

00:04:2026 PM:EM

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

TALENT IRRIGATION DISTRICT, a
special irrigation district of the State of Oregon,

Plaintiff,

Case No. 22CV10650

WRIT OF EXECUTION IN
FORECLOSURE

vs.

PEGGY D. WINES, as Trustee for the Daniel J.
Wines and Peggy D. Wines Revocable Living
Trust under agreement dated January 26, 1996;
THE UNKNOWN HEIRS OF PEGGY D.
WINES, individually and as Trustee for the
Daniel J. Wines and Peggy D. Wines
Revocable Living Trust under agreement dated
January 26, 1996; and SECRETARY OF
HOUSING AND URBAN DEVELOPMENT,

Defendants.

TO: THE SHERIFF OF JACKSON COUNTY, OREGON

WHEREAS, on the 11th day of October, 2022, in the above-entitled Court, a judgment for foreclosure of real property was rendered in the above-entitled suit, which judgment was enrolled and docketed in the Clerk's office in said Court in said County on the 11th day of October, 2022.

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 Defendants:

1. Peggy D. Wines, as Trustee for the Daniel J. Wines and Peggy D. Wines Revocable Living Trust under agreement dated January 26, 1996;
 2. The Unknown Heirs Of Peggy D. Wines, individually and as Trustee for the Daniel J. Wines and Peggy D. Wines Revocable Living Trust under agreement dated January 26, 1996;
- and
///

1 3. Secretary Of Housing And Urban Development
2 have in the real property legally described as:

3 Lot 3, Block 1, CLAYTON CREEK MOBILE HOME ESTATES
4 SUBDIVISION, Jackson County, Oregon.

5 which has a street address of 600 Reiten Drive, Ashland, OR 97520, to satisfy the sums of
6 \$1,936.81, plus judgment for attorney fees in the amount of \$3,587.50 and post-judgment attorney
7 fees in the amount of \$3,000, plus costs in the amount of \$2,483.69, plus pre- and post-judgment
8 interest thereon at the rate of 1-1/3% per month from January 17, 2022, until paid, and the costs of
9 this writ making due return within 60 days after receipt of this writ.



11/8/2022 4:45:28 PM

15
16
17
18
19
20
21
22
23
24
25
26

A handwritten signature in black ink, appearing to read "Michele Thoma", is written over a horizontal line.

Circuit Court Clerk

Submitted by:
Joseph E. Kellerman, OSB No. 921997
Of Attorneys for Plaintiff
jek@roguelaw.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF JACKSON

TALENT IRRIGATION DISTRICT, a
special irrigation district of the State of Oregon,

Plaintiff,

vs.

PEGGY D. WINES, as Trustee for the Daniel J.
Wines and Peggy D. Wines Revocable Living
Trust under agreement dated January 26, 1996;
THE UNKNOWN HEIRS OF PEGGY D.
WINES, individually and as Trustee for the
Daniel J. Wines and Peggy D. Wines
Revocable Living Trust under agreement dated
January 26, 1996; and SECRETARY OF
HOUSING AND URBAN DEVELOPMENT,

Defendants.

Case No. 22CV10650

GENERAL JUDGMENT (BY DEFAULT)

THIS MATTER having come before the Court on plaintiff's motion for entry of general judgment and the Court having reviewed the file, motion, declarations in support thereof, the petition for attorney fees, costs and disbursements; and the Court having noted that all defendants have been adjudged in default and otherwise being fully advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff has sought relief by way of foreclosure of irrigation liens as referenced in Plaintiff's Amended Suit in Equity for Foreclosure of ORS 545.494 Liens ("Amended Suit") as Exhibit B on file herein concerning real property legally described in Exhibit A attached hereto and by this reference incorporated herein;

2. Plaintiff's interest in the Exhibit A realty is superior having priority in time and in right over all liens, interest and claims of all defendants herein;

1 3. That money award in favor of Plaintiff and against Defendant PEGGY D.
2 WINES, as Trustee for the Daniel J. Wines and Peggy D. Wines Revocable Living Trust under
3 agreement dated January 26, 1996 (hereinafter "Wines") (no money award against remaining
4 Defendants) is hereby entered consistent with the money award set forth below.

5 4. The Court retains jurisdiction in the event Plaintiff seeks additional fees and costs
6 as may be claimed necessary in order to secure payment of the outstanding obligations and the
7 court retains jurisdiction for such purpose.

8 5. The irrigation liens of Plaintiff attached to Plaintiff's Amended Suit as Exhibit B
9 recorded as instrument numbers 2019-035524, 2021-047716, and 2021-047743 are hereby
10 declared to be a first and paramount lien on the real property legally described in Exhibit A
11 hereto and such liens are hereby foreclosed by this Court on said real property;
12

13 6. Defendants and each of them and all parties claiming through or under them
14 either as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all
15 interest, lien, or claim in the real property described in Exhibit A hereto and any and every
16 portion thereof.
17

18 7. The real property above described is hereby ordered to be sold by the Sheriff of
19 Jackson County, in the manner prescribed by law. The proceeds of any such sale shall be
20 applied first towards the cost of sale, then towards the satisfaction of Plaintiff's liens, costs, and
21 fees as set forth in Paragraph 3 above; and the surplus, if any, to the Clerk of the Court to be held
22 by said Clerk and to be distributed to whomsoever may be lawfully entitled thereto;
23

24 8. Plaintiff, or any other party to this suit, may become the purchaser at the Sheriff's
25 sale of the real property. Plaintiff is entitled to credit bid all of the above sums at any Sheriff
26 sale. The purchaser at said foreclosure sale shall be placed in immediate and exclusive

1 possession of the Exhibit A real property and the purchaser shall be entitled to a writ of
2 assistance or any other remedies available at law or in equity to secure such possession if
3 Defendant Wines, or any other persons or entities shall refuse to surrender such possession to the
4 purchaser thereof.

5 **MONEY AWARD**

- 6 1. Judgment Creditor:
7 Talent Irrigation District
8 P.O. Box 467
9 Talent, OR 97540
- 10 2. Judgment Creditor's Attorney:
11 Joseph E. Kellerman, OSB No. 921997
12 Hornecker Cowling LLP
13 14 N Central, Suite 104
14 Medford, OR 97501
- 15 3. Judgment Debtor:
16 Peggy D. Wines, Trustee
17 600 Reiten Drive
18 Ashland, OR 97520
19 ODL No.: Unknown
20 SSN: Unknown
21 Birthdate: Unknown
- 22 4. Judgment Debtor's Attorney: N/A
- 23 5. The name of any person or public body, as defined in ORS 174.109, other than the
24 judgment creditor's attorney, that is known by the judgment creditor to be entitled
25 to any portion of the money award: None
- 26 6. Total Judgment: **\$11,008.00**
- | | |
|---------------------------------|-------------|
| a) Principal amount: | \$ 1,936.81 |
| b) Costs and Disbursements: | \$ 2,483.69 |
| c) Attorney Fees: | \$ 3,587.50 |
| d) Post-Judgment Attorney Fees: | \$ 3,000.00 |
7. Pre- and post-judgment interest on item 4 above from January 17, 2022, at the rate
of 1-1/3% per month until entry of judgment;
8. Judgment Creditor is owed post-judgment interest on items 6a and 7 above at the
rate of 1-1/3% per month until paid;

///

///

1 9. Judgment Creditor reserves the right to seek additional fees and costs as is
2 necessary in order to secure payment of the outstanding obligations and the court retains
3 jurisdiction for such purpose.

10/11/2022 11:50:43 AM

4
5
6 

7 *Submitted By:*
8 Joseph E. Kellerman, OSB No. 921997
9 Of Attorneys for Plaintiff

Circuit Court Judge Benjamin M. Bloom

10
11
12 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100**

13 The reason that this order is ready for judicial signature by the Court is because service is
14 not required pursuant to subsection UTCR 5.100(3) of this rule, or by statute, rule, or otherwise.

15 DATED: October 7, 2022.

16
17 HORNECKER COWLING LLP

18
19 By:


JOSEPH E. KELLERMAN, OSB No. 921997
Of Attorneys for Plaintiff
Fax: 541-779-2982 | jek@roguelaw.com

C. The estate or interest in the land which is covered by this Guarantee is:

A Fee

D. Title to the estate or interest in the land is vested, as of the effective date, in:

Peggy D. Wines, as Trustee for the Daniel J. Wines and Peggy D. Wines Revocable Living Trust under agreement dated January 26, 1996

E. The land referred to in this Guarantee is described as follows:

Lot 3, Block 1, CLAYTON CREEK MOBILE HOME ESTATES SUBDIVISION, Jackson County, Oregon.

Exhibit A, p. 1 of 1