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

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR BANC OF AMERICA
FUNDING CORPORATION 2008-1

Case No.: 15CV32132

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

CURTIS OWEN PALMERTON AKA CURT
O. PALMERTON; THE UNKNOWN HEIRS
AND DEVISEES OF HEATHER L.
PALMERTON; ASHLEY KABER;
MCKENZIE PALMERTON; OCCUPANTS
OF THE PROPERTY

Defendants.

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 15, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA
FUNDING CORPORATION 2008-1

Submitted By:

Michael Scott
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$247,011.11, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 3/15/2017 to 5/10/2017 in the amount of \$3,410.78, and continuing
3 with a per diem of \$60.91, currently totaling \$250,421.89.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about April 5, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property legally described in the attached *Exhibit 1* having APN/Parcel #
9 R574319 and commonly known as: 4980 Southview Dr, Klamath Falls, OR 97603.

10 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
11 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
12 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.

13
14
15 June 6, 2017



16
17
18 Dated: 5/12/2017 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s / Michael S. Scott

21 Robert Hakari OSB No. 114082
22 Jeremy Clifford OSB No. 142987
23 X Michael S. Scott OSB No. 973947
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 1 in Block 13, TRACT 1064, FIRST ADDITION TO GATEWOOD, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

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

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR BANC OF AMERICA
FUNDING CORPORATION 2008-1,

Plaintiff,

vs.

CURTIS OWEN PALMERTON AKA CURT
O. PALMERTON; THE UNKNOWN HEIRS
AND DEVISEES OF HEATHER L.
PALMERTON; ASHLEY KABER;
MCKENZIE PALMERTON; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 15CV32132

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants CURTIS OWEN PALMERTON AKA CURT O. PALMERTON; THE UNKNOWN HEIRS AND DEVISEES OF HEATHER L. PALMERTON; ASHLEY KABER; MCKENZIE PALMERTON; and OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States; now therefore,

1	a) Unpaid principal balance:	\$166,270.76
2	b) Prejudgment interest accruing from	\$59,911.59
3	8/1/2011 through 3/14/2017 and	
4	continuing until the entry of judgment	
5	at the current Note rate of 6.87500%:	
6	c) Additional amounts due under the	\$16,350.48
7	terms of the loan:	
8	d) Attorney fees and costs:	\$4,393.28
9	e) Prevailing party fee (ORS 20.190	\$85.00
10	(2)(a)):	
11	Total:	\$247,011.11

12 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
13 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
14 per annum.

15 e. The interest of the Defendants and any successor in interest in the Subject Property is
16 foreclosed and terminated excepting only any statutory right of redemption as provided by
17 Oregon law.

18 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

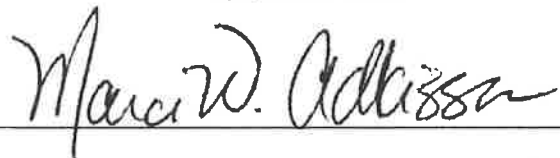
19 g. All right, title and interest in the Subject Property that Borrowers Curtis Owen Palmerton and
20 Heather L. Palmerton had as of the date of the Deed of Trust or thereafter acquired is hereby
21 ordered to be sold by the Klamath County Sheriff's Office in accordance with the process for
22 sale upon execution, and the proceeds of sale shall be applied:

- 23 1) First, to the costs of sale not incurred by Plaintiff;
- 24 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
25 entry of judgment through the date of the sale and any incurred costs of sale;
- 26 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
27 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
28 such party or parties as they may establish their right thereto.

///

- 1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.

Signed: 3/15/2017 09:26 AM



Circuit Court Judge Marci W. Adkisson

20 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

21 This proposed General Judgment of Foreclosure is ready for judicial signature because:

22 Each opposing party affected by this order or judgment has stipulated to the order or
23 judgment, as shown by each opposing party's signature on the document being
24 submitted.

25 Each opposing party affected by this order or judgment has approved the order or
26 judgment, as shown by signature on the document being submitted or by written
27 confirmation of approval sent to me.

28 I have served a copy of this order or judgment on all parties entitled to service and:

- 1 No objection has been served on me.
2 I received objections that I could not resolve with the opposing party despite
3 reasonable efforts to do so. I have filed a copy of the objections I received and
 indicated which objections remain unresolved.
4 After conferring about objections, _____ agreed to independently file
 any remaining objection.

5 The relief sought is against an opposing party who has been found in default.

6 An order of default is being requested with this proposed judgment.

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

8 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.

9 Other: _____

10 Dated: March 14, 2017

11 Presented by:

12 **McCarthy & Holthus, LLP**

13 s/ Jeremy Clifford

14 Casey C. Pence, OSB No. 975271

15 Jeremy Clifford, OSB No. 142987

16 920 SW 3rd Ave, 1st Floor

17 Portland, OR 97204

18 Phone: (971) 201-3200

19 Fax: (971) 201-3202

20 jclifford@mccarthyholthus.com

21 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 1 in Block 13, TRACT 1064, FIRST ADDITION TO GATEWOOD, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.