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7 IN THE CIRCUIT COURT OF THE STATE OF OREGON
8 FOR THE COUNTY OF DESCHUTES
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10 MAX ZWEIZIG,
11

12 Plaintiff,

13 vs.

14 TIMOTHY ROTE,
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16 Defendant

Case No.: 19cv00824

DEFENDANT’S MOTION TO SET ASIDE
UNLAWFUL SALE OF STOCK

17 ARGUMENT

18 The Writ issued by Plaintiff and signed by this Court to sell Defendant’s ownership in
19 Northwest Direct Homes, Inc. (NDH) was inaccurately identified as *Northwest Homes, Inc.*
20 *an Oregon Corporation* by Deschutes County Sheriff in its *Notice of Sale* dated November 16,
21 2021. The failure to accurately identify NDH is tantamount to no notice rendering the sale
22 invalid and unlawful. See Exhibit 1.

23 Defendant has received no document disclosing the results of the February 3, 2022 sale
24 of the Stock in Northwest Homes, Inc. Defendant did however contact the Deschutes County
25 Sheriff on February 7, 2022 and was told there were no bidders other than debtor Zweizig.
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1 There is no Oregon Corporation named Northwest Homes, Inc., per Oregon Secretary
2 website. See Exhibit 2. A company named Northwest Homes is an assumed business name and
3 registered to a company operating from Depoe Bay. It is not associated with Defendant.

4 The effect of this error, or intentional misstatement, is that it likely suppressed what
5 would have been an auction price closer to \$750,000 had Northwest Direct Homes, Inc. been
6 properly identified. See the land sale contract marketing the underlying property, Exhibit 3.
7 Nonetheless, ORS 18.924, does not authorize or permit the Sheriff to sale property that has
8 been misidentified in the Public Notice of Sale

9 Deschutes County Sheriff website, (<https://oregonsheriffssales.org/>), specifically
10 discloses that the accuracy of the content of the Notice is the responsibility of the party
11 requesting the notice. See Exhibit 4:

12 *IMPORTANT NOTICE – The Oregon State Sheriffs’ Association is not*
13 *responsible for the content of notices published on this website. Any errors or*
14 *omissions are the responsibility of the party requesting the posting. The OSSA*
15 *does not review or alter documents submitted for posting. Parties requesting*
16 *posting should carefully review the document for legal sufficiency and accuracy*
17 *before submitting to OSSA for posting*

18 The website further discloses that the “*OSSA’s sole function in relation to Sheriffs’*
19 *Sales of real and personal property is to post legal notices as authorized by ORS 18.924. OSSA*
20 *has no further information about the items offered for sale, or the case that led to the sale.*
21 *Please direct all inquiries about a pending sale to the Sheriff’s Office or the judgment creditor.”*
22 See Exhibit 4.

23 On information and belief, Plaintiff and counsel Albertazzi knew the Public Notice
24 misidentified the corporation as Northwest Homes, Inc. to frustrate the intended purpose of the
25 auction and to depress and frustrate bidders, and with intent this fraud and criminal was
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1 designed to allow Plaintiff to secure a \$750,000 asset while only satisfying \$50,000 of a
2 judgment.

3 As previously noted, Plaintiff's actions constitute Racketeering under State and Federal
4 Statutes. Plaintiff was identified as producer and disseminator of child porn in 2005, as
5 indicated by a snippet of the report produced by police officer Steve Williams. Exhibit 5.

6 The importance of properly identifying the stock of a corporation to be sold at auction
7 cannot be overstated. Defendant owns no stock in Northwest Homes, Inc. and it would be
8 unlawful to treat the public notice failures as incidental. Details matter, just as it would be
9 inaccurate to Notice the sale of Stock of the wrong defendant, say Timothy Bagley instead of
10 Timothy Rote. Details matter further because those interested in reviewing the Notice would
11 have gone to the Secretary website and found no such corporation as Northwest Homes, Inc.

12 The bottom line is that in spite of the writ be accurately issued, the Notice issued by the
13 Sheriff Department was not and it was the Plaintiff's sole duty to ensure that the Sheriff's
14 Notice was accurate.

1 **CONCLUSION**

2 For the above reasons, Defendant moves the court to find that the Deschutes County
3 Sheriff Notice of Sale misidentified the corporation as Northwest Homes, Inc., that Deschutes
4 County Sheriff by publication holds Plaintiff responsible for that error, that Plaintiff acted with
5 full knowledge and criminal intent in not correcting the error before the auction and for the
6 Court to take such action as necessary to set aside (vacate) the February 3, 2022 sale of the
7 stock of Northwest Homes, Inc.

8 Plaintiff used this Court to attempt to shelter his criminal act. Defendant asks that the
9 Plaintiff be sanctioned in the amount of \$1 Million and for that sanction to offset the judgment
10 Plaintiff registered.

11 Dated this 13th day of February, 2022

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13 /s/ Timothy C. Rote
14 Timothy C. Rote, *Pro Se*
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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I served the above on:

5 Albertazzi Law Firm
6 Attn: Anthony Albertazzi
7 296 SW Columbia, Suite B
8 Bend, Oregon 977002
9 albert@albertazzilaw.com

10 Via First Class Mail

11 Via Email

12 Via OECECF Notification

13 DATED: February 13, 2022

14 */s/ Timothy C. Rote* _____
15 **Timothy C. Rote**
16 *Pro Se*