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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF JOSEPHINE

KEYBANK NATIONAL ASSOCIATION, its
successors in interest and/or assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF GLORIA A. MILLER;
UNKNOWN HEIRS OF ROY F. MILLER AKA
LEROY FRANCIS MILLER AKA LEEROY F.
MILLER; LES L. MILLER; STATE OF
OREGON; AND OCCUPANTS OF THE
PREMISES,

Defendants.

Case No.16CV34391

WRIT OF EXECUTION IN
FORECLOSURE

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON

1.

WHEREAS, on May 23, 2017, in the above-entitled court, a General Judgment of
Foreclosure (the "Judgment") was entered and docketed in the above-entitled cause.

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
commanded to sell, in the manner prescribed by law for the sale of real property upon execution
(subject to redemption), all of the interest which the defendants had on October 10, 2007, the

1 date of the foreclosed Deed of Trust, and also all of the interest which the defendants had
2 thereafter, in the real property described in the Judgment to satisfy the amount due to Plaintiff,
3 set out as follows:

4 Lenders' Principal Judgment

5 Unpaid Principal Balance	\$61,782.62
6 Accrued Interest through January 28, 2017, the date 7 calculated by the declarant in the declaration of 8 indebtedness @ variable interest rate.	\$2,443.27
9 Lenders' Fees and Costs	\$5,200.60
10 Attorneys' Fees and Costs	\$444.08
11 <i>Total Amount Due to Plaintiff as of Judgment Submission Date</i>	\$69,870.57

12 Additional Pre-Judgment Interest

13 Accrued Interest from January 29, 2017 through May 14 23, 2017, the date of entry of the general judgment @ 15 \$5.15 per diem.	\$592.25
16 <i>Total Amount Due to Plaintiff as of Judgment Entry Date</i>	\$70,462.82

17 Post Judgment Interest

18 Accrued Post Judgment Interest from May 24, 2017, 19 the date after the entry of the general judgment, 20 through July 19, 2017, the date the Writ was 21 requested @ legal rate of interest of 9.000% per 22 annum (\$17.37 per diem).	\$972.72
23 <i>Total Amount Due to Plaintiff as of Date of Writ</i>	\$71,435.54

24 3.

25 In addition to this amount, Plaintiff is entitled to the continued accrual of post-judgment
26 interest at the legal rate of interest of 9.000% per annum, \$17.37 per diem from July 20, 2017, to
the date the real property subject to the Judgment is sold by the Josephine County Sheriff at its
foreclosure auction, plus costs of this writ, sheriff's fees and sale costs, and all other recoverable
costs pursuant to law.

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4.

The real property subject to this writ of execution is situated in Josephine County, State of Oregon, to wit:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 10, ORCHARD BEACH TRACTS, IN SECTION 21, TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, THENCE NORTH 6 DEGREES 31 MINUTES WEST 126.1 FEET ALONG THE EASTERLY LINE OF SAID LOT 10 THENCE SOUTH 73 DEGREES 17 MINUTES WEST 134.2 FEET; THENCE SOUTH 200.1 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 10 THENCE NORTH 19 DEGREES 12 MINUTES EAST 189.46 FEET TO THE POINT OF BEGINNING. EXCEPT ANY PART IN THE PACIFIC HIGHWAY. SITUATED IN THE COUNTY OF JOSEPHINE AND STATE OF OREGON.

and more commonly known as 2200 Fruitdale Drive, Grants Pass, Oregon 97527 ("Property").

5.

The Judgment Creditor's name and address is:

KeyBank National Association
4910 Tiedeman Road
OH-01-51-4002
Brooklyn, OH 44144

6.

The Judgment Creditor's name and address for the purpose of this Writ is:

KeyBank National Association
c/o RCO Legal, P.C.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 977-7840

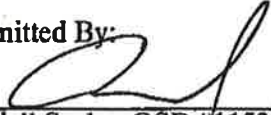
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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the above-described Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, including interest, fees and costs.

MAKE RETURN HEREOF within 60 days after you receive this writ.

