LINE 210.00 FEET MORE OR LESS TO A FENCE CORNER; THENCE SOUTH 1° 00' EAST, 146.7 FEET ALONG SAID FENCE LINE; THENCE SOUTH 5° 00' WEST, 100.0 FEET ALONG SAID FENCE LINE; THENCE SOUTH 1° 41' WEST, 371.3 FEET ALONG SAID FENCE LINE; THENCE SOUTH 16° 32' EAST, 109.8 FEET ALONG SAID FENCE LINE; THE SOUTH 60° 22' 30" EAST, 225 FEET MORE OR LESS ALONG SAID FENCE LINE TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4; THENCE NORTH 613.5 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008

TOGETHER WITH an easement appurtenant to the herein described property for parking, ingress & egress, including the terms and provisions thereof, as set forth in instrument recorded in Circuit Court Case No. 02-0532-E-2, Official Records of Jackson County, Oregon.

1	IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY	
2	RONALD DEAN JONES,) CASE NO.: 21CV31600
3	Plaintiff,)
4	vs.) GENERAL JUDGMENT OF
5	OVER CREEK FARM, LLC, an Oregon) FORECLOSURE AND SALE AS TO
6	Limited Liability Company, JACK) DEFENDANT OVER CREEK FARM, LLC
7	PROTZMAN AND ERIC STEVEN)
8	PAPADOUPALOS,)
	Respondents.)

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10 This matter having come before the Court on August 19, 2022, on Plaintiff's Motion for

11 Summary Judgment. Plaintiff, Ronald Dean Jones were represented by his attorney Gregory M.

12 Abel. Respondents, Over Creek Farm, LLC and Jack Protzman were represented by their

13 attorney, James R. Dole. The Court having reviewed the record and files herein, now, therefore,

14 IT IS HEREBY ORDERED AND ADJUDGED as follows:

- 15 1. The real property to which this judgment relates (hereinafter the "Property") is
- 16 situated in Jackson County, Oregon commonly known as 15534 East Evans
- 17 Creek Road, Rogue River, OR 97537 and is legally described as follows:
- 18 Please see legal description attached hereto as Exhibit "1"
- 19
- 20 2. An Installment Note executed on or about February 3, 2017, by respondents,
- 21 Jack Protzman and Eric Steven Papadoupalos in their capacity as Members of
- 22 Over Creek Farm, LLC, an Oregon Limited Liability Company was secured by a
- 23 Deed of Trust executed and recorded on February 21, 2017, as Instrument No.
- 24 2017-005757 in the official records of Jackson County, Oregon, is a valid and
- 25 perfected lien against all of the Property for the amount of Plaintiff's judgment

as provided herein.

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2 3. The Plaintiff is the holder of the original note dated February 3, 2017 and made
3 by Over Creek Farm, LLC, an Oregon Limited Liability Company in the amount
4 of \$480,000.00. A copy of the Note was attached to the complaint as Exhibit
5 "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
6 Trust (together the "Loan").
- 7 4. The interest of each of the Respondent(s) subject to this Judgment and any
8 successor in interest in the Property is foreclosed, excepting only any statutory
9 right of redemption as provided by Oregon law.
- 10 5. The lien of the Plaintiff is superior to any interest. Lien, or claim of the
11 remaining Respondents and shall remain in effect until issuance of a Sheriff's
12 Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to
13 rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's
14 sale, returning the parties to their prejudgment interests and priorities.
- 15 6. The Respondent(s) are not entitled to a homestead exemption as against
16 Plaintiff's judgment.
- 17 7. All of the rights, title and interest that Borrower(s) has as of the date of the Deed
18 of Trust or thereafter acquired in the subject Property, is hereby ordered to be
19 sold by the Jackson County Sheriff's Office in accordance with the process for
20 sale upon execution, and the proceeds of the sale shall be applied; first to the
21 costs of sale; second to satisfaction of the amounts awarded Plaintiff herein;
22 with the surplus, if any, to the Respondents in the priority as their interest may
23 appear or to the clerk of the Court to be distributed to such party or parties as
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may establish their right hereto.

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8. Plaintiff or any junior lienholders may become purchasers at the sale of the Property.
 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession.
 10. The purchaser at the sale may apply to the Court for a Writ of Assistance, if any, Respondent, or any person holding possession under or through such Respondent(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.
 11. Under the terms of the Loan there is now due and owing to the Plaintiff the following amounts:

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Principal		\$465,334.98	
Pre-Judgment Interest at 6% per annum through August 31, 2022 <i>(accruing thereafter until entry of judgment at \$76.49342 per day)</i>			\$72,286.28
Late Charges		\$3,100.00	
Other Costs and Fees (recoverable)		\$352.00	
	Close Out Fee	\$140.00	
	Disbursement Fee	\$ 12.00	
	Reconveyance Fee	\$200.00	
Subtotal			\$468,786.98
Total plus Pre-Judgment Interest			\$541,073.26

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$2,378.00
	Title Search	\$1,288.00	
	Filing Fees	\$ 705.00	
	Process Server Fee	\$ 40.00	
	Prevailing Party Fee	\$ 345.00	
Attorney Fees			Pursuant to ORCP 68
Total			\$4756.00

13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14. This Judgment shall not create a personal lien or liability against any individual defendant except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem Order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, general execution shall be issued, and Plaintiff shall be entitled to any further judgment, including a judgment of deficiency against defendant Over Creek Farm, LLC.

15. Execution may issue against the subject Property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus

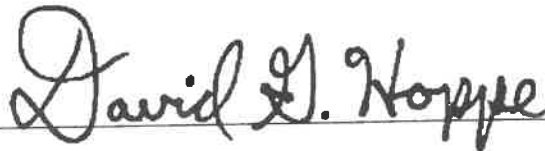
such additional amounts as provided by ORS 18.936 or other applicable law.

16. If, before sale, such amount, including Sheriff's fee for the execution, is tendered to the Court, and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the amounts due shall be terminated.

17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amount as provided in Paragraph 16 for purposes of ORS 18.936.

18. This Court shall retain jurisdiction to enter such additional order, judgment, or decrees necessary to enforce this Judgment, Writ of Execution or for the purchaser at the foreclosure sale to obtain possession.

9/13/2022 4:20:20 PM



Circuit Court Judge David G. Hoppe

SUBMITTED BY:
GRANTLAND & ABEL, ATTORNEY AT LAW



Gregory M. Abel
of Attorneys for Plaintiff
gregoryabel@medfordlegal.com

OSB# 031784

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