

1
2 LINN COUNTY ANIMAL RESCUE
3 (Oregon Non-Profit Corporation and
4 Lien Claimant),

5 v.

6 [REDACTED],
7 [REDACTED],
8 [REDACTED] and
9 [REDACTED]
10 Lien Debtors

CLAIM OF POSSESSORY CHATTEL LIEN

NOTICE OF FORECLOSURE SALE

*(Applicable for Food, Vet Care, Labor, Materials and
Related Services—Animals Pursuant to ORS 167.345)*

11 **NOTICE IS HEREBY GIVEN THAT:**

- 12 1. The undersigned, LINN COUNTY ANIMAL RESCUE (including any agents, employees
13 and contractors), hereinafter referred to as claimant, pursuant to the provisions of ORS
14 87.152 to ORS 87.214 inclusively (and ORS 87.159, specifically), claims a possessory
15 lien upon the animals noted below (which are, under Oregon law, considered personal
16 property) particularly described as follows: eleven (11) horses, identified by the Linn
17 County Sheriff's Office by the numbers #5, #6, #9, #10, #12, #14, #15, #16, #18, #19,
18 and #20 in their incident report in case number [REDACTED] (hereinafter collectively
19 referred to as the animals and a more detailed description of these eleven horses is set
20 forth in attached **Exhibit A**, which is incorporated herein by this reference)¹ for the
21 following charges for services provided, materials supplied and/or labor performed for
22 the lien debtors in transporting, pasturing, caring for, sheltering, feeding, grooming and
23 treating the animals at the request of the Linn County Sheriff's Office, the lawful
24 possessor of the animals, said animals having been seized pursuant to a criminal
investigation pursuant to ORS 167.345 during the execution of a search warrant on or
about November 20, 2008.

¹ Horses Numbered 1-4 of in this incident report are Mustangs that were seized by the Bureau of Land Management (BLM) for violation of BLM adoption contracts and are not part of this proceeding. Horses Numbered 7 and 8 in this incident report were seized by law enforcement and are subject to a lien held by Lighthouse Farm Sanctuary. Horses identified as Numbers 11, 13 and 17 in this incident report were not seized by law enforcement. Additionally the dogs seized as part of this investigation were previously relinquished to SafeHaven Humane Society for adoption.

- 1
2 2. The actual or reputed owners of the animals, hereinafter referred to as the lien debtors,
3 are:

4 [REDACTED] and [REDACTED], whose last known address is [REDACTED] Jones
5 Road, Foster, OR 97345

6 and

7 [REDACTED] and [REDACTED], whose last known address is [REDACTED] South
8 Williams Street, Lebanon, OR 97355

- 9
10 3. The charges for **LINN COUNTY ANIMAL RESCUE**, who is in legal possession of
11 eleven horses identified by the Linn County Sheriff's Office by the numbers #5, #6, #9,
12 #10, #12, #14, #15, #16, #18, #19, and #20, are:

13 a.....
14 The reasonable charges for claimant's services noted above, including labor and
15 materials: *\$16.67/day per horse, for eleven horses for a*
16 *period of 127 days (measured from 11/20/08 through 4/28/09), this daily rate*
17 *includes all services provided, materials supplied and/or labor performed for the*
18 *lien debtors in transporting, pasturing, caring for, sheltering, feeding, grooming*
19 *and treating the animals is.....\$ 23,288*

20 b.
21 Claimant has incurred expenses in storing the animals prior to
22 foreclosure and a reasonable fee for storage is the sum of\$ zero

23 c.....
24 No part of the charges has been paid except for the sum of\$ zero

25 d.
26 The **TOTAL** amount of Linn County Animal Rescue's lien is (a+b-c)..... **\$ 23,288**

- 27 4. Claimant obtained possession of the animals in Linn County, Oregon.
28
29 5. The date the lien attached to the animals is November 20, 2008, and the lien debtors
30 either knew or should reasonably have known that the sum noted above was due. Since
31 that date, the legal possession of the animals has been and is now retained by the
32 claimant.

33 **NOTICE IS HEREBY GIVEN** to lien debtors and to any whom it may concern that on
34 **April 28, 2009**, claimant will sell the animals at public auction to the highest bidder for
cash, in Linn County, Oregon, where claimant obtained possession thereof, at the
following place in that county, **the front steps of the Linn County Courthouse, 300**

1 **SW 4th Ave, City of Albany**, State of Oregon, at **10:00 o'clock, a.m.** The name of the
2 person/entity foreclosing the lien is LINN COUNTY ANIMAL RESCUE. All of the
above information is incorporated into the Notice of Sale by reference.

3 6. At the conclusion of the foreclosure sale, the proceeds of the sale will be applied as
4 follows: first, to the payment of the reasonable and necessary expenses of the sale;
5 second, to satisfy the indebtedness secured by the lien under which the sale was made;
6 third (if one or more written requests satisfying ORS 87.206(2) are submitted to the
person foreclosing the lien), to satisfy the indebtedness secured by any subordinate
7 lien(s), in order of priority, in the animals; and fourth, to the treasurer of the county in
8 which the sale is made, accompanied by a copy of the statement of account described in
9 ORS 87.202

10 7. On March 27, 2009, and more than thirty days prior to the day so fixed for the
11 foreclosure sale, claimant gave this notice by registered or certified mail to the following
12 persons:

- 13 a. To the lien debtors at lien debtors' last known addresses noted in paragraph 2
14 above, or if the lien debtor is a corporation, to its registered agent at the agent's
15 registered office;
- 16 b. ~~To all persons with a security interest in the animal who have filed a financing
17 statement perfecting that interest in the office of the Secretary of the State of
18 Oregon, or in the office of the appropriate county officer of the county in which
19 the foreclosure sale is to be held (none noted in the public record);~~
- 20 c. ~~If the chattel to be sold is one for which a certificate of title is required by the
21 laws of this state, to all those persons whom the certificate of title indicates have a
22 security interest in or lien upon the chattels.~~

23 8. On the date mentioned in paragraph 7, this notice was posted in a public place at or near
24 the front door of the county courthouse of the county in which the sale is to be held and
in a public place where claimant obtained possession of the animals from the lien debtors
in Linn County, Oregon.

\\\\\\

\\\\\\

\\\\\\

\\\\\\

\\\\\\

\\\\\\

1 \\\\
2 \\\\
3 \\\\
4 \\\\
5

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made or implied so that this instrument shall apply equally to corporations and to individuals.

7 DATE: _____

8 By _____
9 [REDACTED]
10 Attorney for Lien Claimant Linn County Animal Rescue
11 Animal Legal Defense Fund
12 919 SW Taylor St., Suite 400
13 Portland, OR 97205

14 STATE OF OREGON,)
15) ss.
16 County of Multnomah)

17 I, [REDACTED], the attorney for claimant named in the foregoing instrument, being first duly sworn, depose and say that I know the contents thereof. The statements and claims made therein are true and correct as I verily believe.

18 _____
19 [REDACTED]
20 Attorney for Lien Claimant Linn County Animal Rescue
21 Animal Legal Defense Fund
22 919 SW Taylor St., Suite 400
23 Portland, OR 97205

24 Signed and sworn to before me on _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Notary Public for Oregon.
My commission expires _____

EXHIBIT A
(Claim of Possessory Lien / Notice of Foreclosure Sale:
[REDACTED])

1. INCIDENT NO. 02 19127		2. RELATED NO.		LINN COUNTY SHERIFF'S OFFICE			4. DISPOSITION Right of Foreclosure Claim <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Can Be Destroyed				
3. INCIDENT TYPE Animal Neglect #				EVIDENCE/PROPERTY REPORT							
5. REPORTED DATE 11-20-08		6. ORIG REPORT TIME 0426		7. THIS REPORT DATE 11-20-08		8. THIS REPORT TIME 0426		9. LOCATION SEIZED 2860 Jones Rd Foster, OR			
10. PERSON TYPE 4		11. LAST, FIRST, MIDDLE Stevens, Richard R			12. D.O.B. N-29-46		13. ADDRESS SAA				
10. PERSON TYPES 1. PERSON 3. VICTIM 4. SUSPECT 6. WITNESS 7. OTHER PERSON 20. PARENT 21. OWNER		25. PROPERTY CODE 1. STOLEN 2. STOLEN LOCAL 3. STOLEN LOCAL 4. STOLEN OTHER 21. OWNER		14. OWNERS NAME SAA		15. OWNERS PHONE		16. OWNER NOTIFIED 1 <input type="checkbox"/> YES 2 <input type="checkbox"/> NO DATE TIME			
18. SEIZED BY: SGT. Welch				19. DATE: 11/20/08		20. TIME:					
21. BROUGHT TO EVIDENCE BY:				22. DATE:		23. TIME:					
24. ITEM #		25. PROP. CODE	26. CITY	27. STORAGE LOCATION	28. ITEM DESCRIPTION						
					ITEM	BRAND	MODEL	SIZE	CALIBER	COLOR	SERIAL/OWNER APPLIED NUMBER
H5		1			Black Gelding Appaloosa, white spotted blanket over back + rump						
H6		1			Chestnut mare Paint, 4 white legs, notes on @ ear						
H7		1			Bay mare white star on forehead, saddle sore on @ side						
H8		1			Black mare, @ front sock, @ rear sock, narrow white stripe on forehead						
12		1			White mare, brown on ears and face						
H14		1			Bay mare, white stripe on face, 2 rear socks, feet badly grown in						
H15		1			Sorrel mare, halter scar						
H16		1			gray paint mare, large scar on back @						
H9		1			Black/white paint gelding, white snip on nose						
H10		1			Roan chestnut paint gelding, white blaze, shoes on front feet						
H18		1			Black appaloosa gelding, sides all over, wire coat back @ thick						
H19		1			Roan Appaloosa Gelding Feet neglected						
H20		1			Bay Gelding, 4 black socks						
H1		1			Stallion Mustang Grey Brand # 04603235						
H2		1			Mustang gelding Buckskin Brand # 04602987						
H3		1			Mustang gelding Buckskin Brand # 04603016						
H4		1			Mustang gelding Sorrel Brand # 06603479						
29. <input type="checkbox"/> Can Be Released to:											
YOU MUST CALL AND MAKE AN APPOINTMENT TO PICK UP YOUR PROPERTY. CALL THE PROPERTY/EVIDENCE COORDINATOR AT 967-3950 MONDAY - FRIDAY BETWEEN 9:00 A.M. AND 3:00 P.M. FOR AN APPOINTMENT											
30. REPORTING OFFICER/RADIO NO.		31. IPSET		32. SWT		33. ASSIGN		34. SUPV. APP.		DATE	
Sgt. Welch 743		24064		B		00/		-129-		DATE ENTRY & DATE	

EVIDENCE / PROPERTY

1
2
3 LIGHTHOUSE FARM SANCTUARY
4 (Oregon Non-Profit Corporation and
Lien Claimant),

5 v.

6 [REDACTED]
7 Lien Debtors

CLAIM OF POSSESSORY CHATTEL LIEN

NOTICE OF FORECLOSURE SALE

(Applicable for Food, Vet Care, Labor, Materials and
Related Services—Animals Pursuant to ORS 167.345)

11
12 **NOTICE IS HEREBY GIVEN THAT:**

- 13 1. The undersigned, LIGHTHOUSE FARM SANCTUARY (including any agents,
14 employees and contractors), hereinafter referred to as claimant, pursuant to the provisions
15 of ORS 87.152 to ORS 87.214 inclusively (and ORS 87.159, specifically), claims a
16 possessory lien upon the animals noted below (which are, under Oregon law, considered
17 personal property) particularly described as follows: two (2) horses, identified by the
18 Linn County Sheriff's Office by the numbers #7 and #8 in their incident report in case
19 number 08-19127 (hereinafter collectively referred to as the animals and a more detailed
20 description set forth in attached **Exhibit A**, which is incorporated herein by this
21 reference)¹ for the following charges for services provided, materials supplied and/or
labor performed for the lien debtors in transporting, pasturing, caring for, sheltering,
feeding, grooming and treating the animals at the request of the Linn County Sheriff's
Office, the lawful possessor of the animals, said animals having been seized pursuant to a
criminal investigation pursuant to ORS 167.345 during the execution of a search warrant
on or about November 20, 2008.

22 ¹ Horses Numbered 1-4 of in this incident report are Mustangs seized by the Bureau of Land
23 Management (BLM) for violation of BLM adoption contracts and are not part of this proceeding. Horses
24 Numbered 5, 6, 9, 10, 12, 14, 15, 16, 18, 19 and 20 in this incident report were seized by law
enforcement and are subject to a lien held by Linn County Animal Rescue. Horses identified as Numbers
11, 13 and 17 in this incident report were not seized by law enforcement. Additionally the dogs seized as
part of this investigation were previously relinquished to SafeHaven Humane Society for adoption.
Page 1 – CLAIM OF POSSESSORY LIEN / NOTICE OF FORECLOSURE SALE (ORS 87.152 to 87.214)

1 2. The actual or reputed owners of the animals, hereinafter referred to as the lien debtors,
2 are:

3 [REDACTED], whose last known address is [REDACTED] Jones Road, Foster, OR
4 97345

5 and

6 [REDACTED], whose last known address is [REDACTED] South Williams Street,
7 Lebanon, OR 97355.

8 3. The charges for **LIGHTHOUSE FARM SANCTUARY**, who is in legal possession of
9 the two horses identified by the Linn County Sheriff's Office by the numbers #7 and #8,
10 are:

11 a.....

12 The reasonable charges for claimant's services noted above, including labor and
13 materials: *\$12.83/day per horse, for two horses for a*
14 *period of 127 days (measured from 11/20/08 through 4/28/09), this daily rate*
15 *includes all services provided, materials supplied and/or labor performed for the*
16 *lien debtors in transporting, pasturing, caring for, sheltering, feeding, grooming*
17 *and treating the animals is.....\$ 3,259*

18 b.....

19 Claimant has incurred expenses in storing the animals prior to
20 foreclosure and a reasonable fee for storage is the sum of\$ zero

21 c.....

22 No part of the charges has been paid except for the sum of\$ zero

23 d.....

24 The **TOTAL** amount of Lighthouse Farm Sanctuary's lien is (a+b-c) **\$ 3,259**

4. Claimant obtained possession of the animals in Linn County, Oregon.

5. The date the lien attached to the animals is November 20, 2008, and the lien debtors
either knew or should reasonably have known that the sum noted above was due. Since
that date, the legal possession of the animals has been and is now retained by the
claimant.

NOTICE IS HEREBY GIVEN to lien debtors and to any whom it may concern that on
April 28, 2009, claimant will sell the animals at public auction to the highest bidder for
cash, in Linn County, Oregon, where claimant obtained possession thereof, at the
following place in that county, **the front steps of the Linn County Courthouse, 300**

1 **SW 4th Ave, City of Albany**, State of Oregon, at **10:00 o'clock, a.m.** The name of the
2 person/entity foreclosing the lien is Lighthouse Farm Sanctuary. All of the
above information is incorporated into the Notice of Sale by reference.

3 6. At the conclusion of the foreclosure sale, the proceeds of the sale will be applied as
4 follows: first, to the payment of the reasonable and necessary expenses of the sale;
5 second, to satisfy the indebtedness secured by the lien under which the sale was made;
6 third (if one or more written requests satisfying ORS 87.206(2) are submitted to the
person foreclosing the lien), to satisfy the indebtedness secured by any subordinate
7 lien(s), in order of priority, in the animals; and fourth, to the treasurer of the county in
which the sale is made, accompanied by a copy of the statement of account described in
8 ORS 87.202

9 7. On March 27, 2009, and more than thirty days prior to the day so fixed for the
foreclosure sale, claimant gave this notice by registered or certified mail to the following
10 persons:

- 11 a. To the lien debtors at lien debtors' last known addresses noted in paragraph 2
above, or if the lien debtor is a corporation, to its registered agent at the agent's
12 registered office;
- 13 b. ~~To all persons with a security interest in the animal who have filed a financing
statement perfecting that interest in the office of the Secretary of the State of
14 Oregon, or in the office of the appropriate county officer of the county in which
the foreclosure sale is to be held (none noted in the public record);~~
- 15 c. ~~If the chattel to be sold is one for which a certificate of title is required by the
laws of this state, to all those persons whom the certificate of title indicates have a
security interest in or lien upon the chattels.~~

16 8. On the date mentioned in paragraph 7, this notice was posted in a public place at or near
17 the front door of the county courthouse of the county in which the sale is to be held and
in a public place where claimant obtained possession of the animals from the lien debtors
18 in Linn County, Oregon.

19 \\\

20 \\\

21 \\\

22 \\\

23 \\\

24 \\\

1 \\\\
2 \\\\
3 \\\\
4 \\\\
5 \\\\
6

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made or implied so that this instrument shall apply equally to corporations and to individuals.

8 DATE: _____ By _____
9 [REDACTED]
10 Attorney for Lien Claimant Lighthouse Farm Sanctuary
11 Animal Legal Defense Fund
12 919 SW Taylor St., Suite 400
13 Portland, OR 97205

13 STATE OF OREGON,)
14) ss.
15 County of Multnomah)

16 I, [REDACTED], the attorney for claimant named in the foregoing instrument, being first duly sworn, depose and say that I know the contents thereof. The statements and claims made therein are true and correct as I verily believe.

17 _____
18 [REDACTED]
19 Attorney for Lien Lighthouse Farm Sanctuary
20 Animal Legal Defense Fund
21 919 SW Taylor St., Suite 400
22 Portland, OR 97205

23 Signed and sworn to before me on _____
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Notary Public for Oregon.
My commission expires _____

EXHIBIT A
*(Claim of Possessory Lien / Notice of Foreclosure Sale:
[REDACTED])*

1. INCIDENT NO. 02 19127		2. RELATED NO.		LINN COUNTY SHERIFF'S OFFICE				4. DISPOSITION Right of Foreclosure Claim <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Can Be Destroyed		
3. INCIDENT TYPE Animal Neglect #				EVIDENCE/PROPERTY REPORT						
5. REPORTED DATE 11-20-08		6. ORIG REPORT TIME 0426		7. THIS REPORT DATE 11-20-08		8. THIS REPORT TIME 0426		9. LOCATION SEIZED 2860 Jones Rd Foster, OR		
10. PERSON TYPE 4		11. LAST, FIRST, MIDDLE Stevens, Richard R		12. D.O.B. N-29-46		13. ADDRESS SAA				
10. PERSON TYPES 1. PERSON 3. VICTIM 4. SUSPECT 6. WITNESS 7. OTHER PERSON 20. PARENT 21. OWNER		25. PROPERTY CODE 1. STOLEN 2. STOLEN LOCAL 3. STOLEN LOCAL RECOVERED OTHER 4. STOLEN OTHER RECOVERED LOCAL 21. OWNER		14. OWNERS NAME SAA		15. OWNERS PHONE		16. OWNER NOTIFIED 1 <input type="checkbox"/> YES 2 <input type="checkbox"/> NO DATE TIME		
18. SEIZED BY: SGT. Welch				19. DATE: 11/20/08		20. TIME:				
21. BROUGHT TO EVIDENCE BY:				22. DATE:		23. TIME:				
24. ITEM #	25. PROP. CODE	26. CITY	27. STORAGE LOCATION	28. ITEM DESCRIPTION						
				ITEM	BRAND	MODEL	SIZE	CALIBER	COLOR	SERIAL/OWNER APPLIED NUMBER
H5				Black Gelding Appaloosa, white spotted blanket over back + rump						
H6				Chestnut mare Paint, 4 white legs, notes on @ ear						
H7				Bay mare white star on forehead, saddle sore on @ side						
H8				Black mare, @ front sock, @ rear sock, narrow white stripe on forehead						
12				White mare, brown on ears and face						
H14				Bay mare, white stripe on face, 2 rear socks, feet badly grown in						
H15				Sorrel mare, halter scar						
H16				gray paint mare, large star on back @						
H9				Black/white paint gelding, white snip on nose						
H10				Roan chestnut paint gelding, white blaze, shoes on front feet						
H18				Black appaloosa gelding, sides all over, wire ears back @ thick						
H19				Roan Appaloosa gelding feet neglected						
H20				Bay gelding, 4 black socks						
H1				Stallion Mustang Grey Brand # 04603235						
H2				Mustang gelding Buckskin Brand # 04602987						
H3				Mustang gelding Buckskin Brand # 04603016						
H4				Mustang gelding Sorrel Brand # 06603479						
29. <input type="checkbox"/> Can Be Released to:										
YOU MUST CALL AND MAKE AN APPOINTMENT TO PICK UP YOUR PROPERTY. CALL THE PROPERTY/EVIDENCE COORDINATOR AT 967-3950 MONDAY - FRIDAY BETWEEN 9:00 A.M. AND 3:00 P.M. FOR AN APPOINTMENT										
30. REPORTING OFFICER/RADIO NO. Sgt. Welch 743		31. IPSET 24064	32. SMT B	33. ASSIGN 001	34. SUPV. APP. -129-	DATE		DATA ENTRY & DATE		

EVIDENCE / PROPERTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Page 7 – CLAIM OF POSSESSORY LIEN / NOTICE OF FORECLOSURE SALE (ORS 87.152 to 87.214)