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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2004-24CB),  
Plaintiff,

Case No. 17CV16943

**WRIT OF EXECUTION**

v.

JASON D. FROMM; LEE M. FROMM;  
PORTFOLIO RECOVERY ASSOCIATES  
and ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 221  
MILLER ISLAND RD, KLAMATH FALLS,  
OR 97603,

Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On September 27, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Klamath 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: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2004-24CB) 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 221 Miller Island Rd, Klamath Falls, OR 97603 ("Subject Property"), and legally described as:

THE E1/2 OF THE W1/2 OF W1/2 OF SW1/4 OF SW1/4 OF SECTION 20, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

1 The total amount due and owing on the Judgment as of November 6, 2017;

2	Judgment:	Principal	\$225,186.91
3	Pre-Judgment:	Interest(6.625%, \$24.85/day)	\$670.95 (August 31, 2017 through
4			September 27, 2017)
5		Attorney Fees	\$3,095.00
6		Costs	\$1,418.00
7		Prevailing Party Fee	\$300.0
8	Post-Judgment:	Interest(6.625%, \$24.85/day)	\$670.95 (September 28, 2017 through
9			November 6, 2017)
10		Attorney Fees	\$305.00
11		Costs	\$0.00

12 **TOTAL: \$231,969.86**

13 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
14 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
15 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
16 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
17 holder of the certificate of sale.

18 November 8, 2017

19  John M. Powell  
TRIAL COURT ADMINISTRATOR

20 [Signature]  
CIRCUIT COURT CLERK

21 Presented by:  
22 ALDRIDGE PITE LLP

23 Kate Riggs

24 Katie L. Riggs, OSB # 095861  
25 (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 KLAMATH**

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2004-24CB),  
Plaintiff,

v.

JASON D. FROMM; LEE M. FROMM;  
PORTFOLIO RECOVERY ASSOCIATES  
and ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 221  
MILLER ISLAND RD, KLAMATH FALLS,  
OR 97603 ,  
Defendants.

Case No. 17CV16943

**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 JASON D. FROMM; LEE  
M. FROMM; PORTFOLIO RECOVERY ASSOCIATES and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
REAL PROPERTY COMMONLY KNOWN AS 221 MILLER ISLAND RD, KLAMATH  
FALLS, OR 97603 , the records on file herein, and pursuant to the Motion for General Judgment  
and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2004-24CB) (“Plaintiff”),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff’s security interest in the real property located at 221 Miller Island Rd,  
Klamath Falls, OR 97603 (“Subject Property”), as evidenced by the Deed of Trust recorded  
August 27, 2004 in the official records of Klamath County as instrument number Vol:M04  
Page:56978 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the

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

4 The E1/2 of the W1/2 of W1/2 of SW1/4 of SW1/4 of Section 20, Township 39 South,  
5 Range 9 East of the Willamette Meridian, Klamath County, Oregon.

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

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

13 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
14 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
15 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
16 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
17 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
18 by sale of the Subject Property as directed under this Judgment;

19 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
20 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
21 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
22 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
23 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

26 7. The Sheriff shall make a return on the writ of execution to the court administrator  
Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
2 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
3 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
4 parties as may establish their right thereto. The Defendants and all persons claiming through or  
5 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
6 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
7 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
8 every part of the Subject Property when the time for redemption has elapsed;

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

14 DECLARATION OF AMOUNT DUE BY DEFAULT  
15 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
16 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 17 1. The amount of the judgment is \$225,186.91.
- 18 2. Simple interest at the variable rate currently at 6.62500% (\$24.85 *per diem*) after  
19 8/31/2017, through the date of sale.
- 20 3. Attorney fees of \$3,095.00, plus \$305.00, through the date of sale.
- 21 4. Costs of \$1,418.00, plus costs accrued through the date of sale.
- 22 5. Prevailing party fee: \$300.00.

23 **IT IS SO ADJUDGED**

Signed: 9/27/2017 10:32 AM



**Circuit Court Judge Andrea Janney**

1 CERTIFICATE OF READINESS

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

- 3
- 4 1.  Each opposing party affected by this Order or Judgment has stipulated to the Order
- 5 or Judgment, as shown by each opposing party's signature on the document being
- 6 submitted.
- 7 2.  Each opposing party affected by this Order or Judgment has approved the Order or
- 8 Judgment, as shown by signature on the document being submitted or by written
- 9 confirmation of approval sent to me.
- 10 3.  I have served a copy of this Order or Judgment on all parties entitled to service and:
- 11 a.  No objections have been served on me within that time frame;
- 12 b.  I received objections that I could not resolve with the opposing party despite
- 13 reasonable efforts to do so. I have filed with the Court a copy of the objections I
- 14 received and indicated which objections remain unresolved;
- 15 c.  After conferring about objections, [**Opposing Party**] agreed to independently
- 16 file any remaining objection with the Court.
- 17 4.  The relief sought is against an opposing party who has been found in default.
- 18 5.  An order of default is being requested with this proposed judgment.
- 19 6.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 20 otherwise.
- 21 7.  This is a proposed judgment that includes an award of punitive damages and notice
- 22 has been served on the Director of the Crime Victims' Assistance Section as required by
- 23 subsection (4) of this rule.

24 Presented By:  
ALDRIDGE PITE, I.I.P

25 

9/22/2017

Date: \_\_\_\_\_

26 Katie Riggs (OSB # 095861)  
(858) 750-7600  
(619) 326-2430  
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff