

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

Dext Capital, LLC

Plaintiff/Petitioner

Vs.

Case No: 23CV21183

Benjamin Enterprises, Inc., et al.

Defendant/Respondent.

EXEMPLIFICATION CERTIFICATE

I, Tatiana Shyshkin, court administrator for the circuit court of this county, certify that the document attached is a true and correct copy of:
STIPULATED GENERAL JUDGMENT WITH MONEY AWARD

a record in the possession of this court. In testimony of this statement, I sign my name and affix the seal of this court on this date: 9/21/2023.



T. Shyshkin

Court Administrator (or designee)

I, Heather Karabeika, judge of the circuit court for this county, certify that the person who certified the attached document is the court administrator, or designee, on the date the certificate was signed.

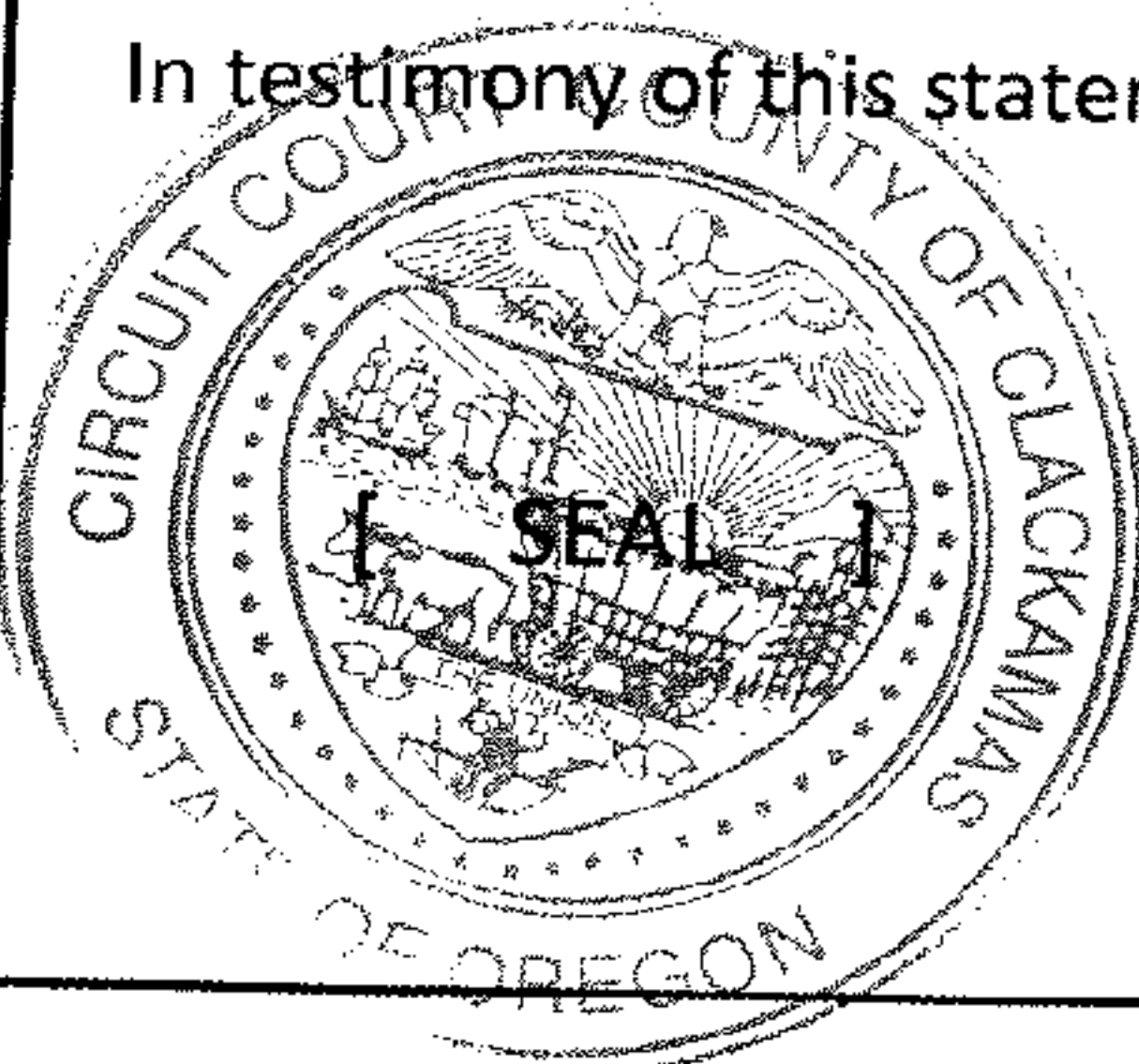
9-21-23

Date

[Signature]
Judge of the Circuit Court

I, Debbie Spradley, court administrator of the circuit court for this county, certify that the Honorable Heather Karabeika, is a judge of this court duly sworn, and that I am well acquainted with this official signature and certify the signature written above to be that of a judge.

In testimony of this statement, I sign my name and affix the seal of the court on this date: 9-21-2023.



Debbie D. Spradley

Trial Court Administrator

23CV21183

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR THE COUNTY OF CLACKAMAS

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DEXT CAPITAL, LLC, a Delaware limited liability company,

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Plaintiff,

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v.

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BENJAMIN ENTERPRISES, INC., an Alabama corporation; and BENJAMIN SMITH, an individual,

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Defendants.

