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

BANK OF AMERICA, N.A.,
Plaintiff,

v.

STUART M. BENOIT: OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 705 EAST
QUINCY AVENUE, COTTAGE GROVE,
OR 97424,
Defendants.

Case No. 16CV21778

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On April 5, 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.

The mailing address for the judgment creditor is: BANK OF AMERICA, N.A., c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 705 East Quincy Avenue, Cottage Grove, OR 97424-2542 ("Subject Property"), and legally described as:

THE NORTH 1/2 OF THE FOLLOWING:

BEGINNING AT A POINT 60 FEET SOUTH AND 212 FEET WEST OF THE

1 SOUTHEAST CORNER OF LOT 2, IN BLOCK 5 OF PLAT OF JONES'S ADDITION TO
2 COTTAGE GROVE, AS PLATTED AND RECORDED IN BOOK 2, PAGE 34, LANE
3 COUNTY OREGON PLAT RECORDS; RUN THENCE SOUTH 107 3/5 FEET; THENCE
4 EAST 106 FEET; THENCE NORTH 107 3/5 FEET; THENCE WEST 106 FEET TO THE
5 PLACE OF BEGINNING, IN SECTION 33, TOWNSHIP 20 SOUTH, RANGE 3 WEST OF
6 THE WILLAMETTE MERIDIAN, IN LANE COUNTY OREGON.

7 The total amount due and owing on the Judgment as of June 1, 2017;

8 Judgment:	Principal	\$151,641.65
9	Attorney Fees	\$3,390.00
10	Costs	\$2,546.00
11	Prevailing Party Fee	\$300.00
12 Post-Judgment:	Interest (5.00%, \$17.56 per diem)	\$3,125.68 (12/6/16 through 6/1/17)
	Attorney Fees	\$610.00

13 **TOTAL: \$161,613.33**

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

19 June 6, 2017

20
21 By: *[Signature]*
22 Court Clerk

23 Presented by:
ALDRIDGE PITE, LLP

24 *[Signature]*
25 Stephanie L. Beale, OSB # 136474
26 (503) 345-9466; sbeale@aldridgepite.com
Of Attorneys for Plaintiff
Page 2 – WRIT OF EXECUTION



Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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

BANK OF AMERICA, N.A.,

Case No. 16CV21778

Plaintiff,

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

v.

ORCP Rule 69

STUART M. BENOIT; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 705 EAST
QUINCY AVENUE, COTTAGE GROVE,
OR 97424,

PURSUANT TO SB 368, 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 STUART M. BENOIT:
OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION and ALL OTHER
PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 705 EAST QUINCY
AVENUE, COTTAGE GROVE, OR 97424, the records on file herein, and pursuant to the
Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff BANK OF
AMERICA, N.A. ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 705 EAST QUINCY
AVENUE, COTTAGE GROVE, OR 97424 ("Subject Property"), as evidenced by the Deed of
Trust recorded November 10, 2009 in the official records of LANE County as instrument

1 number 2009-062799 ("Deed of Trust"), is a viable first priority lien, superior to the interests of
2 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 THE NORTH 1/2 OF THE FOLLOWING:

6 BEGINNING AT A POINT 60 FEET SOUTH AND 212 FEET WEST OF THE
7 SOUTHEAST CORNER OF LOT 2, IN BLOCK 5 OF PLAT OF JONE'S ADDITION
8 TO COTTAGE GROVE, AS PLATTED AND RECORDED IN BOOK 2, PAGE 34,
9 LANE COUNTY OREGON PLAT RECORDS; RUN THENCE SOUTH 107 3/5 FEET;
10 THENCE EAST 106 FEET; THENCE NORTH 107 3/5 FEET; THENCE WEST 106
11 FEET TO THE PLACE OF BEGINNING, IN SECTION 33, TOWNSHIP 20 SOUTH,
12 RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY
13 OREGON.

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

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

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

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

1 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
2 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
3 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
4 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
5 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

17 8. Plaintiff or any other party to this action may become a purchaser at the
18 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
19 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
20 successor in interest may apply to this Court for a writ of assistance to gain possession of the
21 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 \$151,641.65.
2. Simple interest at the rate currently at 5.00% (\$17.5648 *per diem*) after December 5, 2016, through the date of sale.
3. Attorney fees of \$3,390.00, plus \$610.00, through the date of sale.
4. Costs of \$2,546.00, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 4/5/2017 12:31 PM



Charles D. Carlson, 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.
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;

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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.

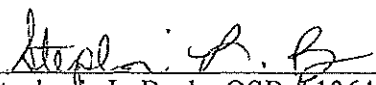
4. The relief sought is against an opposing party who has been found in default.

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: March 30, 2017

Stephanie L. Beale, OSB # 136474
(503) 345-9466
(503) 222-2260 (Facsimile)
sbeale@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff