

RECEIVED

SEP 26 2017

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

*mum*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

DITECH FINANCIAL LLC ,  
Plaintiff,

Case No. 16CV09613

v.

**WRIT OF EXECUTION**

THE UNKNOWN HEIRS AND ASSIGNS  
OF SHIRLEY A. THOMPSON; THE  
UNKNOWN DEVISEES OF SHIRLEY A.  
THOMPSON; DENISE RICH, AS TRUSTEE  
OF THE SHIRLEY ANN THOMPSON  
LIVING TRUST; DENISE RICH; TIMOTHY  
ARTHUR RICH; CYNTHIA SUZANNE  
SMITH; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 525 NW RADIO CT, TOLEDO,  
OREGON 97391,  
Defendants.

TO THE LINCOLN COUNTY SHERIFF:

On July 4, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lincoln 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 by an Assignment of Judgment is: New Penn Financial LLC D/B/A Shellpoint Mortgage Servicing 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 525 NW Radio CT, Toledo, Oregon 97391 ("Subject Property"), and legally described as:

1 LOT 5, PLAT OF VALLEY VIEW, IN THE CITY OF TOLEDO, COUNTY OF  
2 LINCOLN AND STATE OF OREGON.

3 The total amount due and owing on the Judgment as of July 18, 2017;

4 Judgment:	Principal	\$124,901.26
5	Attorney Fees	\$3,412.50
6	Costs	\$3,443.41
7	Prevailing Party Fee	\$300.00
8	Post-Judgment:	
9	Interest(7.12500%,\$15.59/day)	\$2,135.83 (3/4/17 through 7/18/17)
10	Attorney Fees	\$295.00

11 **TOTAL: \$134,488.00**

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



Signed: 7/19/2017 09:32 AM

A handwritten signature in black ink, appearing to read "St. Zalewski".

**Circuit Court Clerk Steven Zalewski**

21 Presented by:  
ALDRIDGE PITE, LLP

22 A handwritten signature in black ink, appearing to read "K. Riggs".  
23 \_\_\_\_\_  
24 Katie L. Riggs, OSB # 095861  
25 (858) 750-7600  
26 (503) 222-2260 (Facsimile)  
kriggs@aldridgepite.com  
111 SW Columbia Street Suite 950  
Portland, OR 97201  
Of Attorneys for Plaintiff

Page 2 – WRIT OF EXECUTION

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

DITECH FINANCIAL LLC  
Plaintiff,

v.

THE UNKNOWN HEIRS AND ASSIGNS  
OF SHIRLEY A. THOMPSON; THE  
UNKNOWN DEVISEES OF SHIRLEY A.  
THOMPSON; DENISE RICH, AS TRUSTEE  
OF THE SHIRLEY ANN THOMPSON  
LIVING TRUST; DENISE RICH; TIMOTHY  
ARTHUR RICH; CYNTHIA SUZANNE  
SMITH; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 525 NW RADIO CT, TOLEDO,  
OREGON 97391,  
Defendants.

Case No. 16CV09613

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

ORCP Rule 69

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

Based upon the Court’s Order of Default against defendants THE UNKNOWN HEIRS  
AND ASSIGNS OF SHIRLEY A. THOMPSON; THE UNKNOWN DEVISEES OF SHIRLEY  
A. THOMPSON; DENISE RICH, AS TRUSTEE OF THE SHIRLEY ANN THOMPSON  
LIVING TRUST; DENISE RICH; TIMOTHY ARTHUR RICH; CYNTHIA SUZANNE  
SMITH; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 525  
NW RADIO CT, TOLEDO, OREGON 97391, the records on file herein, and pursuant to the  
Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff DITECH  
FINANCIAL LLC. (“Plaintiff”),

1           **IT IS HEREBY ADJUDGED:**

2           1.       Plaintiff's security interest in the real property located at 525 NW RADIO CT,  
3 TOLEDO, OREGON 97391 ("Subject Property"), as evidenced by the Deed of Trust recorded  
4 August 17, 2001 in the official records of Lincoln County as instrument number 6247901 ("Deed  
5 of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
6 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
7 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

8                   LOT 5, PLAT OF VALLEY VIEW, IN THE CITY OF TOLEDO, COUNTY OF  
9 LINCOLN AND STATE OF OREGON.

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

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

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

23          5.       Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
24 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
25 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
26 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

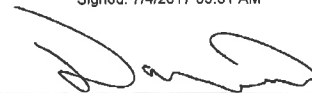
**DECLARATION OF AMOUNT DUE BY DEFAULT**

**(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 \$124,901.26.
2. Simple interest at the variable rate currently at 7.12500% (\$15.59 *per diem*) after March 3<sup>rd</sup>, 2017, through the date of sale.
3. Attorney fees of \$3,412.50, plus \$295.00, through the date of sale..
4. Costs of \$3,443.41, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 7/4/2017 09:31 AM



Circuit Court Judge David V. Cramer

**CERTIFICATE OF READINESS**

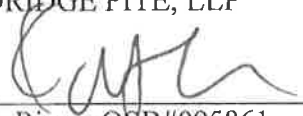
This proposed Order or Judgment is ready for judicial signature because:

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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

- 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: 6/19/17

Katie Riggs, OSB#095861  
Main Office: (858) 750-7600  
Direct: (503) 345-9478

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff