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

U.S. BANK NATIONAL ASSOCIATION,  
Plaintiff,

Case No. 15CV34305

v.

**WRIT OF EXECUTION**

UNKNOWN TRUSTEE, AS TRUSTEE OF  
THE RONALD D. PLANTS LIVING  
TRUST, DATED SEPTEMBER 2, 2010; THE  
UNKNOWN BENEFICIARIES OF THE  
RONALD D. PLANTS LIVING TRUST,  
DATED SEPTEMBER 2, 2010; THE  
ESTATE OF RONALD D. PLANTS;  
OREGON SHORES RECREATIONAL  
CLUB; AND ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 34542 KERRY DRIVE,  
CHILOQUIN, OR 97624,  
Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On July 24, 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: U.S. BANK NATIONAL ASSOCIATION 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 34542 KERRY DR., CHILOQUIN, OR 97624 ("Subject Property"), and legally described as:

LOT 14, BLOCK 31, TRACT NO. 1184, OREGON SHORES UNIT #2 FIRST

1 ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE  
2 OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

3 The total amount due and owing on the Judgment as of September 20, 2017;

4 Judgment:	Principal	\$131,167.75
5 Pre-Judgment:	Interest(7.250%, \$20.75/day)	\$1,950.50 (4/22/17 through 7/24/17)
6	Attorney Fees	\$2,145.00
7	Costs	\$2,422.00
8	Prevailing Party Fee	\$300.00
9 Post-Judgment:	Interest(7.250%,\$20.75/day)	\$1,203.50 (7/25/17 through 9/20/17)
10	Attorney Fees	\$205.00

11 **TOTAL: \$139,393.75**

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

17 DATED 10/06/17.

18 COURT ADMINISTRATOR FOR  
19 KLAMATH COUNTY CIRCUIT COURT

20 By: 

21 Presented by:  
22 ALDRIDGE PITE, LLP

23   
24 \_\_\_\_\_  
25 Christina Andreoni, OSB #160875  
26 (858) 750-7600  
(503) 222-2260 (Facsimile)  
candreoni@aldridgepite.com

Page 2 – WRIT OF EXECUTION

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

U.S. BANK NATIONAL ASSOCIATION,

Case No. 15CV34305

Plaintiff,

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

v.

ORCP Rule 69

UNKNOWN TRUSTEE, AS TRUSTEE OF  
THE RONALD D. PLANTS LIVING  
TRUST, DATED SEPTEMBER 2, 2010; THE  
UNKNOWN BENEFICIARIES OF THE  
RONALD D. PLANTS LIVING TRUST,  
DATED SEPTEMBER 2, 2010; THE  
ESTATE OF RONALD D. PLANTS;  
OREGON SHORES RECREATIONAL  
CLUB; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 34542 KERRY DRIVE,  
CHILOQUIN, OR 97624,

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Defendants.

Based upon the Court's Order of Default against defendants UNKNOWN TRUSTEE, AS TRUSTEE OF THE RONALD D. PLANTS LIVING TRUST, DATED SEPTEMBER 2, 2010; THE UNKNOWN BENEFICIARIES OF THE RONALD D. PLANTS LIVING TRUST, DATED SEPTEMBER 2, 2010; THE ESTATE OF RONALD D. PLANTS; OREGON SHORES RECREATIONAL CLUB; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 34542 KERRY DRIVE, CHILOQUIN, OR 97624, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by

1 Default by Plaintiff U.S. BANK NATIONAL ASSOCIATION (“Plaintiff”),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff’s security interest in the real property located at 34542 KERRY DR.,  
4 CHILOQUIN, OR 97624 (“Subject Property”), as evidenced by the Deed of Trust recorded  
5 December 7, 2007 in the official records of KLAMATH County as instrument number 2007-  
6 020591 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the  
7 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
8 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is  
9 legally described as follows:

10 LOT 14, BLOCK 31, TRACT NO. 1184, OREGON SHORES UNIT #2 FIRST  
11 ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE  
12 OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

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

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

20 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
21 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
22 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
23 and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant to the Deed of  
24 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
25 by sale of the Subject Property as directed under this Judgment;

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

21 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 24 1. The amount of the judgment is \$131,167.75.  
25 2. Simple interest at rate currently at 7.250% per annum (\$20.75 *per diem*) after  
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April 21<sup>st</sup>, 2017, through the date of sale.

- 3. Attorney fees of \$2,145.00, plus \$205.00, through the date of sale.
- 4. Costs of \$2,422.00, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 7/21/2017 02:30 PM



Circuit Court Judge Andrea Janney

**CERTIFICATE OF READINESS**

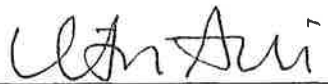
This proposed Order or Judgment is ready for judicial signature because:

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

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- 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: 7/20/2017

Christina Andreoni, OSB #160875  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
candreoni@aldridgepite.com  
  
111 SW Columbia Street, Suite 950  
Portland, OR 97201  
  
Of Attorneys for Plaintiff