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Case No. 23CV21183

STIPULATED GENERAL JUDGMENT
WITH MONEY AWARD

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STIPULATED GENERAL JUDGMENT

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Pursuant to the stipulation of the parties, as evidenced by the signatures set forth below, and subject to the Covenant Not to Execute attached as Exhibit 1 hereto, a general judgment is hereby entered in favor of plaintiff, Dext Capital, LLC ("Plaintiff"), and against defendants, Benjamin Enterprises, Inc., and Benjamin Smith ("Defendants"), as follows:

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A. FIRST AND SECOND CLAIMS FOR RELIEF:

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1. For the principal sum of \$21,372.48, plus late fees in the sum of \$1,068.48;

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2. For Plaintiff's attorney fees and costs in the sum of \$3,841.00, plus a prevailing party fee of \$345.00; and

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3. For interest on the sum of paragraphs A1 and A2 at the default contract rate of 49.09 per annum, from the date judgment is entered, until paid in full.

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1 MONEY AWARD

2 A. JUDGMENT CREDITOR: Dext Capital, LLC
 3 Address: 4000 Kruse Way Pl, Suite 3-100
 Lake Oswego, OR 97035

4 B. JUDGMENT CREDITOR'S ATTORNEY: Trish A. Walsh, OSB # 101604
 5 Farleigh Wada Witt
 121 SW Morrison Street, Suite 600
 6 Portland, OR 97204-3136
 (503) 228-6044

7 C. JUDGMENT DEBTORS: Benjamin Enterprises, Inc.
 8 Address: c/o Benjamin W. Smith, President
 2000 Blackridge Road
 Hoover, AL 35244
 9 Date of Birth: N/A
 10 Tax ID #: xx-xxx2446
 Driver License #: N/A

11 Benjamin Smith
 12 Address: 2000 Blackridge Road
 Hoover, AL 35244
 13 Date of Birth: Unknown
 Social Security #: Unknown
 14 Driver License #: Unknown

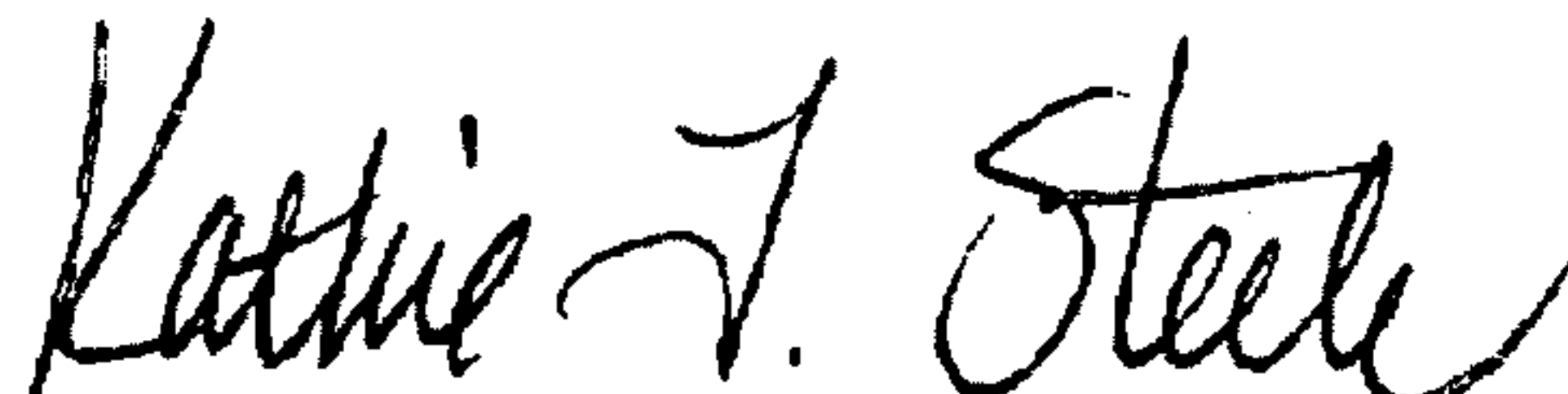
15 D. JUDGMENT DEBTORS' ATTORNEY: None Known

16 E. PERSON/PUBLIC BODY ENTITLED TO PORTION: None Known

17 F. AMOUNT OF GENERAL JUDGMENT ON FIRST AND SECOND CLAIMS FOR
 RELIEF AGAINST DEFENDANTS JOINTLY AND SEVERALLY:

18 1. Principal Amount of Judgment: \$21,372.48
 19 2. Late Charges: \$1,068.48
 3. Attorney Fees and Costs: \$3,841.00
 20 4. Prevailing Party Fee: \$345.00
 21 5. Postjudgment simple interest at the default contract rate
 of 49.09 % per annum on the total judgment of F(1) + F(2) +
 F(3) + F(4) from the date judgment is entered until fully paid.

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 23 8/24/2023 10:34:15 AM

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26 Circuit Court Judge Kathie F. Steele

1 IT IS SO STIPULATED:

2 BENJAMIN ENTERPRISES, INC.

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4 By: 
Benjamin W. Smith, President

DATE: 8-21-23

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6 
Benjamin Smith

DATE: 8-21-23

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8 DEXT CAPITAL, LLC

9  **Tony Kullen,**
OSB 090218 for:

DATE: 8/22/2023

10 Trish A. Walsh, OSB #101604

11 Farleigh Wada Witt
(503) 228-6044

12 twalsh@fwwlaw.com
Of Attorneys for Plaintiff

13

14 **SUBMITTED BY:**  **Tony Kullen,**
OSB 090218 for:

15 Trish A. Walsh, OSB #101604

16 Farleigh Wada Witt
(503) 228-6044

17 twalsh@fwwlaw.com
Of Attorneys for Plaintiff

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EXHIBIT 1

COVENANT NOT TO EXECUTE

Plaintiff Dext Capital, LLC, a Delaware limited liability company ("Plaintiff") agrees not to execute on the Stipulated Judgment With Money Award ("Stipulated Judgment") so long as defendants, Benjamin Enterprises, Inc., and Benjamin Smith ("Defendants") pay to Plaintiff the amount of \$26,281.96 ("Settlement Amount"), in accordance with the terms and conditions set forth below, and promptly perform the following duties and obligations.

Defendants shall pay to Plaintiff the Settlement Amount by making payments as follows:

1. A payment of \$1,500.00 due on or before September 15, 2023, with like monthly payments of \$1,500.00 due on or before the 15th day of each month thereafter, through February 15, 2024;

2. Then a payment of \$2,880.33 due on or before March 15, 2024, with like monthly payments of \$2,880.33 due on or before the 15th day of each month thereafter, through August 15, 2024.

