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

DITECH FINANCIAL, LLC,

Plaintiff,

vs.

GLEN O BOEHME JR, an individual;
BETTY L BOEHME, an individual; and all
other persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: 16CV21224

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

1.

WHEREAS, on November 16, 2016, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to redemption, if applicable), all of the interest which the Defendants GLEN O BOEHME JR, an individual; BETTY L BOEHME (“Defendants”) had on February 13, 2005, the date of the foreclosed Deed of Trust which was recorded on February 21, 2008, as Instrument No. 2008-002207 in the official records of the Klamath County Recorder’s Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender’s Principal Judgment:

Unpaid Principal Balance:	\$133,018.50
Pre-Judgment Interest from March 1, 2014 to November 11, 2016, the date set forth in the Judgment at 6.250%, per annum, (\$22.78 per diem):	\$ 22,397.37
Lender’s Fees and Costs:	\$11,577.16
Attorney’s Fees and Costs:	\$4,321.00
Total Judgment Entered:	\$171,314.03

Additional Pre-Judgment Interest:

Accrued Interest from November 12, 2016, the day after the date set forth in the Judgment through November 16, 2016, the date of entry of the Judgment, at 6.25%, per annum (\$42.25 per diem):	\$45.46
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1 **Total Judgment Entered Including**

2 **Additional Pre-Judgment**

3 **Interest: \$ 171,359.59**

4 3.

5 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$171,359.59 at
6 the legal rate of interest of 9% per annum, \$42.25 per diem, from November 17, 2016 to the date the
7 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
8 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

9 4.

10 The real property subject to this writ of execution is commonly known as 5984 Delaware
11 Avenue, Klamath Falls, OR 97603 ("Property") and described in Exhibit "1" attached hereto.

12 5.

13 The Judgment Creditor's name and address is:

14 Ditech Financial, LLC
15 345 St. Peter Street
16 St. Paul, Minnesota 55102-1211

17 The Judgment Creditor's name and address for the purpose of this Writ is:

18 Ditech Financial, LLC
19 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
20 2112 Business Center Drive
21 Irvine, CA 92612
22 949-252-9400

23 \\\
24 \\\
25 \\\
26 \\\
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28 \\\

EXHIBIT "1"

Westerly 100 feet of Lots 7 and 8, HOMELAND TRACTS #2, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.


 County of KLAMATH
 STATE OF OREGON
 I hereby certify that the within is a
 true and correct copy and the whole
 of the original.
 Clerk of Court
 By *[Signature]*
 Date 10/24/2017

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF KLAMATH

DITECH FINANCIAL, LLC,

CASE NUMBER: 16CV21224

Plaintiff,

vs.

**STIPULATED GENERAL JUDGMENT OF
FORECLOSURE AS TO DEFENDANTS
GLEN O BOEHME JR AND BETTY L
BOEHME**

GLEN O BOEHME JR, an individual;
BETTY L BOEHME, an individual; and all
other persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

1

Ditech Financial, LLC ("Plaintiff"), by and through its attorney of record, Nathan F. Smith of Malcolm ♦ Cisneros, A Law Corporation, and Stipulating Defendants GLEN O BOEHME JR and BETTY L BOEHME ("Stipulating Defendant(s)"), hereby stipulate as follows:

1. Plaintiff filed the Complaint for Judicial Foreclosure and Breach of Promissory Note on July

1 6, 2016 in the Circuit Court of the State of Oregon for the County of Klamath ("Complaint").

2 2. Defendants GLEN O BOEHME JR and BETTY L BOEHME are the record owners of the
3 property located at 5984 Delaware Avenue, Klamath Falls, OR 97603 located in Klamath County,
4 Oregon ("Property").

5 3. On or about February 13, 2005, Defendants GLEN O BOEHME JR and BETTY L
6 BOEHME entered into a note ("Note") and a deed of trust ("Deed of Trust") with Countrywide
7 Bank, FSB, the original lender. The Deed of Trust was recorded with the Klamath County
8 Recorder's Office on February 21, 2008 as Instrument Number 2008-002207.

9 4. Plaintiff is the holder of the Note and Deed of Trust made, delivered, and executed by
10 Stipulating Defendants in the principal amount of \$145,000.00. The Note is secured by the first
11 priority Deed of Trust encumbering the Property ("Lien").

12 5. The legal description of the Property is as follows:

13 **Attached hereto as Exhibit "1"**

14 6. Stipulating Defendants failed to comply with the terms of the Note and Deed of Trust by
15 failing to make the payments due and owing according to the terms of the Note and Deed of Trust.
16 Pursuant to the terms of the Note and Deed of Trust, Plaintiff has now declared all sums due and
17 owing under the Note and Deed of Trust as immediately due and payable.

18 7. As of November 11, 2016 there is \$166,993.03 due and owing under the Note and Deed of
19 Trust. Furthermore, interest, fees, and costs continue to accrue under the Note and Deed of Trust.
20 Judgment in the amount of \$171,314.03 shall be granted in favor of Ditech Financial, LLC, its
21 successors or assigns, and against Stipulated Defendants, as further described as the Amount Owed.

22 8. Plaintiff is entitled to recover its reasonable attorneys' fees and all reasonable and necessary
23 costs and expenses incurred in enforcing the Note and Deed of Trust.

24 9. Plaintiff's Lien is a valid first priority lien encumbering the Property, and is superior to any
25 interest, lien or claim of Stipulating Defendants. Stipulating Defendants, and all persons claiming by,
26 through, or under them, as purchasers, encumbrancers, or otherwise, are adjudged inferior and
27 subordinate to Plaintiff and are forever foreclosed of all interest, lien, or claim in the Property and
28 every portion thereof.

1 10. Plaintiff shall be entitled to foreclose on the Property and to sell the Property at a foreclosure
2 sale by the Klamath County Sheriff in the manner provided by law and in according with any
3 general judgment entered herein in order to satisfy all amounts due and owing under the Note and
4 Deed of Trust as adjudged below.

5 11. Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
6 assessments, municipal charges, and such other items as may constitute liens on the Property,
7 together with insurance and repairs necessary to prevent the impairment of the Property, together
8 with interest thereon from the date of payment may also be added to this amount owed and paid from
9 the proceeds from the sale of the Property.

10 12. Plaintiff or any other party to this suit may become the purchaser at the sale of the Property.
11 The purchaser is entitled to exclusive and immediate possession of the Property from and after the
12 date of sale and is entitled to such remedies as are available at law to secure possession, and may
13 apply to the Clerk of the Court for a Writ of Assistance, if Stipulating Defendants or any other party
14 or person shall refuse to surrender possession of the property to the purchaser immediately on the
15 purchaser's demand for possession.

16 13. Plaintiff may credit bid up to the aggregate amount of its amount owed plus interest from the
17 date of this judgment until sale without advancing any cash except money required for the Sheriff's
18 sale.

19 14. The proceeds from the sale are to be applied first toward the costs of sale, then toward the
20 satisfaction of Plaintiff's amount owed awarded herein and the surplus, if any to the Clerk of the
21 Court to be disbursed to such party or parties that may establish their rights thereto.

22 15. No deficiency amount owed will be sought by Plaintiff against Stipulating Defendants.
23 While entry of this judgment and the corresponding judgment shall be entered, Plaintiff will not seek
24 to collect the amount owed from Stipulating Defendants but will seek to execute upon the Property
25 as security for the amount owed to the Plaintiff. Furthermore, Plaintiff will not execute upon any
26 deficiency remaining unsatisfied against Stipulating Defendants from the proceeds of the foreclosure
27 sale in accordance with ORS 86.7700.

28 16. Stipulating Defendants expressly waive their statutory right of redemption, if any.

1 Stipulating Defendant is not entitled to a homestead exemption on account of his/her interest in the
2 property.

3 17. This Court shall retain jurisdiction over the Plaintiff and Stipulating Defendants (“Parties”)
4 to enforce all provisions of this Amount owed and to enter such additional order, amount owed, or
5 decree necessary for the purchaser at the foreclosure sale to obtain possession of the Property.

6 18. This amount owed shall inure to the benefit of Plaintiff and Stipulating Defendants, their
7 successors and/or assignees.

8 19. The terms of this amount owed contain the entire agreement between the Parties and
9 supersede any and all other agreements, either oral or written, between the Parties. However, the
10 Parties anticipate that a Supplemental and/or General Judgment, may be filed with the Court to
11 supplement terms and conditions to this judgment including but not limited to an updated amount
12 due and owing under the Note and Deed of Trust which the Parties consent to the Plaintiff filing
13 without further notice to Stipulating Defendants.

14 20. The Parties shall have the right to enforce the terms of this judgment by Supplemental and/or
15 General Judgment or motion for declaratory judgment.

16 **DECLARATION OF AMOUNT OWED – NOT A AMOUNT OWED**

17 1. Amount owed Creditor:	Ditech Financial, LLC
18 Address:	c/o MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive, 2nd Floor Irvine, California 92612
19 2. Amount owed Attorney:	Nathan F. Smith
20 Address:	MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive, 2 nd Floor Irvine, California 92612
21 Telephone Number:	(949) 252-9400
22 3. Persons or Public Bodies Entitled to a	
23 Portion the Amount owed:	N/A
24 4. Judgment Amount:	\$166,993.03
25 5. Pre-Judgment Interest:	Simple interest to accrue on \$133,018.50 from 26 November 12, 2016 to the date the General 27 Judgment is entered into the Court's register at 28 6.25% per annum, \$22.78 per diem.

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6. Post-Judgment Interest:

Simple interest to accrue on \$171,314.03 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

7. Periodic accrual:

N/A

8. Attorney's Fees and Costs:

An award of \$4,321.00 in attorney's fees and costs is made for Amount owed of Foreclosure

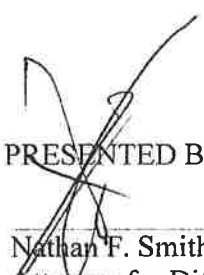
Attorney's Fees	\$2,295.00
Litigation Guarantee	\$613.00
Filing Cost	\$531.00
Recording Cost - Lis Pendens	\$57.00
Process Service Cost	\$625.00
Mediation Cost	\$200.00

Signed: 11/14/2016 11:39 AM



Circuit Court Judge Andrea Janney

PRESENTED BY:


Nathan F. Smith, OSB#120112
Attorney for Ditech Financial, LLC

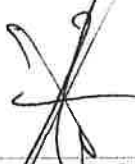
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Stipulated to by:

APPROVED AND AGREED TO:

FOR Ditech Financial, LLC

Accepted this 10th day of November, 2016



Nathan F. Smith, OSB #120112

Attorney for Plaintiff

MALCOLM ♦ CISNEROS, A Law Corporation

2112 Business Center Drive, Second Floor

Irvine, California 92612

(949) 252-9400 (TELEPHONE)

(949) 252-1032 (FAX)

APPROVED AND AGREED TO:

BY GLEN O BOEHME JR

Accepted this 2 day of NOVEMBER, 2016



GLEN O BOEHME JR

9622 63rd Dr NE

Marysville, WA 98270

APPROVED AND AGREED TO:

BY BETTY L BOEHME

Accepted this 2 day of NOVEMBER, 2016



BETTY L BOEHME

9622 63rd Dr NE

Marysville, WA 98270

CERTIFICATE OF READINESS

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

- Service is not required under UTCR 5.100 because the other party has been found in default or an order of default is being requested with this proposed Order or Judgment; because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this Order or Judgment is being submitted in open court with all parties present.
- Each party affected by this Order or Judgment has stipulated to or approved the Order or Judgment, as shown by the signatures on the Order or Judgment.
- I have served a copy of this Order or Judgment and written notice of the objection period set out in UTCR 5.100 on all parties entitled to service and:
 - No objections have been served on me within that time frame;
 - I received objections that I could not resolve with the other 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, the other party agreed to file any remaining objection with the Court.

DATED: 11/10/16

By: 

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing **STIPULATED GENERAL JUDGMENT OF FORECLOSURE** on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Irvine, California:

GLEN O BOEHME JR
9622 63rd Dr NE
Marysville, WA 98270

BETTY L BOEHME
9622 63rd Dr NE
Marysville, WA 98270

DATED: November 14, 2016

MALCOLM ♦ CISNEROS, A Law Corporation



Tabitha Ojala
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: tojala@mclaw.org