

ISSUED

5/15/23

On _____
Donna Howell, Court Clerk

RW

**IN THE DISTRICT COURT OF BECKHAM COUNTY
STATE OF OKLAHOMA**

Kirby-Smith Machinery, Inc.,)
)
Plaintiff,)
)
v.)
)
Steven Todd Holland, a/k/a Todd Holland, First)
Successor Trustee of The Glennys E. Holland)
Revocable Trust, a/k/a The Glennys Holland)
2008 Revocable Trust, a/k/a The Glennys E.)
Holland Revocable Trust dated February 17,)
2009;)
Tinker Federal Credit Union;)
New Liberty Energy, LLC;)
Doe 1, the Unknown Occupant, Tenant, or)
Resident of the Property; and)
Doe 2, the Unknown Occupant, Tenant, or)
Resident of the Property,)
)
Defendants.)

Case No. CJ-2023-28

WRIT OF SPECIAL EXECUTION AND ORDER OF SALE WITH APPRAISEMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF BECKHAM)

STATE OF OKLAHOMA TO THE SHERIFF OF BECKHAM COUNTY, OKLAHOMA,
GREETINGS:

WHEREAS, Plaintiff, Kirby-Smith Machinery, Inc., on the 9th day of May 2023, in the above entitled and numbered cause, the same being Case No. CJ-2023-28, recovered judgment as set forth in the Foreclosure Judgment filed with the Becham County Court Clerk on the 9th day of May 2023, which is adopted and incorporated by reference as if fully set forth herein, on its causes of action against the above-named Defendants for the principal sum of \$118,794.73, which amount consists of the following: (a) \$118,167.29, with interest thereon at the rate of 18.00% (currently \$58.27 per

day) from and after December 31, 2022, compounded annually in accordance with 12 O.S. § 727.1, until paid, (b) costs of \$477.44, and (c) attorney's fees of \$150.00; abstract expenses in the sum of \$960.00, together with prejudgment interest and postjudgment interest thereon at the contract rate of 18.00% per annum from November 17, 2022, until paid; any real property taxes and any other unpaid taxes and special assessments paid by Plaintiff, if any, with prejudgment interest and postjudgment interest thereon at the rate of 18.00% per annum from the date of Plaintiff's payment thereof, until paid; accrued costs of this foreclosure case of \$881.78, and all other costs, accrued and accruing, including, but not limited by or to, taxes, assessments, escrow expenses, the costs of this foreclosure case, poundage, and all other fees, charges, costs, expenses, and disbursements, accrued and accruing; and Plaintiff's reasonable attorney fees of \$4,000.00; that said costs and attorney fees shall bear interest as provided by law from the date of filing the judgment, until paid; and further judgment decreeing Plaintiff's Judgment Lien is a valid, subsisting first, prior and superior lien upon the real property hereinafter described, for the full amount of the said judgment; and further order, judgment and decree for the foreclosure of its lien to satisfy said judgment on the following described real property situated in Beckham County, Oklahoma, to wit:

A tract of land located in the North Half (N/2) of Section 35, Township 9 North, Range 26 West of the Indian Base and Meridian, Beckham County, Oklahoma, more particularly described as follows:

Commencing at the Northeast Corner of the Northwest Quarter (NW/4) of said Section 35; thence S. 89°59'40" W along the North Line of said Northwest Quarter 301.26 feet; thence S. 00°00'20" E perpendicular to the said North Line 321.70 feet to the Point of Beginning; thence S. 75°44'12" E 237.33 feet; thence S. 69°21'34" E 669.85 feet; thence S 64°20'47" E 54.47 feet; thence S. 49°23'24" W 782.99 feet; thence N 61°18'42" W 70.77 feet; thence N. 14°12'58" W 387.25 feet; thence N. 20°14'58" W 446.04 feet, to the Point of Beginning, containing 8 acres more or less,

with the buildings, improvements, appurtenances (including any modular, manufactured or mobile home located thereon), hereditaments, and all other rights

thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in connection with said premises, which includes but is not limited by or to a 2008 Karsten manufactured home, VIN BRK001033TXAB, Title 720710029003, LESS AND EXCEPT all of the oil, gas, coal, metallic ores and other minerals in and under and that may be produced from the subject land, and all rights, interests and estates of whatsoever nature incident to or growing out of said outstanding minerals

and directing the same to be sold, with appraisement, free and clear of any right, title, lien, claim, or interest of Defendants, and to apply the proceeds arising therefrom as follows:

FIRST: To the payment of the costs of sale and court costs, accrued and accruing, herein.

SECOND: To the payment and satisfaction of the Indebtedness and all amounts due the Plaintiff, together with interest, attorneys' fees, and costs as per judgment entered.

THIRD: To the payment and satisfaction all amounts due TFCU, together with interest, attorneys' fees, and costs as per judgment entered.

FOURTH: The remainder, if any, to be paid to the Court Clerk to await the further order of the Court.

WHEREAS, pursuant to said judgment, it was further ordered, adjudged and decreed by the Court that in the event Defendants failed to pay to Plaintiff in full said sums of said judgment, that a Special Execution and Order of Sale shall issue out of the Office of the Clerk of this Court, directed to the Sheriff of Beckham County, Oklahoma, commanding said Sheriff to levy upon, with appraisement, and sell the real property described above at public sale, subject to unpaid real property ad valorem taxes, if any, to the highest and best bidder therefor, and that said Sheriff distribute the proceeds as hereinbefore set forth.

WHEREAS, Defendants failed to pay to Plaintiff said sums of said judgment, in whole or in part, and all of said judgment in favor of Plaintiff remains wholly unpaid and unsatisfied.

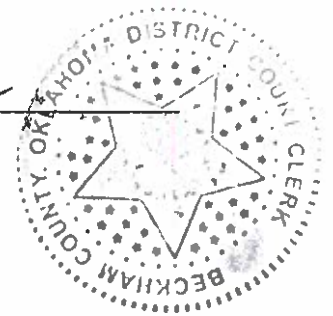
NOW, THEREFORE, YOU ARE HEREBY COMMANDED to proceed to levy upon and sell, with appraisement, according to law, and as directed by the judgment entered on the 9th day of

May 2023, subject to unpaid real property ad valorem taxes, if any, the lands and tenements hereinbefore described, and apply the proceeds arising from said sale as directed by said judgment as aforesaid, and you are to make return this Writ with your proceedings endorsed thereon showing the manner in which you have executed the same within sixty (60) days hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of aid Court at my office in Beckham County, Oklahoma, this 15th day of May, 2023.

BECKHAM COUNTY COURT CLERK

BY: [Signature]
Deputy



Clay P. Booth, OBA #11767
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Attorney for Plaintiff,
Kirby-Smith Machinery, Inc.
2.24

Kirby-Smith Machinery, Inc., Plaintiff, v. Steven Todd Holland, a/k/a Todd Holland, First Successor Trustee of The Glennys E. Holland Revocable Trust, a/k/a The Glennys Holland 2008 Revocable Trust, a/k/a The Glennys E. Holland Revocable Trust dated February 17, 2009; Tinker Federal Credit Union; New Liberty Energy, LLC; Doe 1, the Unknown Occupant, Tenant, or Resident of the Property; and Doe 2, the Unknown Occupant, Tenant, or Resident of the Property, Defendants, District Court of Beckham County, State of Oklahoma, Case No. CJ-2023-28

Writ of Special Execution and Order of Sale with Appraisal
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