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

WELLS FARGO BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR ABFC
2006-OPT2 TRUST, ASSET BACKED
FUNDING CORPORATION ASSET
BACKED CERTIFICATES, SERIES 2006-
OPT2,

Plaintiff,

v.

MARGO J. BEAN AKA MARGO
BURNETT; DUSTIN BEAN and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
78156 MOSBY CREEK ROAD, COTTAGE
GROVE, OR 97424,

Defendant.

Case No. 16CV31316

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On October 19, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE 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, NATIONAL ASSOCIATION AS TRUSTEE FOR ABFC 2006-OPT2 TRUST, ASSET BACKED FUNDING CORPORATION ASSET BACKED CERTIFICATES, SERIES 2006-OPT2 c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 78156 MOSBY
2 CREEK ROAD, COTTAGE GROVE, OR 97424 ("Subject Property"), and legally described as:

3 PARCEL I:

4 BEGINNING AT A POINT ON THE WEST LINE OF SECTION 35, TOWNSHIP 20
5 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LANE COUNTY,
6 OREGON, 832.55 FEET NORTH 01° 10' 00" EAST FROM THE SOUTHWEST CORNER OF
7 SAID SECTION 35, SAID BEGINNING POINT ALSO BEARS NORTH 01° 20' 00" EAST
8 728.30 FEET FROM THE RE-ENTRANT ANGLE OF THE PERRIN BRYANT DONATION
9 LAND CLAIM NO. 75; AND RUN THENCE SOUTH 89° 52' 20" EAST 903.71 FEET TO
10 THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 52' 20" EAST 139.00
11 FEET TO A POINT; THENCE SOUTH 00' 54' 00" WEST 60.00 FEET TO A POINT;
12 THENCE NORTH 88' 52' 20" WEST 139.00 FEET TO A POINT; THENCE NORTH 01' 10'
13 00" EAST 60,00 FEET TO THE POINT OF BEGINNING.

14 PARCEL II:

15 COMMENCING AT A POINT 12.77 CHAINS NORTH AND 904.47 FEET EAST OF
16 THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST
17 OF THE WILLAMETTE MERIDIAN; THENCE NORTH 162.71 FEET TO THE
18 SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 1064, THENCE SOUTH 63°
19 36' EAST ALONG SAID RIGHT OF WAY LINE 154.52 FEET, THENCE SOUTH 94 FEET,
20 THENCE WEST 138.33 FEET TO THE POINT OF BEGINNING IN LANE COUNTY,
21 OREGON.

22
23 (THESE LEGAL DESCRIPTIONS WERE CREATED PRIOR TO JANUARY 01,
24 2008.)

25 PARCEL III:

26 COMMENCING AT A POINT 12.77 CHAINS NORTH AND 770.47 FEET EAST OF

1 THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST
2 OF THE WILLAMETTE MERIDIAN, THENCE CONTINUE EAST 134 FEET TO THE
3 SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED
4 JULY 08, 1953, RECEPTION NO. 7720, OFFICIAL RECORDS OF LANE COUNTY,
5 OREGON, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN
6 DESCRIBED TRACT OF LAND; THENCE CONTINUE EAST TO THE WEST LINE OF
7 THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AUGUST 06, 1948, IN
8 VOLUME 379, PAGE 129, OFFICIAL RECORDS OF LANE COUNTY, OREGON; THENCE
9 SOUTH ALONG SAID WEST LINE TO THE NORTHEAST CORNER OF THAT TRACT OF
10 LAND DESCRIBED IN DEED RECORDED NOVEMBER 14, 1974, RECEPTION NO, 74-
11 48566, OFFICIAL RECORDS OF LANE COUNTY, OREGON, THENCE CONTINUE
12 ALONG THE NORTH LINE OF SAID TRACT OF LAND TO A POINT SOUTH OF THE
13 POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING.

14 The total amount due and owing on the Judgment as of October 19, 2017;

15 Judgment:	Principal	\$363,415.04
16 Pre-Judgment:	Interest(10.700%, \$46.645/day)	\$8,256.17 (April 26, 2017 through
17		October 19, 2017)
18	Attorney Fees	\$3,045.00
19	Costs	\$2,145.92
20	Prevailing Party Fee	\$300.00
21 Post-Judgment:	Interest(10.700%, \$46.645/day)	\$1,026.30 (October 20, 2017 through
22		November 10, 2017)
23	Attorney Fees	\$305.00
24	Costs	\$0.00
25	TOTAL: \$378,493.43	

26 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale

1 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
2 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
3 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
4 holder of the certificate of sale.

5
6 NOV 14 2017

7 By: Angie Jones
8 court clerk

8 Presented by:
9 ALDRIDGE PITE, LLP

10 Smathenia
11 Sarah M. Mathenia, OSB #120681
12 (858) 750-7600
13 (503) 222-2260 (facsimile)
14 smathenia@aldridgepite.com



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

WELLS FARGO BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR ABFC
2006-OPT2 TRUST, ASSET BACKED
FUNDING CORPORATION ASSET
BACKED CERTIFICATES, SERIES 2006-
OPT2,

Plaintiff,

v.

