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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

THE ESTATE OF RANDALL KENT LUBIN; THE UNKNOWN HEIRS AND ASSIGNS OF RANDALL KENT LUBIN; THE UNKNOWN DEVISEES OF RANDALL KENT LUBIN; PATRICK LUBIN; KATHLEEN ANN LUBIN; STATE OF OREGON; RAY KLEIN, INC., DBA PROFESSIONAL CREDIT SERVICE; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 125 WARREN ROAD, SELMA, OR 97538,,
Defendant.

Case No. 15CV27986

WRIT OF EXECUTION

TO THE JOSEPHINE COUNTY SHERIFF:

On August 31, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Josephine 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: WELLS FARGO BANK, N.A. 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 125 Warren Road, Selma, OR 97538 ("Subject Property"), and legally described as:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER

1 OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 38 SOUTH, RANGE 8
2 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE
3 RUNNING WEST ALONG THE SOUTH LINE OF THE SUBDIVISION 965.8 FEET, TO
4 THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE RUNNING WEST
5 354.1 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE
6 RUNNING NORTH 700 FEET TO THE SOUTHERLY LINE OF THE EXISTING ROAD;
7 THENCE ALONG SAID ROAD LINE NORTH 47° EAST 484 FEET; THENCE SOUTH
8 1029.3 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THAT
9 PART LYING IN WARREN ROAD CONVEYED TO JOSEPHINE COUNTY, OREGON BY
10 QUITCLAIM DEED RECORDED FEBRUARY 15, 1966, IN DEED BOOK 248, PAGE 594,
11 JOSEPHINE COUNTY DEED RECORDS.

12 The total amount due and owing on the Judgment as of October 12, 2017;

13 Judgment:	Principal	\$210,065.20
14 Pre-Judgment:	Interest(3.00%, \$16.26/day)	\$9,219.42 (2/12/16 through 8/31/17)
15	Attorney Fees	\$4,517.50
16	Costs	\$2,910.20
17	Prevailing Party Fee	\$300.00
18 Post-Judgment:	Interest(3.00%, \$16.26/day)	\$682.92 (9/1/17 through 10/12/17)
19	Attorney Fees	\$317.50

20 **TOTAL: \$228,012.74**

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

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Page 2 – WRIT OF EXECUTION

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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.

A. Gaspari
Court Clerk



Presented by:
ALDRIDGE PITE, LLP

Katie Riggs

Katie L. Riggs, OSB # 095861
(858) 750-7600
(503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

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

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF RANDALL KENT LUBIN; THE UNKNOWN HEIRS AND ASSIGNS OF RANDALL KENT LUBIN; THE UNKNOWN DEVISEES OF RANDALL KENT LUBIN; PATRICK LUBIN; KATHLEEN ANN LUBIN; STATE OF OREGON; RAY KLEIN, INC., DBA PROFESSIONAL CREDIT SERVICE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 125 WARREN ROAD, SELMA, OR 97538,

Defendants.

Case No. 15CV27986

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 ESTATE OF RANDALL KENT LUBIN; THE UNKNOWN HEIRS AND ASSIGNS OF RANDALL KENT LUBIN; THE UNKNOWN DEVISEES OF RANDALL KENT LUBIN; PATRICK LUBIN; STATE OF OREGON; RAY KLEIN, INC., DBA PROFESSIONAL CREDIT SERVICE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 125 WARREN ROAD, SELMA, OR 97538, Stipulated Limited Judgment of Foreclosures against Defendant Kathleen Ann Lubin, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff WELLS FARGO BANK,

1 N.A. ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 125 Warren Road,
4 Selma, OR 97538 ("Subject Property"), as evidenced by the Deed of Trust recorded March 28,
5 2006 in the official records of Josephine County as instrument number 2006-006406 ("Deed of
6 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
7 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
8 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

9 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER
10 OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 38 SOUTH,
11 RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY,
12 OREGON; THENCE RUNNING WEST ALONG THE SOUTH LINE OF THE
13 SUBDIVISION 965.8 FEET, TO THE TRUE POINT OF BEGINNING OF THIS
14 DESCRIPTION; THENCE RUNNING WEST 354.1 FEET TO THE SOUTHWEST
15 CORNER OF SAID SUBDIVISION; THENCE RUNNING NORTH 700 FEET TO THE
16 SOUTHERLY LINE OF THE EXISTING ROAD; THENCE ALONG SAID ROAD
17 LINE NORTH 47° EAST 484 FEET; THENCE SOUTH 1029.3 FEET TO THE TRUE
18 POINT OF BEGINNING. EXCEPTING THEREFROM THAT PART LYING IN
19 WARREN ROAD CONVEYED TO JOSEPHINE COUNTY, OREGON BY
20 QUITCLAIM DEED RECORDED FEBRUARY 15, 1966, IN DEED BOOK 248, PAGE
21 594, JOSEPHINE COUNTY DEED RECORDS.

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

25 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
26 due under the Note and Deed of Trust and any future advances and/or fees that may be made or

1 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
2 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

3 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
4 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
5 68(C), which amount may be added to the outstanding obligation due and owing under the Note
6 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
7 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
8 by sale of the Subject Property as directed under this Judgment;

9 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
10 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
11 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
12 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
13 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

25 8. Plaintiff or any other party to this action may become a purchaser at the
26 foreclosure sale, and such purchaser shall be immediately let into possession of the subject

1 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
2 successor in interest may apply to this Court for a writ of assistance to gain possession of the
3 subject property if Defendants or any other party or person refuses to surrender possession;

4 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 7
- 8 1. The amount of the judgment is \$210,065.20.
 - 9 2. Simple interest at the variable rate currently at 3.00% (\$16.26 *per diem*) after
10 February 11th, 2016, through the date of sale.
 - 11 3. Attorney fees of \$4,517.50, plus \$317.50, through the date of sale.
 - 12 4. Costs of \$2,910.20, plus costs accrued through the date of sale.
 - 13 5. Prevailing party fee: \$300.00.

14 **IT IS SO ADJUDGED**

Signed: 8/30/2017 03:17 PM

16 

17 **Circuit Court Judge Lindi L. Baker**

18

19

20 **CERTIFICATE OF READINESS**

21

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

- 23 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
24 or Judgment, as shown by each opposing party's signature on the document being
25 submitted.
- 26 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

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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.
- 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: 8/25/2017

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Portland, OR 97201

Of Attorneys for Plaintiff