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LINN COUNTY  
SHERIFF'S OFFICE

Verified Correct Copy of Original 10/19/2017

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

MATRIX FINANCIAL SERVICES  
CORPORATION,

Plaintiff,

v.

DARREN R. SUTHERLIN; SHANNON  
SUTHERLIN AND ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 1105 BROADWAY ST SW,  
ALBANY, OR 97321,  
Defendant.

Case No. 17CV11379

**WRIT OF EXECUTION**

TO THE LINN COUNTY SHERIFF:

On August 25, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN 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 is: MATRIX FINANCIAL SERVICES CORPORATION 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 1105 BROADWAY ST SW, ALBANY, OR 97321 ("Subject Property"), and legally described as:

BEGINNING AT A 3/8" ROD ON THE EAST LINE OF AND 73.70 FEET NORTHERLY FROM THE SOUTHEAST CORNER OF LOT 2 IN BLOCK 16 OF CITY VIEW ADDITION TO ALBANY, LINN COUNTY, OREGON, AND RUNNING THENCE

1 WESTERLY PARALLEL TO THE NORTH LINE OF SAID BLOCK, 118.10 FEET TO A 3/8"  
2 IN ROD ON THE WEST LINE OF SAID BLOCK; THENCE NORTHERLY ALONG THE  
3 EAST LINE OF BROADWAY, 66.62 FEET TO A 3/8" ROD IN THE CENTER LINE OF  
4 ELEVENTH STREET EXTENDED WEST; THENCE EASTERLY ALONG THE CENTER  
5 LINE OF ELEVENTH STREET EXTENDED WEST A DISTANCE OF 108.17 FEET TO A  
6 3/8" IN ROD; THENCE SOUTHERLY 66 FEET TO THE PLACE OF BEGINNING

7 The total amount due and owing on the Judgment as of October 4, 2017;

8	Judgment:	Principal	\$195,076.94
9	Pre-Judgment:	Interest(3.875%, \$19.48/day)	\$1,481.61 (8/2/17 through 8/25/17)
10		Attorney Fees	\$2,340.00
11		Costs	\$1,496.00
12		Prevailing Party Fee	\$300.00
13	Post-Judgment:	Interest(3.875%, \$19.48/day)	\$779.20 (8/26/17 through 10/4/17)
14		Attorney Fees	\$260.00

15 TOTAL: \$201,733.75

16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
17 and sell the Subject Property.

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After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

DATED 10/19/17



COURT ADMINISTRATOR FOR LINN COUNTY CIRCUIT COURT  
By: [Signature]

Presented by:  
ALDRIDGE PITE, LLP

x [Signature]  
Sarah M. Mathenia, OSB #120681  
(858) 750-7600  
(503) 222-2260 (facsimile)  
smathenia@aldridgepite.com

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

MATRIX FINANCIAL SERVICES CORPORATION,

Plaintiff,

v.

DARREN R. SUTHERLIN; SHANNON SUTHERLIN and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1105 BROADWAY ST SW, ALBANY, OR 97321,

Defendants.

Case No. 17CV11379

**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 DARREN R. SUTHERLIN; SHANNON SUTHERLIN and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1105 BROADWAY ST SW, ALBANY, OR 97321, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff MATRIX FINANCIAL SERVICES CORPORATION ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 1105 BROADWAY ST SW, ALBANY, OR 97321 ("Subject Property"), as evidenced by the Deed of Trust recorded April 5, 2013 in the official records of LINN County as instrument number 2013-05795 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,

1 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
2 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

3 BEGINNING AT A 3/8" ROD ON THE EAST LINE OF AND 73.70 FEET  
4 NORTHERLY FROM THE SOUTHEAST CORNER OF LOT 2 IN BLOCK 16 OF  
5 CITY VIEW ADDITION TO ALBANY, LINN COUNTY, OREGON, AND RUNNING  
6 THENCE WESTERLY PARALLEL TO THE NORTH LINE OF SAID BLOCK, 118.10  
7 FEET TO A 3/8" IN ROD ON THE WEST LINE OF SAID BLOCK; THENCE  
8 NORTHERLY ALONG THE EAST LINE OF BROADWAY, 66.62 FEET TO A 3/8"  
9 ROD IN THE CENTER LINE OF ELEVENTH STREET EXTENDED WEST;  
10 THENCE EASTERLY ALONG THE CENTER LINE OF ELEVENTH STREET  
11 EXTENDED WEST A DISTANCE OF 108.17 FEET TO A 3/8" IN ROD; THENCE  
12 SOUTHERLY 66 FEET TO THE PLACE OF BEGINNING

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

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

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

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

21 DECLARATION OF AMOUNT DUE BY DEFAULT

22 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
23 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

24 1. The amount of the judgment is \$195,076.94.

25 2. Simple interest at the variable rate currently at 3.875% (\$593.10 *per diem*) after  
26 August 1, 2017 through the date of sale.

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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- 3. Attorney fees of \$2,340.00, plus \$260.00, through the date of sale.
- 4. Costs of \$1,496.00 plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 8/23/2017 04:57 PM



**Circuit Court Judge, Thomas A. McHill**

**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.
- 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.

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- 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

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Of Attorneys for Plaintiff

Date: August 18, 2017