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2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
7 Seattle, WA 98164
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10 Email: cpeterson@robinsontait.com
11 Email: jfender@robinsontait.com
12 Email: khoo@robinsontait.com

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CIRCUIT COURT OF OREGON FOR KLAMATH COUNTY

LAKEVIEW LOAN SERVICING, LLC,

Plaintiff,

NO. 17CV15285

v.

WRIT OF EXECUTION IN FORECLOSURE

AMANDA HASCALL; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

TO: KLAMATH COUNTY SHERIFF

1. WHEREAS, on June 16, 2017, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

Lakeview Loan Servicing, LLC
c/o Flagstar Bank, FSB
5151 Corporate Drive
Troy, MI 48098

1 For the purpose of this Writ, the Judgment Creditor's address is as follows:

2
3 Flagstar Bank, FSB
4 c/o Robinson Tait, P.S.
5 901 Fifth Avenue, Suite 400
6 Seattle, Washington 98164

7 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is
8 legally described as

9 SEE LEGAL DESCRIPTION ATTACHED TO THE JUDGMENT AS EXHIBIT A
10 and commonly known as 2080 Etna St, Klamath Falls, OR 97603.

11 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
12 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
13 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
14 had on April 28, 2010, the date of the Deed of Trust, and also all of the interest which the
15 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
16 which as of August 2, 2017,

17 **Lenders Principal Judgment:**

18	1. Unpaid Principal Balance	<u>\$126,239.09</u>
19	2. Pre-Judgment Interest from February 1, 2016	
20	to June 9, 2017, the date calculated by the Declarant	
21	in the Declaration in Support of Judgment	<u>\$8,768.20</u>
22	3. Lenders Fees and Costs	<u>\$2,702.35</u>
23	4. Attorney's Fees and Costs	<u>\$4,376.51</u>

24 ***Total Judgment Award Entered*** \$142,086.15

25 **Additional Pre Judgment Interest**

26	1. Accrued Interest from June 10, 2017	
27	to June 16, 2017, the date of entry	
28	of Judgment	<u>\$124.11</u>

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Total Judgment Award

\$142,210.26

Post Judgment Interest

- 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$35.07, from June 17, 2017, the day after the entry of judgment, through August 2, 2017, the date the writ is being requested \$1,648.29

Current Total Amount Owing \$ 143,858.55

In addition to the above, interest continues to accrue on the total of the amounts listed above at the rate of 9% per annum or at \$35.07 per diem, in accordance with the General Judgment of Foreclosure and continues to accrue until the date of sale.

5. 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 and Money Award, interest, fees and costs.

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

DATED this 15 day of August, 2017.

John m. Powell, TCA



by: Nancy Henderson
clerk

EXHIBIT A

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CIRCUIT COURT OF OREGON FOR KLAMATH COUNTY

LAKEVIEW LOAN SERVICING, LLC,

Plaintiff,

v.

AMANDA HASCALL; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THIS
COMPLAINT HEREIN,

Defendants.

NO. 17CV15285

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the plaintiff, LAKEVIEW LOAN SERVICING, LLC, appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Plaintiff, LAKEVIEW LOAN SERVICING, LLC be awarded judgment in the sum of \$126,239.09, together with interest at a rate as provided in the Note from February 1, 2016 through June

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2 9. 2017 in the amount of \$8,768.20 with additional pre-judgment interest at the per diem rate of \$17.73
3 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
4 \$2,635.00, plus other recoverable amounts of \$2,702.35 which includes the amounts itemized in the
5 declaration of the lender in support of motion for judgment plus allowable costs of \$1,741.51 as itemized
6 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
7 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and,
8

9 2. Plaintiff's Deed of Trust on real property in Klamath County, Oregon, legally
10 described as follows:

11 **SEE EXHIBIT "A"**

12 which was recorded on May 5, 2010, under Auditor's File No. 2010-005299, records of Klamath
13 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
14 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
15 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
16 Sheriff of Klamath County in the manner provided for by law, and the proceeds therefrom shall be
17 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
18 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
19 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of
20 Amanda Hascall and of any one claiming by, through or under them; and
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23 3. Amanda Hascall subsequent to April 28, 2010, the date of the Deed of Trust which is
24 foreclosed herein, be forever barred and estopped from claiming or asserting any right, title, lien or
25 interest in or to said property or any part thereof, save and except for the right of redemption as
26 allowed by law; and
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2 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
3 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
4 law, and to all right, title and interest in any rents and profits generated or arising from the property
5 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
6 secure possession, including writ of assistance, if defendants or any of them or any other party or person
7 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
8 possession; and
9

10 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
11 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
12 pay the remaining proceeds as directed by the court in the order of distribution.
13

14 **DECLARATION DETERMINING AMOUNT OF DEBT**
15 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

16 Judgment Creditor: LAKEVIEW LOAN SERVICING, LLC
17 c/o Robinson Tait, P.S.
18 901 Fifth Avenue, Suite 400
19 Seattle, WA 98164
(206) 676-9640

20 Attorney for Judgment Creditor: Craig Peterson
21 Robinson Tait, P.S.
22 901 Fifth Avenue, Suite 400
23 Seattle, WA 98164
(206) 676-9640

24 The name of any person or public body,
25 other than the Judgment Creditor's
26 Attorney, who is entitled to any
portion of the judgment: None

27 Principal Balance: \$126,239.09

28 Simple Interest on the Principal Balance
from February 1, 2016 to June 9, 2017: \$8,768.20

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Other Amounts Due Under Terms of Loan: \$2,702.35

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,635.00
Total Costs: \$1,741.51

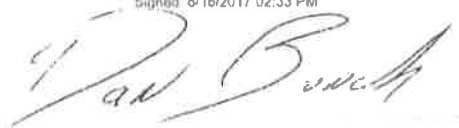
Total Attorney Fees and Costs: \$4,376.51

TOTAL DEBT OWED \$142,086.15

Pre-Judgment: Additional pre-judgment interest accrues from June 10, 2017, to the date of entry of judgment at the per diem rate of \$17.73, in accordance with the Note

Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed 6/16/2017 02:33 PM



Circuit Court Judge Dan Bunch

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Jaimie Lender, OSB #120832
Email: jlender@robinsontait.com
 Kimberly Hood, OSB #123008
Email: khood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE 4
01810090 0100R17 1987

ROBINSON TAIT, P.S.
501 Lake Street, Suite 100
Seattle, WA 98101
Tel: (206) 467-9640

Exhibit A

Lot 1, Block 3, PLEASANT VIEW TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

SAVING AND EXCEPTING therefrom the following:

Beginning at the Northeasterly corner of said Lot 1; thence South along East line of said Lot, 85 feet; thence West parallel to the North line of said Lot, a distance of 150 feet, more or less, to the West line of said Lot; thence North along said West line, 85 feet to the Northwest corner of said Lot; thence East along North line of said Lot, 150 feet, more or less, to the point of beginning.


CERTIFICATE OF READINESS- UTCR 5.100

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

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting 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.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

6-14-17



Attorney, OSB

120365