MARGO J. BEAN AKA MARGO
BURNETT; DUSTIN BEAN and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
78156 MOSBY CREEK ROAD, COTTAGE
GROVE, OR 97424,

Defendants.

Case No. 16CV31316

**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 MARGO J. BEAN AKA
MARGO BURNETT; DUSTIN BEAN and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 78156 MOSBY CREEK ROAD, COTTAGE
GROVE, OR 97424, 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, NATIONAL
ASSOCIATION AS TRUSTEE FOR ABFC 2006-OPT2 TRUST, ASSET BACKED FUNDING
CORPORATION ASSET BACKED CERTIFICATES, SERIES 2006-OPT2 ("Plaintiff"),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 78156 MOSBY CREEK ROAD, COTTAGE GROVE, OR 97424 ("Subject Property"), as evidenced by the Deed of Trust recorded July 7, 2006 in the official records of LANE County as instrument number 2006-047393 ("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 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

PARCEL I:

BEGINNING AT A POINT ON THE WEST LINE OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LANE COUNTY, OREGON, 832.55 FEET NORTH 01° 10' 00" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 35, SAID BEGINNING POINT ALSO BEARS NORTH 01° 20' 00" EAST 728.30 FEET FROM THE RE-ENTRANT ANGLE OF THE PERRIN BRYANT DONATION LAND CLAIM NO. 75; AND RUN THENCE SOUTH 89° 52' 20" EAST 903.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88° 52' 20" EAST 139.00 FEET TO A POINT; THENCE SOUTH 00' 54' 00" WEST 60.00 FEET TO A POINT; THENCE NORTH 88' 52' 20" WEST 139.00 FEET TO A POINT; THENCE NORTH 01' 10' 00" EAST 60.00 FEET TO THE POINT OF BEGINNING.

PARCEL II:

COMMENCING AT A POINT 12.77 CHAINS NORTH AND 904.47 FEET EAST OF THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 162.71 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 1064, THENCE SOUTH 63° 36' EAST ALONG SAID RIGHT OF WAY LINE 154.52 FEET, THENCE

1 SOUTH 94 FEET, THENCE WEST 138.33 FEET TO THE POINT OF BEGINNING IN
2 LANE COUNTY, OREGON.

3 (THESE LEGAL DESCRIPTIONS WERE CREATED PRIOR TO JANUARY 01,
4 2008.)

5 PARCEL III:

6 COMMENCING AT A POINT 12.77 CHAINS NORTH AND 770.47 FEET EAST OF
7 THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 3
8 WEST OF THE WILLAMETTE MERIDIAN, THENCE CONTINUE EAST 134 FEET
9 TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN
10 DEED RECORDED JULY 08, 1953, RECEPTION NO. 7720, OFFICIAL RECORDS
11 OF LANE COUNTY, OREGON, SAID POINT BEING THE TRUE POINT OF
12 BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE
13 CONTINUE EAST TO THE WEST LINE OF THAT TRACT OF LAND DESCRIBED
14 IN DEED RECORDED AUGUST 06, 1948, IN VOLUME 379, PAGE 129, OFFICIAL
15 RECORDS OF LANE COUNTY, OREGON; THENCE SOUTH ALONG SAID WEST
16 LINE TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED
17 IN DEED RECORDED NOVEMBER 14, 1974, RECEPTION NO, 74-48566,
18 OFFICIAL RECORDS OF LANE COUNTY, OREGON, THENCE CONTINUE
19 ALONG THE NORTH LINE OF SAID TRACT OF LAND TO A POINT SOUTH OF
20 THE POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING.

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

24 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
25 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
26 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

Page 3 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

1 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

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

8 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
9 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
10 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
11 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
12 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

24 8. Plaintiff or any other party to this action may become a purchaser at the
25 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
26 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any

1 successor in interest may apply to this Court for a writ of assistance to gain possession of the
2 subject property if Defendants or any other party or person refuses to surrender possession;

3 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 6 1. The amount of the judgment is \$363,415.04.
7 2. Simple interest at the rate currently at 10.700% per annum (\$46.645 *per diem*)
8 after April 25th, 2017, through the date of sale.
9 3. Attorney fees of \$3,045.00, plus \$305.00, through the date of sale.
10 4. Costs of \$2,145.92, plus costs accrued through the date of sale.
11 5. Prevailing party fee: \$300.00.

12
13 **IT IS SO ADJUDGED**

Signed: 10/17/2017 04:51 PM



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16 **Charles D. Carlson, Circuit Court Judge**

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20 **CERTIFICATE OF READINESS**

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

- 22 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
23 or Judgment, as shown by each opposing party's signature on the document being
24 submitted.
25 2. Each opposing party affected by this Order or Judgment has approved the Order or
26 Judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

Page 5 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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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

Smathenia
Sarah M. Mathenia, OSB #120681
(503) 345-9888
(503) 222-2260 (Facsimile)
smathenia@aldridgepite.com

Date: 10/4/17

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff