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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
FOR THE CERTIFICATEHOLDERS
CWALT, INC. ALTERNATIVE LOAN
TRUST 2005-45 MORTGAGE PASS-
THROUGH CERTIFICATES,SERIES 2005-
45,

Plaintiff,

vs.

MICHELLE PLEVEL; SHANE SHAFER;
RUNNING Y RANCH RESORT OWNER'S
ASSOCIATION; SOUTH VALLEY BANK &
TRUST NKA SIXTH STREET BRANCH;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LINE, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No.: 1500443CV

WRIT OF EXECUTION IN
FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 11/29/2016. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC. ALTERNATIVE
LOAN TRUST 2005-45 MORTGAGE PASS-THROUGH CERTIFICATES,SERIES
2005-45

c/o Jeremy Clifford
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$309,819.04, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 11/29/2016 to 8/9/2017 in the amount of \$19,327.62, and continuing
3 with a per diem of \$76.39, currently totaling \$329,146.66.

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 8/22/2005, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1*

10 and commonly known as: 5042 Cormorant Loop, Klamath Falls, OR 97601.

11 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
12 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
13 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
14 You are to make the return within 60 days after you receive this Writ. Should the sale be
15 continued, the writ may be automatically extended for 30 days.

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19 Dated: August 7, 2017, and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Jeremy Clifford

22

Jeremy Clifford OSB No. 142987

23 Michael 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 yclifford@mccarthyholthus.com

Of Attorneys for Plaintiff

Exhibit 1

Lot 339, RUNNING Y RESORT, PHASE 4, SECOND ADDITION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR THE COUNTY OF KLAMATH

6 THE BANK OF NEW YORK MELLON
7 FKA THE BANK OF NEW YORK AS
8 TRUSTEE FOR THE
9 CERTIFICATEHOLDERS CWALT, INC.,
10 ALTERNATIVE LOAN TRUST 2005-45
11 MORTGAGE PASS-THROUGH
12 CERTIFICATES, SERIES 2005-45,

No. 1500443CV

GENERAL JUDGMENT OF
FORECLOSURE

10 Plaintiff,

11 v.

12 MICHELLE PLEVEL; SHANE SHAFER;
13 RUNNING Y RANCH RESORT
14 OWNER'S ASSOCIATION; SOUTH
15 VALLEY BANK & TRUST NKA SIXTH
16 STREET BRANCH; AND PERSONS OR
17 PARTIES UNKNOWN CLAIMING ANY
18 RIGHT, TITLE, LINE, OR INTEREST IN
19 THE PROPERTY DESCRIBED IN THE
20 COMPLAINT HEREIN,

17 Defendants.

18 This matter came before the Court on the motion of The Bank of New York Mellon
19 fka The Bank of New York as Trustee for the Certificateholders CWALT, Inc. Alternative
20 Loan Trust 2005-45 Mortgage Pass-Through Certificates, Series 2005-45 ("Plaintiff") and
21 Defendant Shane Shafer seeking entry of a general judgment of foreclosure of real property
22 and declaration of the debt amount secured by Plaintiff's lien.

23 On April 26, 2016, the Court entered an Order of Default against defendants
24 Michelle Plevel, Running Y Ranch Resort Owner's Association ("Running Y"), South
25 Valley Bank & Trust ("SVBT"), and Persons or Parties Unknown Claiming any Right, Title,
26 Line or Interest in the Property Described in the Complaint Herein ("Interested Persons")

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205-2584
Main (503) 224-3380 Fax (503) 220-2480

1 (collectively “Defaulting Defendants”). The Court subsequently entered an Order of Default
2 against the Defaulting Defendants. The only remaining Defendant, Shane Shafer, stipulates
3 to this form of Judgment.

4 The Court being fully advised, it is hereby ORDERED and ADJUDGED that
5 judgment is entered as follows:

6 1. That amount due and owing by Michelle Plevel on the underlying loan is in
7 the principal sum of \$230,624.72, plus accrued and unpaid interest through and including
8 October 21, 2016 in the sum of \$62,746.58, plus interest from and after October 21, 2016 at a
9 rate of 4.375 percent per annum, plus escrow advance in the sum of \$13,184.74, plus a
10 recoverable balance of \$3,263.00, plus post-judgment interest at the statutory rate of nine
11 percent per annum until paid.

12 2. The deed of trust dated August 22, 2005, granted by Defendants Michelle
13 Plevel and Shane Shafer, recorded in the real property records of Klamath County on August
14 25, 2005, as Instrument No. M05-62763 (“Deed of Trust”), and assigned to Plaintiff by way
15 of an Assignment of Deed of Trust, recorded in the real property records of Klamath County
16 on December 30, 2009, as Instrument No. 2009-16264 (“Assignment”), is a valid first lien on
17 the real property to this action described as

18 “Lot 339, RUNNING Y RESORT, PHASE 4, SECOND
19 ADDITION, according to the official plat thereof on file in the
office of the county Clerk of Klamath County, Oregon.

20 Tax Account No: 3808-009D0-0900-000 Key No: 884727”

21 and commonly known as 5042 Cormorant Loop, Klamath Falls, Oregon 97601 in Klamath
22 County, Oregon (the “Property”) and is superior to the interest of all Defendants for the
23 amount of the judgment due and owing in paragraph 1, above;

24 3. That Plaintiff’s Deed of Trust be foreclosed on the Property and sold by the
25 Sheriff of Klamath County, Oregon, in the manner provided by law for the sale of real
26 property on execution;

1 4. That any party to this action be allowed to bid at the foreclosure sale; that the
2 purchaser at the foreclosure sale be placed in immediate possession of the Property; that if
3 possession thereof is refused the purchaser, that a Writ of Assistance issue forthwith out of
4 this Court to place the purchaser of the Real Property a Certificate of Sale and, after the time
5 allowed by law for redemption, unless the Real Property be redeemed, a Sheriff's Deed;

6 5. That the proceeds of sale be applied as follows:

- 7 a. In payment of the costs and expenses of the sale;
8 b. In satisfaction of the judgment awarded in paragraph 1, above; and
9 c. The balance, if any, to be paid to the Clerk of the Court to be disbursed
10 in the manner provided by law;

11 6. That Defendants and all persons claiming by, through, or under them as
12 purchasers, encumbrancers, or otherwise are forever foreclosed of all interest, lien or claim in
13 the Property and every portion thereof, excepting only any statutory right of redemption as
14 Defendants may have therein;

15 7. None of the Defendants are entitled to a homestead exemption as against the
16 Deed of Trust; and

17 8. That upon sale of the Real Property, all of Plaintiff's judgment remedies for
18 collection of any unsatisfied amounts shall expire.

19 **DECLARATION OF DEBT AMOUNT SECURED¹**

20 1. Judgment Creditor: The Bank of New York Mellon fka The
21 Bank of New York as Trustee for the
22 Certificateholders CWALT, Inc.
23 Alternative Loan Trust 2005-45
24 Mortgage Pass-Through Certificates,
25 Series 2005-45,
 c/o Select Portfolio Servicing, Inc.
 3217 S. Decker Lake Drive
 Salt Lake City, UT 84119
 Phone: (801) 293-1883

26 ¹ Pursuant to amendments to ORS 88.010 made by Section 4 of Senate Bill 368
(2015), *assigned to* Or Laws 2015 Ch 291.

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- 1 Fax: (801) 293-2555
- 2 2. Judgment Creditor's Attorney: Crystal Chase, OSB No. 093104
- 3 Stoel Rives LLP
- 4 760 SW Ninth Avenue, Suite 3000
- 5 Portland, OR 97205
- 6 Telephone: (503) 294-9221
- 7 Email: crystal.chase@stoel.com
- 8 3. Borrower: Michelle D. Plevel
- 9 Unknown
- 10 Date of Birth: XX/XX/1953
- 11 Drivers License No./State: Unknown
- 12 SSN/EIN: XXX-XX-7042
- 13 4. Borrower's Attorney: N/A (Defendant Michelle Plevel did not
- 14 appear in this action)
- 15 5. Other persons or public bodies who
- 16 are entitled to any portion of a
- 17 payment made on this judgment: None
- 18 6. Principal Amount of Debt Secured:
- 19 \$309,819.04 (unpaid principal balance of
- 20 \$230,624.72; plus accrued and unpaid
- 21 interest through and including October
- 22 21, 2016 in the sum of \$62,746.58; plus
- 23 an escrow advance in the sum of
- 24 \$13,184.74; plus recoverable balance of
- 25 \$3,263.00), plus interest from and after
- 26 October 21, 2016 through entry of
- judgment at a rate of 4.375 percent per
- annum.
- 7. Prejudgment Interest: N/A
- 8 Attorneys' Fees Awarded To be determined pursuant to ORCP 68.
- 9. Costs Awarded: To be determined pursuant to ORCP 68.
- 23 ////
- 24 ////
- 25 ////
- 26 ////

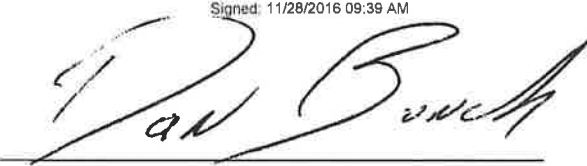
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1 10. Post-judgment interest:

Post-judgment interest at the rate of 9 percent per annum as to items 6-9 above from the date of entry of judgment until fully paid.

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4 IT IS SO ORDERED

Signed: 11/28/2016 09:39 AM

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10 **Circuit Court Judge Dan Bunch**

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13
14 IT IS SO STIPULATED:

15 STOEL RIVES LLP

JAMES J STOUT PC

16 s/ Crystal S. Chase

s/ James J. Stout

17
18 CRYSTAL S. CHASE, OSB No. 093104
crystal.chase@stoel.com

JAMES J. STOUT, OSB No. 934737
jjstout1@aol.com

19 Attorneys for Plaintiff

Attorney for Defendant Shane Shafer

20 DATED: November 23, 2016

DATED: November 23, 2016

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205-2584
Main (503) 224-3380 Fax (503) 220-2480

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **GENERAL JUDGMENT OF**
3 **FORECLOSURE** on the following named person(s) on the date indicated below by

- 4 mailing with postage prepaid
5 hand delivery
6 facsimile transmission
7 overnight delivery
8 email
9

10 to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said
11 person(s) at his or her last-known address(es) indicated below.

12 James J. Stout
13 Attorney at Law
14 419 S. Oakdale Avenue
15 Medford, OR 97501
16 jjstout1@aol.com

17 Counsel for Defendant Shane Shafer

18 DATED: November 23, 2016.

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26
STOEL RIVES LLP

s/ Crystal S. Chase
AMY EDWARDS, OSB No. 012492
amy.edwards@stoel.com
CRYSTAL S. CHASE, OSB No. 093104
crystal.chase@stoel.com

Attorneys for Plaintiff