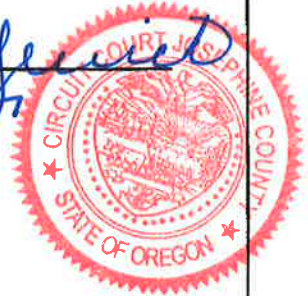
Submitted By:


Randall Szabo, OSB #115304
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 977-7840; Fax (503) 977-7963
rszabo@rcolegal.com

Date:

7/19/17

Sarah M. Lewis
July 20, 2017



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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF JOSEPHINE

KEYBANK NATIONAL ASSOCIATION, its
successors in interest and/or assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF GLORIA A. MILLER;
UNKNOWN HEIRS OF ROY F. MILLER AKA
LEROY FRANCIS MILLER AKA LEEROY F.
MILLER; LES L. MILLER; STATE OF
OREGON; AND OCCUPANTS OF THE
PREMISES,

Defendants.

Case No. 16CV34391

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

- (1) UNKNOWN HEIRS OF GLORIA A. MILLER;
- (2) UNKNOWN HEIRS OF ROY F. MILLER AKA LEROY FRANCIS MILLER AKA LEEROY F. MILLER;
- (3) LES L. MILLER;
- (4) STATE OF OREGON; AND
- (5) OCCUPANTS OF THE PREMISES,

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff KeyBank National Association, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller; State of Oregon; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of

1 Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller; State of Oregon; and
2 Occupants of the Premises failed to appear; and that an Order of Default has been entered against them
3 on Plaintiff's Complaint and, consequently this General Judgment of foreclosure is submitted in
4 accordance with UTCR 5.100 (3)(c).

5
6 2.

7 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the
8 Court's register to accomplish the following: to foreclose any and all interest of defendants Unknown
9 Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F.
10 Miller; Les L. Miller; State of Oregon; and Occupants of the Premises in the real property subject to this
11 foreclosure action, located at 2200 Fruitdale Drive, Grants Pass, Oregon 97527 (the "Property").

12
13 3.

14 The court being fully advised in the Premise, finding good cause exists so this general judgment
15 of foreclosure and sale may be entered in favor of Plaintiff and against Unknown Heirs of Gloria A.
16 Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller;
17 State of Oregon; and Occupants of the Premises, all of them, it is hereby

18 ORDERED AND ADJUDGED:

19
20 4.

21 That the Deed of Trust dated October 10, 2007, executed by for the benefit of Key Bank
22 National Association ("Deed of Trust"), recorded on October 22, 2007 as Instrument No. 2007-020272
23 in the official records of Josephine County, Oregon, is a valid lien for the amount due and owing as set
24 forth in Paragraph 13 herein, against the Property situated in Josephine County, Oregon, and described
25 as follows
26

1 BEGINNING AT THE SOUTHEAST CORNER OF LOT 10, ORCHARD
2 BEACH TRACTS, IN SECTION 21, TOWNSHIP 8 SOUTH, RANGE 3
3 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY,
4 OREGON, THENCE NORTH 6 DEGREES 31 MINUTES WEST 126.1 FEET
5 ALONG THE EASTERLY LINE OF SAID LOT 10 THENCE SOUTH 73
6 DEGREES 17 MINUTES WEST 134.2 FEET; THENCE SOUTH 200.1 FEET
7 TO A POINT ON THE SOUTHERLY LINE OF LOT 10 THENCE NORTH 19
8 DEGREES 12 MINUTES EAST 189.46 FEET TO THE POINT OF
9 BEGINNING.

10 EXCEPT ANY PART IN THE PACIFIC HIGHWAY.
11 SITUATED IN THE COUNTY OF JOSEPHINE AND STATE OF OREGON.

12 5.

13 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants
14 Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka
15 LeeRoy F. Miller; Les L. Miller; State of Oregon; and Occupants of the Premises in the Property, and
16 that said Deed of Trust is hereby foreclosed by this Court on the Property.

17 6.

18 That on October 20, 2008 and February 17, 2015, the grantors of the Note and Deed of Trust
19 passed away. This suit constitutes an attempt to execute upon the Property as security for the Amount
20 Due to Plaintiff under the terms of the Deed of Trust.

21 7.

22 That defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka
23 Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller; State of Oregon; and Occupants of the
24 Premises, each of them, and all parties claiming by, through, or under them as purchasers,
25 encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the
26 Property, and every portion thereof, excepting only the statutory right of redemption provided by the
laws of the State of Oregon.

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8.

That defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller; State of Oregon; and Occupants of the Premises, all of them, are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

9.

