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

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
BANC OF AMERICA ALTERNATIVE  
LOAN TRUST 2006-8 MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2006-8

Plaintiff,

vs.

DWIGHT D. LONG, INDIVIDUALLY  
AND ASTRUSTEE OF THE LONG  
LIVING TRUST DATED OCTOBER 3,  
2007; NELLIE E. DI VICCARO, A/K/A  
NELLIE E. LONG, INDIVIDUALLY AND  
AS TRUSTEE OF THE LONG LIVING  
TRUST DATED OCTOBER 3, 2007;  
PARTIES IN POSSESSION

Defendants.

Case No. 17CV14178

WRIT OF EXECUTION

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on August 16, 2017, in the above-entitled court, a General Judgment of  
Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and  
was duly entered and docketed in the above-entitled cause

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 execution

1- WRIT OF EXECUTION  
S&S No. 17-119913

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 (subject to redemption) all of the interest which the defendants had on August 23, 2006, the date  
2 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the  
3 real property described in the judgment:  
4

5 LOT 2, BLOCK 20, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS,  
6 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE  
7 COUNTY CLERK OF KLAMATH COUNTY, OREGON.

8 and commonly known as 511 Pelican Street, Klamath Falls, OR 97601 to satisfy the sum of  
9 \$237,055.84, as of September 2, 2017, together with additional post judgment interest of 9.00%  
10 from that date (\$58.21 per day), and costs of this execution, making due return within 60 days  
11 after you receive this writ.

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25 2- WRIT OF EXECUTION  
26 S&S No. 17-119913

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1 Wells Fargo Bank, National Association, as Trustee for Banc of America Alternative  
2 Loan Trust 2006-8 Mortgage Pass-Through Certificates, Series 2006-8 is the Judgment Creditor,  
3 and its address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech  
4 Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is  
5 the attorney for the Judgment Creditor.  
6

7  
8 John M. Powell  
TRIAL COURT ADMINISTRATOR  
9  
10 September 11, 2017  
11  
12 

13 Submitted by:  
14 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

15 By: \_\_\_\_\_

- 16  
17 [ ] James A. Craft #090146 [jcraft@logs.com]  
18 [ ] Kelly D. Sutherland #873575 [ksutherland@logs.com]  
19 [ ] Cara J. Richter #094855 [crichter@logs.com]  
20 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
21 [x] Joshua R. Orem # 116872 [jorem@logs.com]\*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF KLAMATH

WELLS FARGO BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE FOR BANC OF  
AMERICA ALTERNATIVE LOAN TRUST 2006-  
8 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-8,

Plaintiff,

vs.

DWIGHT D. LONG, INDIVIDUALLY AND  
ASTRUSTEE OF THE LONG LIVING TRUST  
DATED OCTOBER 3, 2007; NELLIE E. DI  
VICCARO, A/K/A NELLIE E. LONG,  
INDIVIDUALLY AND AS TRUSTEE OF THE  
LONG LIVING TRUST DATED OCTOBER 3,  
2007; PARTIES IN POSSESSION,

Defendants.

Case No. 17CV14178

STIPULATED GENERAL JUDGMENT  
OF FORECLOSURE AND SALE

- 2. **Dwight D. Long – Stipulating**
- 3. **Nellie E. DiViccaro – Stipulating**
- 4. **Parties in Possession - Dismissed**

Defendant(s), Dwight D. Long, Individually and as Trustee of the Long Living Trust  
dated, October 3, 2007 and Nellie E. DI Viccaro a/k/a Nellie E. Long, Individually and as  
Trustee of the Long Living Trust dated, October 3, 2007, having stipulated to entry of judgment:

It is hereby

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-119913

**SHAPIRO & SUTHERLAND, LLC**  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@lps.com



- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
5 interests and priorities.  
6  
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.  
8  
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath  
11 County Sheriff's Office in accordance with the process for sale upon execution, and the  
12 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
13 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
14 as their interest may appear or to the clerk of the court to be distributed to such party of  
15 parties as may establish their right thereto.  
16  
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.  
18  
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
20 from and after the date of the sale and is entitled to such remedies as are available at law or  
21 in equity to secure possession.  
22  
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
any person holding possession under or through such Defendant(s) shall refuse to surrender  
possession to the purchaser immediately on the purchaser's demand for possession.

24 //

25 3 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 17-119913

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11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$133,803.70	
Prejudgment interest at 6.875% through June 19, 2017 (accruing thereafter until entry of judgment at \$25.20 per diem)			\$66,379.53
Late Charges		\$0.00	
Other Costs and fees (recoverable)		29,338.44	
Property Tax	\$12,884.54		
Hazard Insurance	\$9,383.40		
Appraisal/BPO	\$350.00		
Property Inspections	\$195.00		
Property Preservation	\$3,988.70		
Legal	\$4,934.00		
Hazard Suspense/Hazard Loss	\$-2,397.20		
Subtotal			\$163,142.14
Total plus Prejudgment Interest			\$229,521.67

58

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$2,483.00
Title Search Cost	\$535.00		
Skip Trace Costs	\$100.00		
Filing Fee	\$531.00		
Lis Pendens Recording Fee	\$47.00		
Service Costs	\$995.00		
Prevailing Party Fee	\$275.00		
Attorney fees			\$2,600.00
Total			\$5,083.00

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
S&S No. 17-119913

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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is  
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no  
3 event should it be construed as establishing personal liability for any persons whose debt has  
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay  
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be  
7 entitled to any further judgment, including a judgment for deficiency.

9 15. Execution may issue against the subject property for the aggregate amount found due  
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
12 ORS 18.936 or other applicable law.

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
20 18.936.

21 //

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23 //

25 5 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 17-119913

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
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Signed: 8/16/2017 02:07 PM

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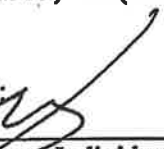
Circuit Court Judge Marci W. Adkisson

11 So stipulated and submitted by:

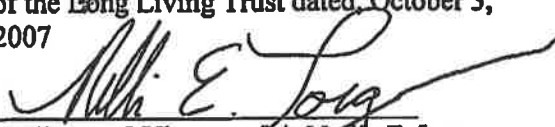
12 Attorneys for Plaintiff,  
13 SHAPIRO & SUTHERLAND, LLC

14 By: 

15  James A. Craft #090146 [jcraft@logs.com]  
16 1499 SE Tech Center Place, Suite 255, Vancouver, WA  
17 98683  
18 (360)260-2253; Fax (360)260-2285

19 So Stipulated: 

20 Dwight D. Long, Individually and as Trustee  
21 of the Long Living Trust dated, October 3,  
22 2007

23   
24 Nellie E. DI Viccaro a/k/a Nellie E. Long,  
25 Individually and as Trustee of the Long Living  
26 Trust dated, October 3, 2007

27 6 - GENERAL JUDGMENT OF FORECLOSURE AND  
28 SALE  
S&S No. 17-119913

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1 **Certificate of Readiness under UTCR 5 100**

2 This proposed order or judgment is ready for judicial signature because:

- 3 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
4 shown by each party's signature on the document being submitted.  
5 2.  Each party affected by this order or judgment has approved the order or judgment, as  
6 shown by each party's signature on the document being submitted or by written confirmation of  
7 approval sent to me.  
8 3.  I have served a copy of this order or judgment on each party entitled to service and:  
9 a.  No objection has been served on me.  
10 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
11 so. I have filed a copy of the objections I received and indicated which objections remain  
12 unresolved.  
13 c.  After conferring about objections, [role and name of objecting party] agreed to  
14 independently file any remaining objection.  
15 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
16 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
17 5.  This is a proposed judgment that includes an award of punitive damages and notice has  
18 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
19 (5) of this rule.  
20 6.  Other: \_\_\_\_\_

21 Dated: Aug 15, 2017

22 Attorneys for Plaintiff,

23 SHAPIRO & SUTHERLAND, LLC

24 By: 

25  James A. Craft #090146 [jcraft@logs.com]  
26 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
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28 7 - GENERAL JUDGMENT OF FORECLOSURE AND  
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