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RECEIVED JUN 11 REC'D

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

JESSE ROLFE and TAMMY ROLFE,	}	Case No. 24CV23790
Plaintiff,		WRIT OF EXECUTION (REAL PROPERTY)
and	}	<i>Ex Parte</i>
JOSH VICTOR, an individual, and JOHN A. SMITH, an individual, dba SANTIAM CUTTERS,		Defendant.

TO: SHERIFF OF LINN COUNTY:

On or about July 12, 2022, a limited judgment was entered in the register for the case *Rolfe v. Victor*, Case No. 22CV10545, in the above-entitled court, in favor of Plaintiff Rolfe and against Defendant John A. Smith ("Defendant Smith"), providing a money award in the principal amount of \$72,072 plus prejudgment interest at the rate of nine percent per annum from March 28, 2022 until paid, and post judgment interest at the rate of nine percent per annum from July 7, 2022 until paid (the "Judgment"). As of May 09, 2024, the total owing under the Judgment is \$86,088.51. Interest continues to accrue at \$18.21 per day.

WRIT OF EXECUTION (REAL PROPERTY) - Page 1



GARDNER BECKLEY MEADOWS

975 Oak Street, Suite 625 Eugene, Oregon 97401
Phone (541) 687-9001 | Fax (541) 484-7404 | www.gardnerbeckley.com

1 Now, therefore, in the name of the State of Oregon, you are hereby commanded
2 to sell under the Judgment in the manner prescribed by law for the sale of real property
3 (subject to redemption), all of the interest Defendant John A. Smith, dba Santiam Cutters
4 has in the real property located at Linn County Map No.: 12S01W30B 2801, Linn County
5 Tax Account No.: 433728, Lebanon, Oregon 97355; or more particularly described on
6 the attached Exhibit "1", in the City of Lebanon, Linn County, Oregon (the "Real
7 Property"), to satisfy the sum of \$72,072, together with accrued prejudgment interest
8 thereon of \$1,794.77 (from March 28, 2022, to July 7, 2022) and a post judgment interest
9 thereon of \$12,221.41 (from July 8, 2022, to May 9, 2024) as of May 9, 2024, for a total
10 sum of \$86,088.51, plus interest on the total after the date of this writ at the rate of nine
11 percent (9%) per annum until paid, and also the costs of and upon this writ and make
12 due return hereon within 60 days after you have received this writ.

13 The mailing address for the judgment creditors, Plaintiffs Jesse Rolfe and Tammy
14 Rolfe, is 34189 Del Monte Avenue, Eugene, Oregon 97405. The mailing address for the
15 judgment debtor, Defendant John A. Smith, dba Santiam Cutters, is 715 Central Avenue,
16 Lebanon, Oregon 97355-3632.

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1 The Real Property's physical address is Linn County Map No.: 12S01W30B 2801,
2 Linn County Tax Account No.: 433728, Lebanon, Oregon 97355 (not post office
3 address); or more particularly described on the attached Exhibit "1". The Real Property
4 is not the residence or homestead of Defendant Smith. Therefore, no order is required
5 for the sale of the Real Property.

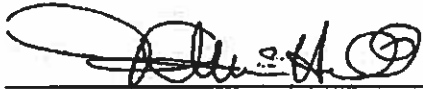
6
7 **DATED** this ____ day of May 2024



COURT ADMINISTRATOR

5/15/2024 11:39:10 AM

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BY: 

Circuit Court Judge, Thomas A. McHill

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PREPARED AND SUBMITTED BY:

Naveed A. Khan, OSB No. 234634
Gardner Beckley Meadows
975 Oak Street, Suite 625
Eugene, OR 97401
Telephone: (541) 687-9001
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WRIT OF EXECUTION (REAL PROPERTY) - Page 3



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

JESSE ROLFE and TAMMY ROLFE,)	
)	CR No. 22CV10545
Plaintiffs,)	
vs.)	
)	LIMITED JUDGMENT AND MONEY
JOSH VICTOR, an individual, and JOHN A.)	AWARD ON DEFAULT AS TO
SMITH, an individual, dba SANTIAM)	DEFENDANT JOHN A. SMITH, dba
CUTTERS,)	SANTIAM CUTTERS
Defendants.)	

THIS MATTER comes before the Court on Plaintiffs' Motion for Judgment by Default against Defendant John A. Smith. It appearing from the records that Defendant was duly served with the Summons, Complaint, Notice of Intent to take Default, and Plaintiffs' First Request for Production of Documents, and that Defendant has not answered nor made any appearance herein, although the time provided for appearance has expired;

It further appearing that Defendant was not at the time of service on him, nor is he now, in the military service of the United States, a minor, or an incapacitated person; and

The Court having entered an Order of Judgment by Default, finding in favor of Plaintiffs' Motion for Judgment by Default against Defendant John A. Smith on June 14, 2022; now, therefore,

///
///

LIMITED JUDGMENT AND MONEY AWARD ON DEFAULT AS TO DEFENDANT JOHN A. SMITH -
Page 1

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BECKLEY LAW, P.C.

