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

WELLS FARGO BANK, NA,
Plaintiff,

v.

THE ESTATE OF LOIS M. GUMBERT; THE
UNKNOWN HEIRS AND ASSIGNS OF
LOIS M. GUMBERT; THE UNKNOWN
DEVISEES OF LOIS M. GUMBERT; AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4021 KELLEY DR, KLAMATH FALLS, OR
97603,

Defendant.

Case No. 16CV24148

WRIT OF EXECUTION

TO THE KLAMATH COUNTY SHERIFF:

On August 18, 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: WELLS FARGO BANK, NA 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 4021 Kelley Dr, Klamath Falls, OR 97603 ("Subject Property"), and legally described as:

LOT 4, BLOCK 1, KELENE GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON

1 The total amount due and owing on the Judgment as of October 2nd, 2017;

2 Judgment:	Principal	\$84,573.82
3 Pre-Judgment:	Interest(13.04778%,\$13.04/day)	\$404.24 (7/19/17 through 8/18/17)
4	Attorney Fees	\$2,745.00
5	Costs	\$3,490.03
6	Prevailing Party Fee	\$300.00
7 Post-Judgment:	Interest(13.04778%,\$13.04/day)	\$587.15 (8/19/17 through 10/2/17)
8	Attorney Fees	\$305.00

9 **TOTAL: \$92,405.48**

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

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10/4/17 John m Powell, TCA
 Amy Hamm, Clerk



Presented by:
 ALDRIDGE PITE, LLP

Katie Riggs

X
 Katie L. Riggs, OSB # 095861
 (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**

WELLS FARGO BANK, NA,

Plaintiff,

v.

THE ESTATE OF LOIS M. GUMBERT; THE UNKNOWN HEIRS AND ASSIGNS OF LOIS M. GUMBERT; THE UNKNOWN DEVISEES OF LOIS M. GUMBERT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4021 KELLEY DR, KLAMATH FALLS, OR 97603,

Defendants.

Case No. 16CV24148

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 THE ESTATE OF LOIS M. GUMBERT; THE UNKNOWN HEIRS AND ASSIGNS OF LOIS M. GUMBERT; THE UNKNOWN DEVISEES OF LOIS M. GUMBERT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4021 KELLEY DR, 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 WELLS FARGO BANK, NA (“Plaintiff”),

IT IS HEREBY ADJUDGED:

1. Plaintiff’s security interest in the real property located at 4021 KELLEY DR, KLAMATH FALLS, OR 97603 (“Subject Property”), as evidenced by the Deed of Trust

1 recorded October 4, 2004 in the official records of Klamath County as instrument number VOL:
2 M04 PAGE: 67017 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all
3 the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
4 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
5 legally described as follows:

6 LOT 4, BLOCK 1, KELENE GARDENS, ACCORDING TO THE OFFICIAL PLAT
7 THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH
8 COUNTY, OREGON

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

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

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

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

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

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

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

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DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 1. The amount of the judgment is \$84,573.82.
- 2. Simple interest at the rate currently at 8.4901% per annum (\$13.04778 *per diem*) after July 18th, 2017, through the date of sale.
- 3. Attorney fees of \$2,745.00, plus \$305.00 through the date of sale.
- 4. Costs of \$3,490.03, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 8/17/2017 01:47 PM



Circuit Court Judge Marci W. Adkisson

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;

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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. x The relief sought is against an opposing party who has been found in default.

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: 8/16/2017

Katie L. Riggs, OSB #095861
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(503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff