

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
27
28

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

JAMES ELMER HOLMES
and BETTY SPRING HOLMES,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
OREGON DEPARTMENT OF
REVENUE, JACQUES GINESTAR,
and TONYA M. GINESTAR,

Defendants.

Case No. 17CV12898

WRIT OF EXECUTION

Fee: \$37 ORS 21.050(1)

TO THE SHERIFF OF KLAMATH COUNTY:

WHEREAS, on July 24, 2017, in this court, a Judgment of Foreclosure was entered in this action and on July 28, 2017, a Supplemental Judgment for Attorney Fees, Costs and Disbursements was entered, true copies of which are attached hereto;

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 on execution (subject to redemption), all of the interest that defendants had on November 30, 2012, the date of the trust deed, and also all of the interest that defendants had thereafter, in the real property described in the judgment, to satisfy the sum of \$177,145.69, as of July 31, 2017, with interest at the rate of 9% per annum thereafter, and the costs of this writ, making due return within 60 days

WRIT OF EXECUTION, Page 1

DONALD R. CRANE
Attorney at Law, OSB No. 640207
37070 Highway 62, Chiloquin, OR 97624
Tel: (541) 783-7725 / Fax: (541) 783-2245
doncrane7@gmail.com

1 after you receive this writ. The mailing address of the judgment creditor is 20570 Webber Road,
2 Klamath Falls, OR 97603.

3 Dated: 07/31/17

4
5 John M. Powell
6 JOHN M. POWELL, Clerk of the Court
7 Circuit Court for Klamath County, Oregon

8 By: [Signature]
9 Deputy



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
27
28

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

JAMES ELMER HOLMES
and BETTY SPRING HOLMES,

Plaintiffs,

Case No. 17CV12898

v.

JUDGMENT OF FORECLOSURE

UNITED STATES OF AMERICA,
OREGON DEPARTMENT OF
REVENUE, JACQUES GINESTAR,
and TONYA M. GINESTAR,

Defendants.

Plaintiffs' Complaint for Foreclosure alleged:

On or about November 8, 2012, defendants Jacques Ginestar and Tonya M. Ginestar (hereinafter "Ginestars") executed and delivered to plaintiffs a promissory note and trust deed on real property then owned by Ginestars, with the following description:

Lots 1 and 2 in Block 201 of Mills Second Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

1200 Main Street, Klamath Falls, OR 97601

On January 16, 2017, defendants Ginestar executed an Estoppel Deed in Lieu of Foreclosure (Nonmerger) conveying the described real property to plaintiffs.

The entire unpaid balance on the promissory note became due and payable on November 1, 2016. At that time there was due and owing the sum of \$155,161, with interest thereon at the rate of 5.5% per annum from November 1, 2016, and a late payment charge of

JUDGMENT OF FORECLOSURE, Page 1

DONALD R. CRANE
Attorney at Law, OSB No. 640207
37070 Highway 62, Chiloquin, OR 97624
Tel: (541) 783-7725 / Fax: (541) 783-2245
doncrane7@gmail.com

1 5% of the unpaid amount, or \$7,758, which was also due and payable. This sum remained a
2 lien against the real property described above;

3 The records of this court show that Orders of Default have been entered against United
4 States of America, Oregon Department of Revenue, Jacques Ginestar and Tonya M Ginestar
5 for failing to appear herein within the time allowed after service of summons and a certified
6 copy of plaintiffs' complaint on each of them in the manner provided by law;

7 IT IS HEREBY ORDERED AND ADJUDGED:

8 1. Plaintiff is awarded judgment, collectible only against the real property described as:

9 Lots 1 and 2 in Block 201 of Mills Second Addition to the City of Klamath
10 Falls, according to the official plat thereof on file in the office of the County
Clerk of Klamath County, Oregon.

11 1200 Main Street, Klamath Falls, OR 97601;

12 in the amount of \$155,161, with interest thereon at the rate of 5.5% per annum from
13 November 1, 2016, to the date of entry of this judgment, plus late payment charges of \$7,758
14 and plaintiffs' reasonable attorney fees, costs and disbursements determined in accordance
15 with ORCP 68; plus postjudgment interest on the entire sum at the rate of 9% per annum from
16 the date of entry of this judgment.

17 2. The trust deed executed and delivered by defendants Ginestar to plaintiffs on or about
18 November 30, 2012, and recorded on December 3, 2002, as document 2012-013363 of the
19 official records of Klamath County, Oregon, is a valid lien for the amount of plaintiffs'
20 judgment set forth in paragraph 1 above against the real property, situated in Klamath County,
21 Oregon, described as Lots 1 and 2 in Block 201 of Mills Second Addition to the City of
22 Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of
23 Klamath County, Oregon; 1200 Main Street, Klamath Falls, OR 97601; and that lien is senior
24 to any interest of the defendants, or any of them, in the property.

25
26
27 JUDGMENT OF FORECLOSURE, Page 2

28 **DONALD R. CRANE**
Attorney at Law, OSB No. 640207
37070 Highway 62, Chiloquin, OR 97624
Tel: (541) 783-7725 / Fax: (541) 783-2245
doncrane7@gmail.com

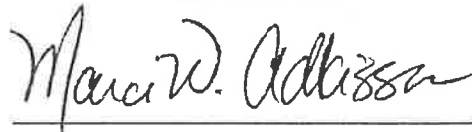
1 3. The trust deed lien is foreclosed and the above described real property must be sold by
2 the sheriff of Klamath County, Oregon, in the manner provided by law and in accordance with
3 the practice of this court.

4 4. The proceeds of sale must be applied first toward the costs of sale; then toward the
5 satisfaction of plaintiffs' judgment awarded herein; and the surplus, if any, to the clerk of the
6 court to be distributed to such party or parties as may establish their right thereto.

7 5. All defendants, and each of them, and all persons claiming through defendants are
8 forever foreclosed of all interest in the property and every portion thereof excepting only any
9 right of redemption as defendants, or any of them, may have therein.

10 6. Plaintiff or any other party to this action may become the purchaser at the sale of the
11 property. The purchaser is entitled to exclusive possession of the property from and after the
12 date of sale.

Signed: 7/24/2017 09:59 AM



Circuit Court Judge Marci W. Adkisson

13
14
15
16
17
18
19
20 Submitted by:

21 DONALD R. CRANE, OSB No. 640207
22 Email: doncrane7@gmail.com
23 Attorney for Plaintiffs

24
25 CERTIFICATE OF READINESS UNDER UTCR 5.100

26 JUDGMENT OF FORECLOSURE, Page 3

27
28 **DONALD R. CRANE**
Attorney at Law, OSB No. 640207
37070 Highway 62, Chiloquin, OR 97624
Tel: (541) 783-7725 / Fax: (541) 783-2245
doncrane7@gmail.com

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
27
28

This proposed judgment is ready for judicial signature because:

1. The relief sought is a judgment of foreclosure against certain real property.

2. An order of default against defendant United States of America was entered on July 10, 2017, and orders of default against defendants, Jacques Ginestar, Tonya M. Ginestar, and Oregon Department of Revenue was entered on July 11, 2017.

3. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

Dated this 21st day of July, 2017.

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

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
27
28

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

JAMES ELMER HOLMES
and BETTY SPRING HOLMES,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
OREGON DEPARTMENT OF
REVENUE, JACQUES GINESTAR,
and TONYA M. GINESTAR,

Defendants.

Case No. 17CV12898

SUPPLEMENTAL JUDGMENT FOR
ATTORNEY FEES, COSTS AND
DISBURSEMENT FOR PLAINTIFFS

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

1.

Orders of Default were entered against defendants Oregon Department of Revenue, Jacques Ginestar, and Tonya M. Ginestar, and each of them, on July 11, 2017. An Order of Default was entered against defendant United States of America on July 10, 2017.

2.

A Judgment of Foreclosure was entered against the defendants, and each of them, on July 24, 2017, which provided in part that plaintiffs were awarded plaintiffs' attorney fees, costs, disbursements pursuant to ORCP 68.

3.

SUPPLEMENTAL JUDGMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS FOR PLAINTIFFS,
Page 1

DONALD R. CRANE
Attorney at Law, OSB No. 640207
37070 Highway 62, Chiloquin, OR 97624
Tel: (541) 783-7725 / Fax: (541) 783-2245
doncrane7@gmail.com

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
27
28

Plaintiff have filed their 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.

5.

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

IT IS HEREBY ORDERED AND ADJUDGED:

- (a) Plaintiffs are awarded a supplemental judgment against defendants, and each of them, in the sum of \$7,733.26, 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, Jacques Ginestar and Tonya M. Ginestar, to plaintiffs on or about November 30, 2012, and recorded on December 3, 2012, as instrument No. 2012-013363 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 and that the lien described herein is senior to any interest of the defendants in the property.
- (c) The remedies described in paragraphs 3 through 6 of the Judgment of Foreclosure shall apply to this Supplemental Judgment.

Signed: 7/27/2017 11:30 AM


 Circuit Court Judge Roxanne Osborne

Submitted by:

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

SUPPLEMENTAL JUDGMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS FOR PLAINTIFFS,
Page 2

DONALD R. CRANE
 Attorney at Law, OSB No. 640207
 37070 Highway 62, Chiloquin, OR 97624
 Tel: (541) 783-7725 / Fax: (541) 783-2245
 doncrune7@gmail.com

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 was entered against defendant, United States of America, on July 10, 2017.
3. Orders of Default were entered against defendants, Oregon Department of Revenue, Jacques Ginestar, and Tonya M. Ginestar, and each of them, on July 11, 2017.
4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

Dated: July 26, 2017.

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