That all of the right, title and interest which had on October 10, 2007, the date of the Deed of Trust, and all of the right, title and interest defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller; State of Oregon; and Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 13; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

10.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 13 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

11.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, should defendants Unknown Heirs of Gloria A. Miller; Unknown Heirs of Roy F. Miller aka Leroy Francis Miller aka LeeRoy F. Miller; Les L. Miller;

1 State of Oregon; and Occupants of the Premises refuse to surrender possession of the Property
2 immediately upon the purchaser's demand for possession.

3 12.

4 That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this
5 action, and that Plaintiff's attorney fees in the amount of \$3,050.00 and its litigation costs in the amount
6 of \$2,150.60, shall be, and is hereby declared additional amounts secured by and hereinafter shall be
7 made part of the amount of the debt secured by Plaintiff's Deed of Trust.
8

9 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

10 **(Pursuant to Senate Bill 368)**

11 13.

12 Under the terms of the Deed of Trust and the promissory note dated October 10, 2007, in the
13 principal amount of \$75,000.00, there is now due and owing the following amounts, to be hereinafter
14 described as the Amount Due:
15

16 **Attorneys' Fees and Costs**

Attorneys' Fees		\$3,050.00
Title Report	\$339.00	
Filing Fee - Complaint	\$531.00	
Recording Fee - Lis Pendens	\$65.00	
Process Service Fees	\$305.00	
Publication Costs	\$710.60	
Death Certificates and Recording	\$200.00	

21 Total Costs \$2,150.60

22 **Total Attorneys' Fees and Costs \$5,200.60**

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1	<u>Lenders' Principal and Interest</u>		
2	Principal Balance	\$61,782.62	
3	Accrued Interest through January 28, 2017 the date	\$2,443.27	
4	calculated by the declarant in the declaration in support		
	of judgment @ variable interest rate in terms of the		
	note		
5			\$64,171.89
	<i>Total Principal & Interest</i>		
6	<u>Lenders' Fees and Costs</u>		
7	Property Inspections	\$24.00	
8	Accumulated Late Charges	\$220.08	
9	BPO	\$100.00	
10	Line of Credit Annual Fee	\$49.00	
	Reconveyance Fee	\$51.00	
11			\$444.08
	<i>Total Lenders' Fees and Costs:</i>		
	<i>Total Lenders' Principal, Interest, Fees, and Costs:</i>		\$64,615.97
12	Additional pre-judgment interest pursuant to ORS		
13	18.042 from January 28, 2017 to the date entry of		
14	judgment at the variable contract rate of interest (\$5.15		
	per diem)		
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Post-Judgment interest thereafter on the Total Amount Due at the contract rate of variable contract rate of interest in terms of the note, or 9.000% per annum, whichever is greater.

Total Amount Due

\$69,816.57

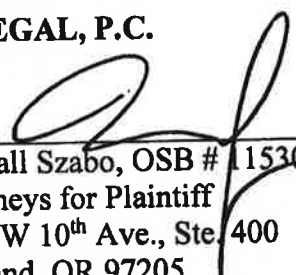
Signed: 5/23/2017 11:12 AM



Circuit Court Judge Thomas M. Hull

Presented by:

RCO LEGAL, P.C.

By  DATED 5/19/17
Randall Szabo, OSB # 115304
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
Telephone (503) 977-7840 Facsimile (503) 977-7963
rszabo@rcolegal.com

GENERAL JUDGMENT OF FORECLOSURE AND SALE - 7

8077.50094

RCO LEGAL, P.C. | 511 SW 10th Ave., Ste. 400
Portland, OR 97205
Phone: 503.977.7840
Fax: 503.977.7963

CERTIFICATE OF UTCR 5.100 COMPLIANCE

This Proposed order or judgment is ready for judicial signature because:

A. [] The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.

B. [] The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.

C. [X] The judgment or order is exempt from UTCR 5.100(1) because:

a. [] The judgment or order is a proposed order or judgment presented in open court with the parties present.

b. [] The judgment or order is of a kind that may be presented ex parte and has been submitted either in person or by mail ex parte.

c. [X] The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.

d. [] The proposed judgment is subject to UTCR 10.0099

e. [] The proposed judgment or order is an uncontested probate and protective proceeding.

f. [] This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.

D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:

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 objection has been served on me.

b. [] I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.


c. [] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

4. [X] The relief sought is against an opposing party who has been found to be in default.

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- 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 noted.
- 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.

Dated this 19 day of May, 2017

By, 
Randall Szabo OSB# 18304
Attorney for Plaintiff