There shall be no penalty for prepayment. Time is of the essence of the Covenant Not to Execute. If any payment is not received by Plaintiff on or before its due date, or if Defendants do not comply with any other terms of the Stipulated Judgment and Covenant Not to Execute, then Plaintiff shall have the right to immediately execute on the Stipulated Judgment or any judgment against Defendants for the full amount of the judgment, plus interest, less the payments paid by Defendants without further notice to Defendants and without further order of this court.

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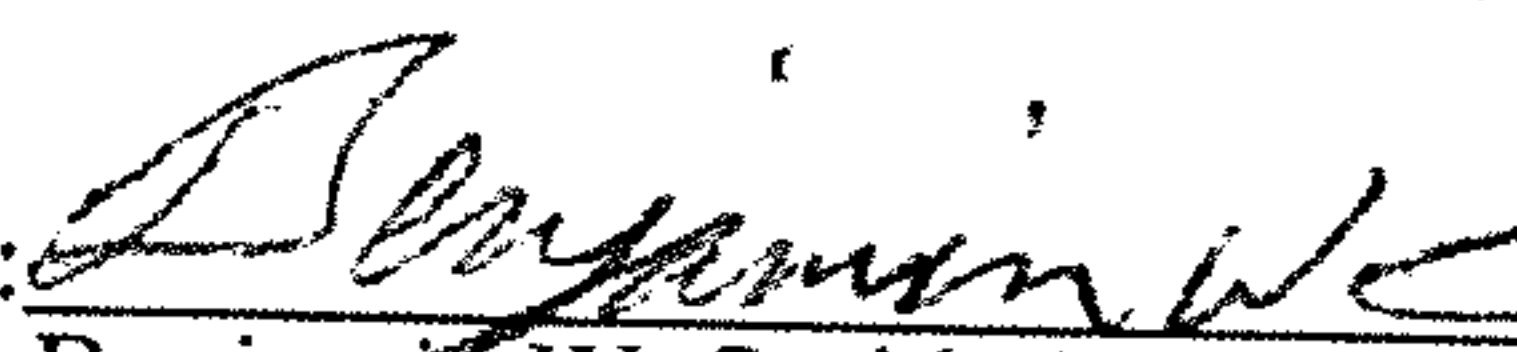
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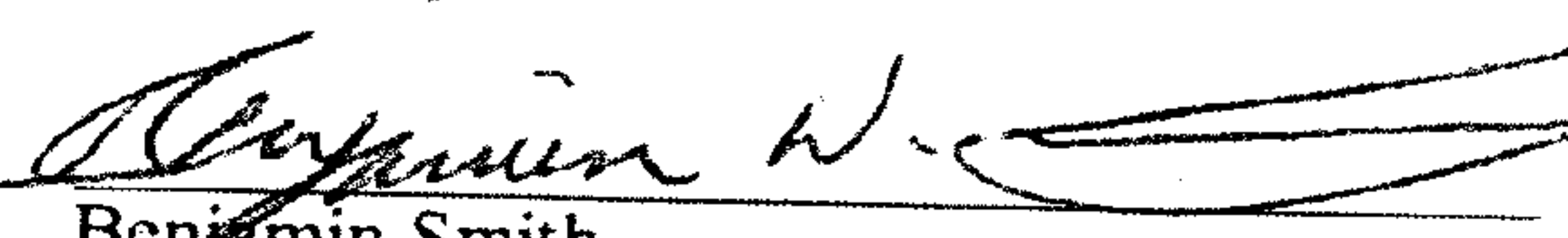
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1 In the event of default, Plaintiff shall be entitled to file any number of supplemental
2 judgments to cover costs for collection activities.

3 BENJAMIN ENTERPRISES, INC.


4
5 By: 
Benjamin W. Smith, President

DATE: 8-21-23

6
7 
Benjamin Smith

DATE: 8-21-23

8
9 DEXT CAPITAL, LLC

10  **Tony Kullen,**
11 **OSB 090218 for:**

DATE: 8/22/2023

12 Trish A. Walsh, OSB #101604
Farleigh Wada Witt
(503) 228-6044
13 twalsh@fwwlaw.com
Of Attorneys for Plaintiff
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Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
03/20/2024 12:03:37 PM
\$37.00 JOANN
20240320000076060

Allen S. Bezel