1 **IT IS ORDERED AND ADJUDGED** that Plaintiffs, Jesse Rolfe and Tammy Rolfe, have
2 Judgment against Defendant John A. Smith, in the sum of \$72,072 together with the prejudgment
3 interest rate from March 28, 2022.

4 *****

5 **MONEY AWARD**

6 1. The name and address of the judgment creditors are:

7 Mr. Jesse Rolfe
8 Ms. Tammy Rolfe
9 34189 Del Monte Avenue
 Eugene, OR 97405

10 2. The name, address, and telephone number of the judgment creditors' attorney are:

11 Kelly R. Beckley
12 Beckley Law P.C.
13 P.O. Box 11098
 Eugene, OR 97440
14 541-683-0888

15 3. The name of the judgment debtor and his address, year of birth, last four (4) digits of
16 Social Security number, and last four (4) digits of driver license number, as well as the state that
issued that license are:

17 John Albert Smith
18 44937 Quartzville Drive
19 Foster, OR 97345
 Year of birth: 1945
 Last four (4) of Social Security number: 9519
 Last four (4) of driver license: 9168
20 State of issue: Oregon

21 4. The name of the judgment debtor's attorney is unknown.

22 5. The name of any person or public body, other than the judgment creditors' attorney,
23 who is entitled to a portion of a payment on the judgment is unknown.

24 6. The amount of the money award is \$72,072.

25 7. Prejudgment interest is at the rate of 9% per annum on the balance of \$72,072, said

LIMITED JUDGMENT AND MONEY AWARD ON DEFAULT AS TO DEFENDANT JOHN A. SMITH -
Page 2

 B
 BECKLEY LAW, P.C.

1 interest running from March 28, 2022.

2 8. Postjudgment interest is at the rate of 9% per annum on the balance of item six (6)
3 plus, item seven (7), said interest running from the date of entry of the judgment and compounded
4 annually.

7/7/2022 10:52:53 AM



Circuit Court Judge, Thomas A. McHill

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10 **Prepared and Submitted By:**
11 Kelly R. Beckley, OSB No. 740317
12 Beckley Law, P.C.
13 P.O. Box 11098
14 Eugene, OR 97440
15 541-683-0888
16 kbeckley@beckley-law.com
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Attorney for Plaintiffs

LIMITED JUDGMENT AND MONEY AWARD ON DEFAULT AS TO DEFENDANT JOHN A. SMITH -
Page 3

— B —
BECKLEY LAW, P.C.

66 CLUB ROAD, SUITE 360 | P.O. BOX 11098 EUGENE, OREGON 97440-3298
PHONE 541-683-0888 | FAX 541-683-0889 | www.beckley-law.com

Exhibit 1
Page 3 of 3

EXHIBIT 1

The Real Property Particularly Described:

PARCEL 1:

A PARCEL OF LAND LYING IN THE DANIEL SIMON DONATION LAND CLAIM NO. 53 IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 1 WEST, WILLAMETTE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 716 WITH THE EASTERLY LINE OF THAT PROPERTY DESCRIBED IN THAT DEED TO DONALD R. & FREDA D. JOHNSON RECORDED APRIL 18, 1978 AS VOLUME 196, PAGE 486, LINN COUNTY RECORDS OF DEEDS; THENCE NORTH 87°31'43" WEST (REFERENCE COUNTY SURVEY 16457) ALONG SAID RIGHT-OF-WAY LINE 142.02 FEET; THENCE NORTH 0°24'23" WEST 307.50 FEET; THENCE SOUTH 87°31'43" WEST 142.02 FEET TO SAID EASTERLY LINE; THENCE SOUTH 0°24'23" EAST ALONG SAID EASTERLY LINE 307.50 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN THE DANIEL SIMON DONATION LAND CLAIM NO. 53 IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 1 WEST, WILLAMETTE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 716 WITH THE WESTERLY LINE OF THAT PROPERTY DESCRIBED IN THAT DEED TO DONALD R. & FREDA D. JOHNSON RECORDED APRIL 18, 1978 AS VOLUME 196, PAGE 486, LINN COUNTY RECORDS OF DEEDS; THENCE SOUTH 87°31'43" EAST (RECORD COUNTY SURVEY 16457) ALONG SAID RIGHT-OF-WAY LINE 142.02 FEET; THENCE NORTH 0°24'23" WEST 307.50 FEET; THENCE NORTH 87°31'43" WEST 142.02 FEET TO SAID WESTERLY LINE; THENCE SOUTH 0°24'23" EAST ALONG SAID WESTERLY LINE 307.50 FEET TO THE POINT OF BEGINNING.

