

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

REVERSE MORTGAGE SOLUTIONS,  
INC.,

Plaintiff,

vs.

JAMES R. AHEARN, in his capacity as the  
Personal Representative of the Estate of Linda  
K. Sadler; CAROL A. AHEARN, an  
individual; CARTER JONES COLLECTION  
SERVICE, a corporation; 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: 1404303CV**

**WRIT OF EXECUTION IN FORECLOSURE**

**TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:**

1.

WHEREAS, on September 28, 2015, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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

1 redemption, if applicable), all of the interest which the Defendants JAMES R. AHEARN AND  
2 CARTER JONES COLLECTION SERVICE ("Defendants") had on February 27, 2009, the date of  
3 the foreclosed Deed of Trust which was recorded on March 5, 2009, as Instrument No. 2009-003256  
4 in the official records of the Klamath County Recorder's Office, and/or all of the interest which  
5 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as  
6 follows:

7  
8 **Lender's Principal Judgment:**

9 Unpaid Principal Balance:	\$32,092.21
10 Pre-Judgment Interest from February	
11 23, 2010 to March 4, 2015, the date set	
12 forth in the Judgment at 2.890%, per	
13 annum, (\$2.54 per diem):	\$4,196.54
14 Lender's Fees and Costs:	\$9,457.66
15 Attorney's Fees and Costs:	\$4,703.00
16	
17 <b><i>Total Judgment Entered:</i></b>	<b><i>\$50,449.41</i></b>

18  
19 **Additional Pre-Judgment Interest:**

20 Accrued Interest from March 5, 2015	
21 the day after the date set forth in the	
22 Judgment through September 28, 2015,	
23 the date of entry of the Judgment, at	
24 2.89%, per annum (\$2.54 per diem):	\$525.78

25  
26 ***Total Judgment Entered Including***  
27 ***Additional Pre-Judgment***

28 <b><i>Interest:</i></b>	<b><i>\$50,975.19</i></b>
----------------------------	---------------------------



1 MAKE RETURN HEREOF within 60 days after you receive this Writ.  
2  
3  
4

5  
6  
7 Submitted by

8  
9  
10 Nathan R. Smith, OSB #120112  
11 Attorney for Plaintiff  
12 MALCOLM ♦ CISNEROS, A Law Corporation  
13 2112 Business Center Drive, Second Floor  
14 Irvine, California 92612  
15 Phone: (949) 252-9400  
16 Fax: (949) 252-1032  
17 Email: nathan@mclaw.org

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: 9/21/17

9/27/17

John M. Powell, TCA  
Amy Starnes, Clerk



**Exhibit “1”**

The land referred to in this Guarantee is situated in the State of Oregon, County of Klamath and is described as follows:

Lot 13, Block 18, SECOND ADDITION TO KLAMATH RIVER ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

APN: R500176

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 W. Pamela Jones  
Date 4/10/17



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

REVERSE MORTGAGE SOLUTIONS,  
INC.,  
  
Plaintiff,  
  
vs.  
  
JAMES R. AHEARN, in his capacity as the  
Personal Representative of the Estate of Linda  
K. Sadler; CAROL A. AHEARN, an  
individual; CARTER JONES COLLECTION  
SERVICE, a corporation; 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: 1404303CV  
  
GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:  
  
(1) JAMES R. AHEARN, IN HIS  
CAPACITY AS THE PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF LINDA K. SADLER  
(2) CARTER JONES COLLECTION  
SERVICE

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record  
herein that Plaintiff, Reverse Mortgage Solutions, Inc. ("Plaintiff"), filed its Complaint for  
Foreclosure of Deed of Trust; that Defendants JAMES R. AHEARN, in his capacity as the Personal

1 Representative of the Estate of Linda K. Sadler and CARTER JONES COLLECTION SERVICE  
2 (collectively referred to as "Defendants") were duly served with the Summons and Complaint as  
3 required by law; that Defendants failed to appear, and that an order for entry of default against  
4 Defendant CARTER JONES COLLECTION SERVICE has been entered against it on Plaintiff's  
5 Complaint. Defendant JAMES R. AHEARN, in his capacity as the Personal Representative of the  
6 Estate of Linda K. Sadler filed an "Answer" to the complaint on or about January 16, 2015;  
7 Plaintiff's Motion for Summary Judgment was filed on August 13, 2015 and was granted in its  
8 entirety on August 28, 2015. A true and correct copy of the Order Granting Plaintiff's Motion for  
9 Summary Judgment is attached hereto as Exhibit "1." Plaintiff is now entitled to entry of a General  
10 Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 9714 Ben  
11 Kerns Rd, Klamath Falls, OR 97601 ("Property") and extinguishing any and all interest of the  
12 Defendants in the Property.

13 2.

14 The Court being fully advised; it is hereby  
15 ORDERED AND ADJUDGED that:

16 3.

17 Plaintiff is the holder of that certain promissory note ("Note"), dated February 27, 2009, in  
18 the amount of \$114,000.00, and executed by Linda K. Sadler ("Decedent Sadler"). On or about  
19 February 23, 2010 Decedent Sadler died.

20 4.

21 Plaintiff is informed and believes, and on that basis alleges that Defendant Estate of Linda K.  
22 Sadler is the successor-in-interest to Decedent Sadler.

23 5.

24 Plaintiff is informed and believes, and on that basis alleges that James R. Ahearn is the  
25 Personal Representative for the Estate of Linda K. Sadler.

26 6.

27 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about  
28 February 27, 2009, by Linda K. Sadler. The Deed of Trust was recorded on March 5, 2009 under the



1 recording number 2009-003256 of the Official Records of Klamath County, Oregon, against the  
2 Property, which is legally described as:

3 **Lot 13, Block 18, SECOND ADDITION TO KLAMATH RIVER ACRES, according to the**  
4 **official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.**  
5 (“Property”) and constitutes a valid lien against the Property.

6  
7 7.  
8 Based upon the death of Decedent Sadler, all amounts due and owing under the promissory  
9 note and deed of trust are now due and payable.

10 8.  
11 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
12 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby  
13 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants  
14 may be entitled under Oregon law.

15 9.  
16 A judgment of foreclosure in the amount of \$50,449.41 shall be granted in favor of Plaintiff,  
17 and its successors and/or assigns, as further described below (“Judgment”).

18 10.  
19 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
20 satisfaction of Plaintiff's Judgment herein; and the surplus, if any to the Clerk of the Court to be  
21 disbursed to such party or parties as may establish their right thereto.

22 11.  
23 Plaintiff is entitled to recover its reasonable attorneys' fees and all reasonable and necessary  
24 costs and expenses incurred to enforcing the Note and Deed of Trust.

25 12.  
26 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
27 assessments, municipal charges, and such other items as may constitute liens on the Property,  
28 together with insurance and repairs necessary to prevent the impairment of the Property, together  
with interest thereon from the date of payment may also be added to the Judgment and paid from the

1 proceeds from the sale of the Property.

2 13.

3 Defendant JAMES R. AHEARN, in his capacity as the Personal Representative of the Estate  
4 of Linda K. Sadler, and all parties claiming through or under as purchasers, encumbrancers, or  
5 otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and  
6 every portion thereof, excepting only any statutory right of redemption provided by the laws of the  
7 State of Oregon.

8 14.

9 Defendant JAMES R. AHEARN, in his capacity as the Personal Representative of the Estate  
10 of Linda K. Sadler is not entitled to a homestead exemption on account of his interest in the  
11 Property.

12 15.

13 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the  
14 aggregate amount of its Judgment, plus interest from the date of this Judgment until sale, without  
15 advancing any cash except money required for the Sheriff's Sale.

16 16.

17 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate  
18 possession of the Property from and after the date of the sale, and is entitled to such remedies as are  
19 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a  
20 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender  
21 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

22 17.

23 This Court shall retain jurisdiction to enforce all provisions of the Judgment and to enter such  
24 additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to obtain  
25 possession of the Property.

26 18.

27 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
28 hereinafter described as the Judgment.

This suit does not constitute an attempt to collect the debt against Defendants JAMES R. AHEARN, in his capacity as the Personal Representative of the Estate of Linda K. Sadler and CAROL A. AHEARN and CARTER JONES COLLECTION SERVICE. Rather, it is a suit to execute upon the Property as security for the Judgment.

**JUDGMENT**

- 1. **Judgment Creditor:** Reverse Mortgage Solutions, Inc.  
 Address: MALCOLM ♦ CISNEROS, A Law Corporation  
 2112 Business Center Drive, 2<sup>nd</sup> Floor  
 Irvine, California 92612
- Judgment Attorney:** Nathan F. Smith  
 Address: MALCOLM ♦ CISNEROS, A Law Corporation  
 2112 Business Center Drive, 2<sup>nd</sup> Floor  
 Irvine, California 92612  
 Telephone Number: (949) 252-9400
- 2. **Judgment Debtor:** JAMES R. AHEARN, in his capacity as the  
 Personal Representative of the Estate of Linda  
 K. Sadler  
 Address: 9714 Ben Kerns Rd, Klamath Falls, OR 97601  
 Year of Birth: Unknown  
 Final 4 digits of Social Security number: XXX-XX-3432  
 Driver's license number and issuing state: Unknown  
 Judgment Debtor Attorney: N/A
- 3. **Persons or Public Bodies Entitled to  
 a Portion the Judgment:** N/A
- 4. **Judgment Amount:** \$45,746.41
- 5. **Pre-Judgment Interest:** Simple interest to accrue on \$32,092.21 from  
 March 5, 2015 to the date the Judgment is  
 entered into the Court's register at 2.89% per  
 annum, \$2.54 per diem.
- 6. **Post-Judgment Interest:** Simple interest to accrue on \$50,449.41 plus  
 Pre-Judgment Interest from the day after the  
 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 \$4,703.00 in attorney's fees and  
 costs is made for Judgment of Foreclosure.  
 Attorney's Fees: \$2,735.00  
 Litigation Guarantee: \$200.00  
 Filing Cost: \$831.00

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Recording Cost – Lis Pendens: \$42.00  
Process Service Cost: \$710.00  
Probate Investigation Cost: \$185.00

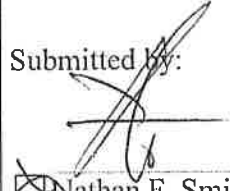
DATED \_\_\_\_\_

Signed: 9/22/2015 03:52 PM



CIRCUIT COURT JUDGE

Submitted by:



Dated: 9/17/15

- Nathan F. Smith, OSB #120112
- Richard J. Bayless, OSB #101826  
Attorneys for Plaintiff  
MALCOLM ♦ CISNEROS, ALC  
2112 Business Center Drive  
Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)  
nathan@mclaw.org

# EXHIBIT 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

REVERSE MORTGAGE SOLUTIONS, INC., CASE NUMBER: 1404303CV

Plaintiff,  
vs.

ORDER GRANTING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT

JAMES R. AHEARN, in his capacity as the  
Personal Representative of the Estate of Linda  
K. Sadler; CAROL A. AHEARN, an individual;  
CARTER JONES COLLECTION SERVICE, a  
corporation; 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.

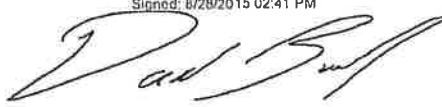
Defendants.

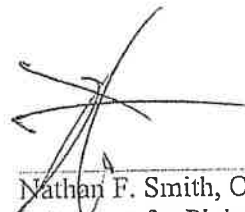
Based upon the examination and consideration of Plaintiff's Motion for Summary Judgment  
pursuant to ORCP 47, Plaintiff's Request for Judicial Notice, the Declarations of Laura Smith and

1 Nathan F. Smith, and all papers, records, and files in the above-entitled and numbered case, and  
2 finding that the Motion for Summary Judgment was duly and properly served;

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's Motion for  
4 Summary Judgment is granted. Plaintiff shall file a proposed General Judgment of Foreclosure.

5  
6 DATED: \_\_\_\_\_

Signed: 6/28/2015 02:41 PM  
  
\_\_\_\_\_  
CIRCUIT COURT JUDGE

7  
8  
9  
10 Presented by:  \_\_\_\_\_  
11 Nathan F. Smith, OSB #120112  
12 Attorneys for Plaintiff  
13 MALCOLM ♦ CISNEROS, A Law Corporation  
14 2112 Business Center Drive  
15 Irvine, California 92612  
16 Phone: (949) 252-9400  
17 Fax: (949) 252-1032  
18 Email: nathan@mclaw.org  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28