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

PMT NPL FINANCING 2015-1,

Case No. 16CV09564

Plaintiff,

**WRIT OF EXECUTION**

v.

RANDOLPH A. SITTEL; FRANCES J. SITTEL; CAPITAL ONE BANK (USA), N.A.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 50555 HWY 31, LA PINE, OR 97739,

Defendant.

TO THE DESCHUTES COUNTY SHERIFF:

On July 17, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the DESCHUTES 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: PMT NPL FINANCING 2015-1 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 50555 HWY 31, LA PINE, OREGON 97739 ("Subject Property"), and legally described as:

PARCEL 1:

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-

1 TWO (22) SOUTH, RANGE TEN (10) EAST OF SECTION TWENTY-SEVEN (27),  
2 TOWNSHIP TWENTY-TWO (22) SOUTH, RANGE TEN (10) EAST OF THE  
3 WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, LYING WESTERLY OF  
4 THE FREMONT HIGHWAY.

5 PARCEL 2:

6 BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER  
7 OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) OF SECTION 27, TOWNSHIP 22  
8 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY,  
9 OREGON; THENCE NORTHERLY ALONG THE WEST BOUNDARY OF THE SAID SE1/4  
10 SW1/4 TO THE NORTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE  
11 NORTH BOUNDARY OF SAID SE1/4 SW1/4 A DISTANCE OF 1020 FEET TO A POINT;  
12 THENCE SOUTHWESTERLY 1508.55 FEET TO A POINT ON THE SOUTH BOUNDARY  
13 OF SAID SE1/4 SW1/4, SAID POINT BEING 289.7 FEET EASTERLY OF THE  
14 SOUTHWEST CORNER THEREOF; THENCE WESTERLY 289.7 FEET TO THE POINT OF  
15 BEGINING.

16 PARCEL 3:

17 LOT TWO (2) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-TWO  
18 (22) SOUTH, RANGE TEN (10), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES  
19 COUNTY, OREGON.

20 The total amount due and owing on the Judgment as of July 28, 2017;

21	Judgment:	Principal	\$688,401.94
22	Pre-Judgment:	Interest(3.87500%,\$61.87/day)	\$6,681.96 (4/1/17 through 7/17/17)
23		Attorney Fees	\$4,620.00
24		Costs	\$3,312.00
25		Prevailing Party Fee	\$300.00
26	Post-Judgment:	Interest(3.87500%,\$61.87/day)	\$680.57 (7/18/17 through 7/28/17)

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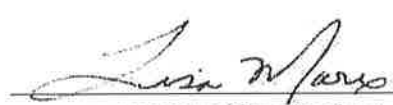

Attorney Fees

\$305.00

**TOTAL: \$704,301.47**

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

Signed: 8/1/2017 02:56 PM

**Administrative Analyst Lisa Marx**  
for Jeff Hall, Trial Court Administrator

Presented by:  
ALDRIDGE PITE, LLP



Christina M. 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

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

PMT NPL FINANCING 2015-1,

Plaintiff,

v.

RANDOLPH A. SITTEL; FRANCES J. SITTEL; CAPITAL ONE BANK (USA), N.A.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 50555 HWY 31, LA PINE, OR 97739,

Defendants.

Case No. 16CV09564

**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 RANDOLPH A. SITTEL; FRANCES J. SITTEL; CAPITAL ONE BANK (USA), N.A.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 50555 HWY 31, LA PINE, OR 97739, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff PMT NPL FINANCING 2015-1 (“Plaintiff”),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff’s security interest in the real property located at 50555 HWY 31, LA PINE, OREGON 97739 (“Subject Property”), as evidenced by the Deed of Trust recorded December 20, 2006 in the official records of DESCHUTES County as Instrument Number 2006-82867 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are

1 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
2 legally described as follows:

3 PARCEL 1:

4 THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST  
5 QUARTER (NE1/4 SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP  
6 TWENTY-TWO (22) SOUTH, RANGE TEN (10) EAST OF SECTION TWENTY-  
7 SEVEN (27), TOWNSHIP TWENTY-TWO (22) SOUTH, RANGE TEN (10) EAST OF  
8 THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, LYING  
9 WESTERLY OF THE FREMONT HIGHWAY.

10 PARCEL 2:

11 BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER  
12 OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) OF SECTION 27, TOWNSHIP 22  
13 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES  
14 COUNTY, OREGON; THENCE NORTHERLY ALONG THE WEST BOUNDARY OF  
15 THE SAID SE1/4 SW1/4 TO THE NORTHWEST CORNER THEREOF; THENCE  
16 EASTERLY ALONG THE NORTH BOUNDARY OF SAID SE1/4 SW1/4 A  
17 DISTANCE OF 1020 FEET TO A POINT; THENCE SOUTHWESTERLY 1508.55  
18 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SE1/4 SW1/4, SAID  
19 POINT BEING 289.7 FEET EASTERLY OF THE SOUTHWEST CORNER  
20 THEREOF; THENCE WESTERLY 289.7 FEET TO THE POINT OF BEGINING.

21 PARCEL 3:

22 LOT TWO (2) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-TWO  
23 (22) SOUTH, RANGE TEN (10), EAST OF THE WILLAMETTE MERIDIAN,  
24 DESCHUTES COUNTY, OREGON.

25 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
26 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,

1 in the manner provided by law;

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

6 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
7 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
8 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
9 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
10 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
11 by sale of the Subject Property as directed under this Judgment;

12 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
13 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
14 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
15 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
16 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

19 7. The Sheriff shall make a return on the writ of execution to the court administrator  
20 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
21 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
22 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
23 parties as may establish their right thereto. The Defendants and all persons claiming through or  
24 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
25 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
26 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and

1 every part of the Subject Property when the time for redemption has elapsed;

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

7 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 10 1. The amount of the judgment is \$688,401.94.  
11 2. Simple interest at the variable rate currently at 3.87500% (\$61.87 *per diem*) after  
12 March 31, 2017, through the date of sale.  
13 3. Attorney fees of \$4,620.00, plus \$305.00, through the date of sale.  
14 4. Costs of \$3,312.00, plus costs accrued through the date of sale.  
15 5. Prevailing party fee: \$300.00.

16 **IT IS SO ADJUDGED**

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19 Signed: 7/17/2017 10:10 AM

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23 **Circuit Court Judge Walter R. Miller**

24 **CERTIFICATE OF READINESS**

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

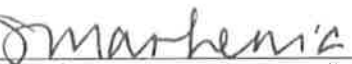
- 26 1.  Each opposing party affected by this Order or Judgment has stipulated to the Order  
or Judgment, as shown by each opposing party's signature on the document being

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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.
- 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

  
 \_\_\_\_\_  
 Sarah M. Mathenia, OSB #120681  
 (858) 750-7600  
 (503) 222-2260 (Facsimile)  
 smathenia@aldridgepite.com  
 Of Attorneys for Plaintiff

Date: 7/7/17