

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

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2
3 KLAMATH CASCADE GROUP, LLC,)
an Oregon Limited Liability Company,) Case No. 17CV17240
4)
5 Plaintiff,) WRIT OF EXECUTION
6)
7)
8 RICHARD BARNETT and DAVID)
LEE BARNETT,)
9 Defendants.

10 TO THE SHERIFF OF KLAMATH COUNTY:

11
12 WHEREAS, on June 19, 2017, in this court, a Judgment of Foreclosure was entered in this
13 action and on June 29, 2017, a Supplemental Judgment for Attorney Fees, Costs and Disbursements
14 was entered, true copies of which are attached hereto;

15 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, YOU ARE
16 HEREBY COMMANDED to sell, in the manner prescribed by law for the sale of real property on
17 execution (subject to redemption), all of the interest that defendants, Richard Barnett and David Lee
18 Barnett, had on June 22, 2016, the date of the trust deed, and also all of the interest that defendants
19 had thereafter, in the real property described in the judgment, to satisfy the sum of \$1,281,730.55 as
20 of June 21, 2017, with interest at the rate of nine percent (9%) per annum thereafter, and the costs of
21 this writ, making due return within 60 days after you receive this writ. The mailing address of the
22 judgment creditor is P. O. Box 7765, Klamath Falls, OR 97602.

23 Dated: July 21, 2017



John M Powell
Clerk of the Court
Circuit Court for Klamath County, Oregon

by Donald R. Crane
DEPUTY

27 WRIT OF EXECUTION

28 DONALD R. CRANE
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

KLAMATH CASCADE GROUP, LLC,)	
an Oregon Limited Liability Company,)	Case No. 17CV17240
)	
Plaintiff,)	JUDGMENT OF FORECLOSURE
)	
v.)	
)	
RICHARD BARNETT and DAVID)	
LEE BARNETT,)	
)	
Defendants.)	

Based on the motion of plaintiff and the records and files herein, which reveal that an order of default was entered on June 14, 2017, and the court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Plaintiff is awarded judgment against defendant Richard Barnett and defendant David Lee Barnett, and each of them, in the amount of \$1,159,975, plus interest at the rate of nine percent (9%) per annum from June 9, 2016, to the date of entry of this judgment; plus reimbursement of \$2,325 paid to AmeriTitle for a trust deed foreclosure guarantee; plus plaintiff's costs, disbursements, and attorney's fees pursuant to ORCP 68; plus post-judgment interest on the entire sum at the rate of nine percent (9%) per annum from the date of entry of judgment.

2. The trust deed executed and delivered by defendants, Richard Barnett and David Lee Barnett, to plaintiff on or about July 21, 2014, and recorded on July 22, 2014, as instrument No. 2014-007659 of the official records of Klamath County, Oregon, is a valid lien for the amount of

JUDGMENT OF FORECLOSURE, Page 1

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1 plaintiff's judgment set forth in paragraph 1 above against the real property, situated in Klamath
2 County, Oregon, described on Exhibit 1, attached hereto and made a part hereof, and that lien is
3 senior to any interest of the defendants, Richard Barnett and David Lee Barnett, or either of them, in
4 the property.

5 3. The trust deed lien is foreclosed and all interest that the defendants, and each of them,
6 had on and after July 21, 2014, in the property must be sold by the sheriff of Klamath County,
7 Oregon, in the manner provided by law and in accordance with the practice of this court.

8 4. The proceeds of sale must be applied first toward the costs of sale, then toward the
9 satisfaction of plaintiff's judgment awarded herein, and plaintiff's costs, disbursements, and
10 attorney's fees; and the surplus, if any, to defendants.

11 5 The defendants, Richard Barnett and David Lee Barnett, and each of them, and all
12 persons claiming through defendants are forever foreclosed of all interest in the property and every
13 portion thereof excepting only any right of redemption as defendants, or either of them, may have
14 therein.

15 6. Plaintiff or any other party to this action may become the purchaser at the sale of the
16 property. The purchaser is entitled to exclusive possession of the property from and after the date of
17 sale and is entitled to such remedies as are available at law to secure possession, including a writ of
18 assistance, if defendants, or either of them, or any other party or person refuses to surrender
19 possession to the purchaser immediately on the purchaser's demand for possession.

Signed: 6/16/2017 02:49 PM



Circuit Court Judge Dan Bunch

24 Submitted by:

25 DONALD R. CRANE, OSB No. 640207
26 Attorney for Plaintiff

27 JUDGMENT OF FORECLOSURE, Page 2

28 *DONALD R. CRANE*
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EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon:

Section 4: S1/2 E1/2 SW1/4; S1/2 W1/2 SE1/4; SE1/4 SE1/4; Government Lot 20; NW1/4 SW1/4;
SW1/4 SW1/4

Section 5: Government Lots 17 and 18; N1/2 SE1/4; SE1/4 SE1/4

Section 9: N1/2 NE1/4; SW1/4 NE1/4; NE1/4 NE1/4 SE1/4; S1/2 NE1/4 SE1/4;

N1/2 NE1/4 SE1/4 SE1/4; NW1/4 SE1/4 SE1/4; S1/2 SE1/4 SE1/4

Section 10: NW1/4 SW1/4; SW1/4 SW1/4

Section 15: NW1/4 NE1/4; SW1/4 NE1/4; NW1/4; N1/2 SW1/4; NW1/4 SE1/4

AND

The S1/2 NE1/4 and the NE1/4 NE1/4 of Section 8; the SW1/4 NW1/4; the SW1/4 and the
W1/2 SE1/4 of Section 9, Township 40 South, Range 11 East of the Willamette Meridian, Klamath
County, Oregon.

RESERVING THEREFROM a right of way for road and utility purposes 30 feet on each side
of the centerline of that existing road running Northwesterly through the West half of Section 9
and the East half of Section 8.

ALSO the NW1/4 of Section 16, Township 40 South, Range 11 East of the Willamette Meridian,
Klamath County, Oregon.

RESERVING THEREFROM a right of way for ingress and egress, road and utility purposes
over that existing road that runs through the Northwest quarter of the Northwest quarter.

ALSO the E 1/2 and the E1/2 SW1/4 of Section 16, Township 40 South, Range 11 East of the
Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

In Township 40 South Range 11 East of the Willamette Meridian, Klamath County, Oregon.

In Section 7: The SE1/4 and the East 1/2 SW1/4

In Section 8: The SW1/4 and the South 1/2 of the NW1/4

PARCEL 3:

Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Section 9: N1/2 NW1/4 and SE1/4 NW1/4

CERTIFICATE OF READINESS UNDER UTCR 5.100

This proposed judgment is ready for judicial signature because:

1. The relief sought is against opposing parties who have been found in default.
2. An order of default against both defendants was entered on June 14, 2017.
3. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

Dated: July 15, 2017.

s/ Donald R. Crane
DONALD R. CRANE
OSB #640207
doncrane7@gmail.com
Attorney for Plaintiff

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

KLAMATH CASCADE GROUP, LLC,)		Case No. 17CV17240
an Oregon Limited Liability Company,))	
)	
Plaintiff,))	SUPPLEMENTAL JUDGMENT
)	FOR ATTORNEY FEES, COSTS
v.))	AND DISBURSEMENTS FOR
)	PLAINTIFF
)	
RICHARD BARNETT and DAVID))	
LEE BARNETT,))	
)	
Defendants.		

This matter comes before the court on plaintiff's Motion for a Supplemental Judgment for Attorney Fees, Costs and Disbursements.

1.

An Order of Default was entered against the defendants, and each of them, on June 14, 2017.

2.

A Judgment of Foreclosure was entered against the defendants, and each of them, on June 16, 2017, which provided in part that plaintiff was awarded plaintiff's attorney's fees, costs, disbursements pursuant to ORCP 68.

3.

Plaintiff has filed its Statement for Attorneys Fees, Costs and Disbursements for Plaintiff.

4.

There is no just reason for delay in entering a judgment on plaintiff's motion.

SUPPLEMENTAL JUDGMENT FOR ATTORNEY'S FEES, COSTS AND DISBURSEMENTS FOR PLAINTIFF,
Page 1

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5.

The court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED AND ADJUDGED:

- (a) Plaintiff is awarded a supplemental judgment against defendants, and each of them, in the sum of \$5,622.04, with interest thereon at the rate of 9% per annum from the date of the entry of this Supplementary Judgment.
- (b) The trust deed executed and delivered by defendants, Richard Barnett and David Lee Barnett, to plaintiff on or about July 21, 2014, and recorded on July 22, 2014, as instrument No. 2014-007659 of the official records of Klamath County, Oregon, is a valid lien for the amount of the Supplemental Judgment against the real property, situated in Klamath County, Oregon, described in the Judgment of Foreclosure on file herein and the lien described therein is senior to any interest of the defendants, Richard Barnett and David Lee Barnett, or either of them, in the property.
- (c) The remedies described in paragraphs 3 through 6 of the Judgment of Foreclosure shall apply to this Supplemental Judgment.

Signed: 6/29/2017 09:40 AM


Circuit Court Judge Roxanne Osborne

Submitted by:

DONALD R. CRANE, OSB No. 640207
Attorney for Plaintiff

SUPPLEMENTAL JUDGMENT FOR ATTORNEY'S FEES, COSTS AND DISBURSEMENTS FOR PLAINTIFF,
Page 2

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CERTIFICATE OF READINESS UNDER UTCR 5.100

This proposed Supplemental Judgment for Attorney Fees, Costs and Disbursements for Plaintiff is ready for judicial signature because:

1. The relief sought is against opposing parties who have been found in default.
2. An order of default against both defendants was entered on June 14, 2017.
3. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

Dated: June 26, 2017.

s/ Donald R. Crane
DONALD R. CRANE
OSB #640207
doncrane7@gmail.com
Attorney for Plaintiff