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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR THE COUNTY OF LANE

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PNC BANK, NATIONAL ASSOCIATION,
Plaintiff,

Case No. 15CV18302

8

v.

WRIT OF EXECUTION

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TODD M. SCHWARTZ; SHERILYN K.
SCHWARTZ; SELCO COMMUNITY
CREDIT UNION; CAPITAL ONE BANK
(USA) N.A. and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 93684 MARCOLA ROAD,
MARCOLA, OR 97454,
Defendants.

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TO THE LANE COUNTY SHERIFF:

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On June 21, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lane County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

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The mailing address for the judgment creditor is: PNC BANK, NATIONAL ASSOCIATION c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

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The real property to be sold at public auction is commonly known as 93684 Marcola Rd., Marcola, OR 97454 ("Subject Property"), and legally described as:

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PARCEL I:

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A tract of land in the William C. Baird Donation Land Claim No. 43, in Township 16 South, Range 1 West of the Willamette Meridian, bounded and described as follows:

Page 1 – WRIT OF EXECUTION

1 Beginning at the Northwest corner of said Donation Land Claim No. 43, thence along the
2 North line thereof South 89 degrees 22' East 2045.42 feet to a point in the center of the county
3 road; thence along the center line of said county road four courses as follows: (1) South 24
4 degrees 21 1/2' West 5.77 feet (2) South 38 degrees 51 1/2' West 179.1 feet (3) South 39 degrees
5 28' West 122.4 feet and (4) South 38 degrees 51 1/2' West 204.9 feet to the True Point of
6 Beginning; thence South 38 degrees 51 1/2' West 224.6 feet along the center line of said county
7 road to the point of intersection thereof with the Northeasterly line produced Southeasterly of
8 that certain tract of land conveyed by Willamette Valley Lumber Co., to Clifford E. Sunderland
9 and June M. Sunderland by deed recorded on November 5, 1964, on Reel 254 D, under
10 Recorder's Reception No. 80781, Lane County Oregon Official Records; thence along said
11 Northeasterly line and said Southeasterly extension thereof, North 55 degrees 20' West 336.60
12 feet to a 1 1/2 inch iron pipe marking the Northwesterly corner of said Sunderland tract; thence
13 along the Northwesterly line of said Sunderland tract South 33 degrees 26 1/2' West 400.95 feet
14 to the center of Shotgun Creek; thence upstream along the center of said Shotgun Creek North 70
15 degrees 02' West 136.0 feet to a point on the Easterly boundary line of the Weyerhaeuser
16 Company railroad right-of-way; thence following said Easterly right-of-way line North 21
17 degrees 14' East (by bearing of Weyerhaeuser right-of-way survey, North 21 degrees 10' East) a
18 distance of 379.8 feet to a point marked by a 1 inch aluminum pipe; thence continuing along said
19 railroad right-of-way line North 34 degrees 52' East (by bearing of Weyerhaeuser right-of-way
20 survey, North 34 degrees 48' East) a distance of 266.6 feet to a 1 inch aluminum pipe at the
21 Southwesterly corner of the property of Byron Dowdy and Marjorie Marie Dowdy; thence along
22 the Southwesterly line of said Dowdy property South 57 degrees 41' East 564.1 feet to the said
23 True Point of Beginning, in Lane County, Oregon.

24 EXCEPT 40 foot strip to Willamette Valley Lumber Co., along the Northeasterly side of
25 above described tract as described in the deed, including the terms and provisions thereof,
26 executed by Clifford E. Sunderland and June M. Sunderland, to Willamette Valley Lumber Co.,

1 an Oregon corporation, dated September 30, 1964, recorded November 5, 1964, under Recorder's
2 Reception No. 80780, Lane County Oregon Deed Records.

3 EXCEPT that portion conveyed to Lane County by deed recorded February 23, 2007,
4 Reception No. 2007-012724, Lane County Oregon Plat Records, in Lane County, Oregon.

5 PARCEL II:

6 A tract of land in the William C. Baird Donation Land Claim No. 43, in Township 16
7 South, Range 1 West of Willamette Meridian described as follows:

8 Beginning at an iron pipe marking the Northwest corner of the W. C. Baird Donation
9 Land Claim No. 43, in Section 5, Township 16 South, Range 1 West of the Willamette Meridian,
10 thence South 0 degrees 11' West 100 feet along the Westerly line of said Donation Land Claim
11 No. 43, to a point in the center of Shotgun Creek; thence following the center of said Shotgun
12 Creek as indicated by the following straight line courses and distances; thence South 31 degrees
13 47' East 97.34 feet; thence South 26 degrees 43 1/2' East 162.34 feet; thence South 59 degrees
14 11' East 132.74 feet; thence North 69 degrees 55' East 198.04 feet; thence South 32 degrees 44'
15 East 266.29 feet; thence South 70 degrees 2' East 552.27 feet to the True Point of Beginning;
16 thence leaving said Shotgun Creek North 33 degrees 26 1/2' East 400.95 feet to an iron pipe;
17 thence South 55 degrees 20' East to the Westerly line of Lane County Road No. 311; thence
18 Southerly along Westerly line of said Lane County Road No. 311 to the center line of Shotgun
19 Creek; thence Westerly along center line of Shotgun Creek to the True Point of Beginning, in
20 Lane County, Oregon.

21 EXCEPT that portion conveyed to Lane County by deed recorded February 23, 2007,
22 Reception No. 2007-012723, Lane County Oregon Plat Records, in Lane County, Oregon.

23 The total amount due and owing on the Judgment as of July 6, 2017;

24 Judgment:	Principal	\$467,431.68
25	Attorney Fees	\$3,047.50
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	Costs	\$2,961.95
	Prevailing Party Fee	\$300.00
Post-Judgment:	Interest(6.37500%,\$54.81/day)	\$22,198.05 (5/28/16 through 7/6/17)

TOTAL: \$495,939.18

In the name of the State of Oregon, you are hereby directed to proceed to notice for sale and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

July 12, 2017
By: Oliver
Court Clerk

Presented by:
ALDRIDGE PITE, LLP
Christina Andreoni
Christina Andreoni, OSB #160875
(858) 750-7600
(503) 222-2260 (Facsimile)
candreoni@aldridgepite.com
111 SW Columbia Street Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff



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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE**

PNC BANK, NATIONAL ASSOCIATION,

Case No. 15CV18302

Plaintiff,

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

v.

ORCP Rule 69

TODD M. SCHWARTZ; SHERILYN K.
SCHWARTZ; SELCO COMMUNITY
CREDIT UNION; CAPITAL ONE BANK
(USA) N.A. and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 93684 MARCOLA ROAD,
MARCOLA, OR 97454,

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Defendants.

Based upon the Court's Order of Default against defendants TODD M. SCHWARTZ;
SHERILYN K. SCHWARTZ; SELCO COMMUNITY CREDIT UNION; CAPITAL ONE
BANK (USA) N.A. and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING
ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY
KNOWN AS 93684 MARCOLA ROAD, MARCOLA, OR 97454, the records on file herein,
and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
Plaintiff PNC BANK, NATIONAL ASSOCIATION ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 93684 MARCOLA RD.,
MARCOLA, OR 97454 ("Subject Property"), as evidenced by the Deed of Trust recorded May
15, 2006 in the official records of LANE County as instrument number 2006-033670 ("Deed of

1 Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
2 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien
3 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

4 PARCEL I:

5 A TRACT OF LAND IN THE WILLIAM C. BAIRD DONATION LAND
6 CLAIM NO. 43, IN TOWNSHIP 16 SOUTH, RANGE 1 WEST OF THE
7 WILLAMETTE MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

8
9 BEGINNING AT THE NORTHWEST CORNER OF SAID DONATION LAND
10 CLAIM NO. 43, THENCE ALONG THE NORTH LINE THEREOF SOUTH 89
11 DEGREES 22' EAST 2045.42 FEET TO A POINT IN THE CENTER OF THE
12 COUNTY ROAD; THENCE ALONG THE CENTER LINE OF SAID COUNTY
13 ROAD FOUR COURSES AS FOLLOWS: (1) SOUTH 24 DEGREES 21 1/2'
14 WEST 5.77 FEET (2) SOUTH 38 DEGREES 51 1/2' WEST 179.1 FEET (3)
15 SOUTH 39 DEGREES 28' WEST 122.4 FEET AND (4) SOUTH 38 DEGREES
16 51 1/2' WEST 204.9 FEET TO THE TRUE POINT OF BEGINNING; THENCE
17 SOUTH 38 DEGREES 51 1/2' WEST 224.6 FEET ALONG THE CENTER
18 LINE OF SAID COUNTY ROAD TO THE POINT OF INTERSECTION
19 THEREOF WITH THE NORTHEASTERLY LINE PRODUCED
20 SOUTHEASTERLY OF THAT CERTAIN TRACT OF LAND CONVEYED BY
21 WILLAMETTE VALLEY LUMBER CO., TO CLIFFORD E. SUNDERLAND
22 AND JUNE M. SUNDERLAND BY DEED RECORDED ON NOVEMBER 5,
23 1964, ON REEL 254 D, UNDER RECORDER'S RECEPTION NO. 80781,
24 LANE COUNTY OREGON OFFICIAL RECORDS; THENCE ALONG SAID
25 NORTHEASTERLY LINE AND SAID SOUTHEASTERLY EXTENSION
26 THEREOF, NORTH 55 DEGREES 20' WEST 336.60 FEET TO A 1 1/2 INCH

1 IRON PIPE MARKING THE NORTHWESTERLY CORNER OF SAID
2 SUNDERLAND TRACT; THENCE ALONG THE NORTHWESTERLY LINE
3 OF SAID SUNDERLAND TRACT SOUTH 33 DEGREES 26 1/2' WEST 400.95
4 FEET TO THE CENTER OF SHOTGUN CREEK; THENCE UPSTREAM
5 ALONG THE CENTER OF SAID SHOTGUN CREEK NORTH 70 DEGREES
6 02' WEST 136.0 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE
7 OF THE WEYERHAEUSER COMPANY RAILROAD RIGHT-OF-WAY;
8 THENCE FOLLOWING SAID EASTERLY RIGHT-OF-WAY LINE NORTH
9 21 DEGREES 14' EAST (BY BEARING OF WEYERHAEUSER RIGHT-OF-
10 WAY SURVEY, NORTH 21 DEGREES 10' EAST) A DISTANCE OF 379.8
11 FEET TO A POINT MARKED BY A 1 INCH ALUMINUM PIPE; THENCE
12 CONTINUING ALONG SAID RAILROAD RIGHT-OF-WAY LINE NORTH
13 34 DEGREES 52' EAST (BY BEARING OF WEYERHAEUSER RIGHT-OF-
14 WAY SURVEY, NORTH 34 DEGREES 48' EAST) A DISTANCE OF 266.6
15 FEET TO A 1 INCH ALUMINUM PIPE AT THE SOUTHWESTERLY
16 CORNER OF THE PROPERTY OF BYRON DOWDY AND MARJORIE
17 MARIE DOWDY; THENCE ALONG THE SOUTHWESTERLY LINE OF
18 SAID DOWDY PROPERTY SOUTH 57 DEGREES 41' EAST 564.1 FEET TO
19 THE SAID TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

20
21 EXCEPT 40 FOOT STRIP TO WILLAMETTE VALLEY LUMBER CO.,
22 ALONG THE NORTHEASTERLY SIDE OF ABOVE DESCRIBED TRACT
23 AS DESCRIBED IN THE DEED, INCLUDING THE TERMS AND
24 PROVISIONS THEREOF, EXECUTED BY CLIFFORD E. SUNDERLAND
25 AND JUNE M. SUNDERLAND, TO WILLAMETTE VALLEY LUMBER CO.,
26 AN OREGON CORPORATION, DATED SEPTEMBER 30, 1964, RECORDED

1 NOVEMBER 5, 1964, UNDER RECORDER'S RECEPTION NO. 80780, LANE
2 COUNTY OREGON DEED RECORDS.

3
4 EXCEPT THAT PORTION CONVEYED TO LANE COUNTY BY DEED
5 RECORDED FEBRUARY 23, 2007, RECEPTION NO. 2007-012724, LANE
6 COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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8 PARCEL II:

9
10 A TRACT OF LAND IN THE WILLIAM C. BAIRD DONATION LAND
11 CLAIM NO. 43, IN TOWNSHIP 16 SOUTH, RANGE 1 WEST OF
12 WILLAMETTE MERIDIAN DESCRIBED AS FOLLOWS:

13
14 BEGINNING AT AN IRON PIPE MARKING THE NORTHWEST CORNER
15 OF THE W. C. BAIRD DONATION LAND CLAIM NO. 43, IN SECTION 5,
16 TOWNSHIP 16 SOUTH, RANGE 1 WEST OF THE WILLAMETTE
17 MERIDIAN, THENCE SOUTH 0 DEGREES 11' WEST 100 FEET ALONG
18 THE WESTERLY LINE OF SAID DONATION LAND CLAIM NO. 43, TO A
19 POINT IN THE CENTER OF SHOTGUN CREEK; THENCE FOLLOWING
20 THE CENTER OF SAID SHOTGUN CREEK AS INDICATED BY THE
21 FOLLOWING STRAIGHT LINE COURSES AND DISTANCES; THENCE
22 SOUTH 31 DEGREES 47' EAST 97.34 FEET; THENCE SOUTH 26 DEGREES
23 43 1/2' EAST 162.34 FEET; THENCE SOUTH 59 DEGREES 11' EAST 132.74
24 FEET; THENCE NORTH 69 DEGREES 55' EAST 198.04 FEET; THENCE
25 SOUTH 32 DEGREES 44' EAST 266.29 FEET; THENCE SOUTH 70
26 DEGREES 2' EAST 552.27 FEET TO THE TRUE POINT OF BEGINNING;

1 THENCE LEAVING SAID SHOTGUN CREEK NORTH 33 DEGREES 26 1/2'
2 EAST 400.95 FEET TO AN IRON PIPE; THENCE SOUTH 55 DEGREES 20'
3 EAST TO THE WESTERLY LINE OF LANE COUNTY ROAD NO. 311;
4 THENCE SOUTHERLY ALONG WESTERLY LINE OF SAID LANE
5 COUNTY ROAD NO. 311 TO THE CENTER LINE OF SHOTGUN CREEK;
6 THENCE WESTERLY ALONG CENTER LINE OF SHOTGUN CREEK TO
7 THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

8
9 EXCEPT THAT PORTION CONVEYED TO LANE COUNTY BY DEED
10 RECORDED FEBRUARY 23, 2007, RECEPTION NO. 2007-012723, LANE
11 COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

12 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
13 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
14 in the manner provided by law;

15 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
16 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
17 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
18 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

19 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
20 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
21 68(C), which amount may be added to the outstanding obligation due and owing under the Note
22 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
23 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
24 by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

4 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
5 sale of the Subject Property as directed under this Judgment.

6 7. The Sheriff shall make a return on the writ of execution to the court administrator
7 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
8 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
9 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
10 parties as may establish their right thereto. The Defendants and all persons claiming through or
11 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
12 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
13 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
14 every part of the Subject Property when the time for redemption has elapsed;

15 8. Plaintiff or any other party to this action may become a purchaser at the
16 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
17 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
18 successor in interest may apply to this Court for a writ of assistance to gain possession of the
19 subject property if Defendants or any other party or person refuses to surrender possession;

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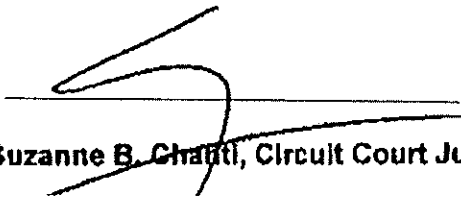
DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$467,431.68.
2. Simple interest at the ~~variable~~ rate currently at 6.37500% (\$54.81 *per diem*) after May 27th, 2016, through the date of sale.
3. Attorney fees of \$3,047.50.
4. Costs of \$2,961.95, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 6/20/2017 09:44 AM



Suzanne B. Chaffi, Circuit Court Judge

CERTIFICATE OF READINESS

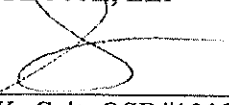
This proposed Order or Judgment is ready for judicial signature because:

1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

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- 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
 - c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 6/13/17

Shannon K. Calt, OSB#121855
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 Of Attorneys for Plaintiff