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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

BANK OF THE WEST, a California banking corporation,

Case No. CV10-1238 HO

STIPULATED JUDGMENT

Plaintiff,

٧.

SIERRA RIDGE, LLC, an Oregon limited liability company, WOOD HILL HOMES, INC., an Oregon corporation, WHH HOLDINGS, INC., an Oregon corporation, WOOD HILL PARK, LLC, an Oregon limited liability company, HALE-CAMPBELL PROPERTIES, LLC, an Oregon limited liability company, H-C PROPERTY HOLDING, LLC, an Oregon limited liability company, SOUTH MORELAND, LLC, an Oregon limited liability company, EMPIRE CROSSING HOMEOWNERS ASSOCIATION INC., an Oregon nonprofit corporation, JAMES D. CAMPBELL, GEORGE A. HALE, individuals, and OCCUPANTS and PARTIES IN POSSESSION,

Defendants.

Pursuant to the stipulation of plaintiff and defendant Sierra Ridge, LLC (as evidenced by the signatures set forth below), the Stipulated Judgment as to Empire Crossing

Page 1 - STIPULATED JUDGMENT

Homeowners Association Inc. (Docket #21) and the Order to Enter Default (Docket #23) as to all other defendants, a judgment is hereby entered in favor of plaintiff, Bank of the West, as follows:

- 1. Plaintiff Bank of the West shall have a money judgment against defendants Sierra Ridge, LLC, Wood Hill Homes, Inc. and WHH Holdings, Inc. as follows:
- A. For the principal sum of \$2,452,445.51, plus late fees in the amount of \$23,135.63, plus an advance for taxes in the amount of \$16,659.55, plus two title endorsements in the amount of \$200.00, plus three appraisals in the amount of \$11,993.00, plus accrued interest in the amount of \$310,509.05 through October 4, 2010, plus interest accruing thereafter at the Note rate of 9.25 percent per annum (\$630.14225 per diem) from October 5, 2010, until the date judgment is entered; plus the title search cost of \$4,480.00, plus interest thereon at the rate of 9.25 percent per annum from October 5, 2010 until the date judgment is entered;
- B. For plaintiff's attorney fees and costs in the amount of \$10,000.00; and
- C. For interest on the sum in Paragraphs 1A and 1B at the rate of 9.25 percent per annum from the date the judgment is entered, until paid in full;
- 2. Plaintiff's Line of Credit Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded on December 10, 2008 in Deschutes County, Oregon as Instrument No. 2008-48398 Trust Deed ("Trust Deed"), is declared a first lien upon the real property described as follow ("Property"):

Real property in the County of Deschutes, State of Oregon, described as follows:

LOTS 20, 23, 24, 25, 35, 41, 42, 55, 56, 62, 63 AND 64 OF PARKWAY VILLAGE, PHASES 1, 2 AND 3,

CITY OF BEND, DESCHUTES COUNTY, OREGON.

Page 2 - STIPULATED JUDGMENT

The Acreage is legally described as the follows:

Real property in the County of Deschutes, State of Oregon, described as follows:

PARCEL 1 AND 2 OF PARTITION PLAT 2008-12, CITY OF BEND, DESCHUTES COUNTY, OREGON.

- 3. Plaintiff's Trust Deed is hereby foreclosed and the title, claim, interest, or demand of defendants in said Property, and every part thereof, is foreclosed;
- 4. The Property, with all of its appurtenances, rights, privileges, and easements may be sold on execution pursuant to the laws of the State of Oregon by the Sheriff for Deschutes County, Oregon, after giving notice as required by law. Plaintiff may become a purchaser at said sale. The Sheriff shall give the purchaser thereof a Certificate of Sale and, unless the Property is redeemed before the expiration of the redemption period, a deed. The purchaser shall have immediate possession of the Property, and every part thereof; and said purchaser is entitled to such remedies as are available at law to secure such position, including a writ of assistance, if any parties or persons shall refuse to immediately surrender possession to the purchaser;
- 5. The proceeds of the sale shall be applied: first, to pay the costs and expenses of said sale; second, to pay the judgment of plaintiff set forth herein; and third, the overplus, if any, be paid to the into the applicable Oregon Circuit Court as required and permitted by Oregon law.
- 6. All other claims and counterclaims in this matter are hereby dismissed without prejudice.

3-23-11

DATE: 3-28-U

DATE:

IT IS SO STIPULATED:

SIERRA RIDGE, LLC

Stephen P. Arnot, OSB #070765 Bullivant Houser Bailey

Of Attorneys for Defendants Sierra Ridge, LLC, George A. Hale and James D. McDonald

BANK OF THE WEST

Kimberley Hanks McGair, OSB #984205

Farleigh Wada Witt

Of Attorneys for Plaintiff Bank of the West

Page 4 - STIPULATED JUDGMENT