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LANE COUNTY S.O. CIVIL  
11-22-17 825411

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

DITECH FINANCIAL LLC,  
Plaintiff,  
v.  
THE ESTATE OF GEORGE A. JOHNSON;  
THE UNKNOWN HEIRS AND ASSIGNS  
OF GEORGE A. JOHNSON; THE  
UNKNOWN DEVISEES OF GEORGE A.  
JOHNSON; DEBORAH FRANKS AND ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
76446 WILLOW ST, OAKRIDGE, OR 97463,  
Defendant.

Case No. 16CV39761  
**WRIT OF EXECUTION**

TO THE LANE COUNTY SHERIFF:

On September 26, 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: DITECH FINANCIAL LLC 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 76446 Willow St, Oakridge, OR 97463 ("Subject Property"), and legally described as:

THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOT 7, AND THE NORTH 50 FEET OF THE SOUTH 100 FEET OF LOT 8, IN BLOCK 58, HILLS ADDITION TO OAKRIDGE, AS PLATTED AND RECORDED IN BOOK 8, PAGE 30, LANE COUNTY,

1 OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

2 The total amount due and owing on the Judgment as of October 23, 2017;

3 Judgment:	Principal	\$86,576.59
4 Pre-Judgment:	Interest(4.375%, \$8.75/day)	\$306.25 (8/23/17 through 9/26/17)
5	Attorney Fees	\$2,995.00
6	Costs	\$2,313.67
7	Prevailing Party Fee	\$300.00
8 Post-Judgment:	Interest(4.375%, \$8.75/day)	\$236.25 (9/27/17 through 10/23/17)
9	Attorney Fees	\$305.00

10 **TOTAL: \$93,032.76**

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

16 *Dated: October 30, 2017*

17 *By: [Signature]*  
18 *Court Clerk*

20 Presented by:  
21 ALDRIDGE PITE, LLP

22 *Katie Riggs*

23 x  
24 Katie L. Riggs, OSB # 095861  
25 (858) 750-7600  
26 (503) 222-2260 (Facsimile)  
kriggs@aldridgepite.com



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

DITECH FINANCIAL LLC,

Plaintiff,

v.

THE ESTATE OF GEORGE A. JOHNSON;  
THE UNKNOWN HEIRS AND ASSIGNS  
OF GEORGE A. JOHNSON; THE  
UNKNOWN DEVISEES OF GEORGE A.  
JOHNSON; DEBORAH FRANKS and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
76446 WILLOW ST, OAKRIDGE, OR 97463,

Defendants.

Case No. 16CV39761

**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 George A. Johnson; The Unknown Heirs and Assigns of George A. Johnson; The Unknown Devisees of George A. Johnson; Deborah Franks and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Real Property Commonly Known as 76446 Willow St, Oakridge, OR 97463, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Ditech Financial LLC ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 76446 Willow St, Oakridge, OR 97463 ("Subject Property"), as evidenced by the Deed of Trust recorded October

1 12, 2012 in the official records of Lane County as instrument number 2012-052525 (“Deed of  
2 Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
3 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien  
4 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

5  
6 THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOT 7, AND THE NORTH 50  
7 FEET OF THE SOUTH 100 FEET OF LOT 8, IN BLOCK 58, HILLS ADDITION TO  
8 OAKRIDGE, AS PLATTED AND RECORDED IN BOOK 8, PAGE 30, LANE  
9 COUNTY, OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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

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

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

24 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
26 under the Note and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

14 8. Plaintiff or any other party to this action may become a purchaser at the  
15 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
16 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
17 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
18 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 \$86,576.59.
2. Simple interest at the variable rate currently at 4.375% (\$8.75 *per diem*) after August 22, 2017 through the date of sale.
3. Attorney fees of \$2,995.00, plus \$305.00, through the date of sale.
4. Costs of \$2,313.67 plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 9/28/2017 11:05 AM



**R. Curtis Conover, Circuit Court Judge**

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:

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- 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



Date: 9/14/2017

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(619) 326-2430  
kriggs@aldridgepite.com  
Of Attorneys for Plaintiff