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LANE COUNTY S.O. CIVIL
12-04-17
BTS 411

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

FIRST TECHNOLOGY FEDERAL CREDIT,

Plaintiff,

v.

THE ESTATE OF DWIGHT L. LEE; THE
UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF DWIGHT L. LEE; THE
ESTATE OF PHYLLIS A. LEE; THE
UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF PHYLLIS A. LEE; KELLY
LEE; JENNIFER LEE; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1070 N.
STREET, SPRINGFIELD, OR 97477,

Defendant.

Case No. 17CV16797

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On October 9, 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: FIRST TECHNOLOGY FEDERAL CREDIT 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 1070 N. Street, Springfield, OR 97477 ("Subject Property"), and legally described as:

1 BEGINNING IN SECTION 26, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE
2 WILLAMETTE MERIDIAN, AT A POINT 1140.80 FEET SOUTH OF A POINT ON THE
3 SOUTH LINE OF DONATION LAND CLAIM NO. 50, IN THE CENTER OF COUNTY
4 ROAD, 1142.20 FEET WEST AND 228.36 FEET NORTH OF THE NORTHWEST

5 CORNER OF DONATION LAND CLAIM NO. 69, SAID POINT ALSO BEING 7
6 FEET SOUTH AND 240 FEET EAST OF THE SOUTHWEST CORNER OF LOT 14, BLOCK
7 7, KEENEY'S FIRST ADDITION TO SPRINGFIELD, AS PLATTED AND RECORDED IN
8 BOOK 6, PAGE 30, LANE COUNTY OREGON PLAT RECORDS; THENCE SOUTH 127.0
9 FEET; THENCE EAST 60 FEET; THENCE NORTH 127.0 FEET; THENCE WEST 60 FEET
10 TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

11 The total amount due and owing on the Judgment as of November 6, 2017;

12 Judgment:	Principal	\$118,152.11
13 Pre-Judgment:	Interest(6.000%, \$17.57/day)	\$790.65 (August 25, 2017 through
14		October 9, 2017)
15	Attorney Fees	\$3,395.00
16	Costs	\$2,314.16
17	Prevailing Party Fee	\$300.00
18 Post-Judgment:	Interest(6.000%, \$17.57/day)	\$491.96 (October 10, 2017 through
19		November 6, 2017)
20	Attorney Fees	\$305.00
21	Costs	\$0.00

22 **TOTAL: \$125,748.88**

23 ///

24 ///

25 ///

26 Page 2 – WRIT OF EXECUTION

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

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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.

NOV 8, 2017

By: Angie Jones
court clerk

Presented by:
ALDRIDGE PITE. LLP
Katie Riggs
Katie L. Riggs, OSB # 075001
(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 LANE

FIRST TECHNOLOGY FEDERAL CREDIT,

Plaintiff,

v.

THE ESTATE OF DWIGHT L. LEE; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF DWIGHT L. LEE; THE ESTATE OF PHYLLIS A. LEE; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF PHYLLIS A. LEE; KELLY LEE; JENNIFER LEE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1070 N. STREET, SPRINGFIELD, OR 97477,

Defendants.

Case No. 17CV16797

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 DWIGHT L. LEE; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF DWIGHT L. LEE; THE ESTATE OF PHYLLIS A. LEE; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF PHYLLIS A. LEE; KELLY LEE; JENNIFER LEE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1070 N. STREET, SPRINGFIELD, OR 97477, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff FIRST TECHNOLOGY FEDERAL CREDIT ("Plaintiff"),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1070 N. Street, Springfield, OR 97477 ("Subject Property"), as evidenced by the Deed of Trust recorded September 19, 2005 in the official records of Lane County as instrument number 2005-073689 ("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:

BEGINNING IN SECTION 26, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, AT A POINT 1140.80 FEET SOUTH OF A POINT ON THE SOUTH LINE OF DONATION LAND CLAIM NO. 50, IN THE CENTER OF COUNTY ROAD, 1142.20 FEET WEST AND 228.36 FEET NORTH OF THE NORTHWEST CORNER OF DONATION LAND CLAIM NO. 69, SAID POINT ALSO BEING 7 FEET SOUTH AND 240 FEET EAST OF THE SOUTHWEST CORNER OF LOT 14, BLOCK 7, KEENEY'S FIRST ADDITION TO SPRINGFIELD, AS PLATTED AND RECORDED IN BOOK 6, PAGE 30, LANE COUNTY OREGON PLAT RECORDS; THENCE SOUTH 127.0 FEET; THENCE EAST 60 FEET; THENCE NORTH 127.0 FEET; THENCE WEST 60 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

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

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

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;

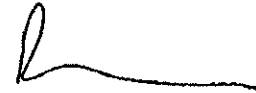
3 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 6
- 7 1. The amount of the judgment is \$118,152.11.
 - 8 2. Simple interest at the variable rate currently at 6.00% (\$17.57 *per diem*) after
9 8/25/2017, through the date of sale.
 - 10 3. Attorney fees of \$3,395.00, plus \$305.00, through the date of sale.
 - 11 4. Costs of \$2,314.16, plus costs accrued through the date of sale.
 - 12 5. Prevailing party fee: \$300.00.

13 **IT IS SO ADJUDGED**

Signed: 10/5/2017 03:51 PM



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

17 CERTIFICATE OF READINESS

18
19 This proposed Order or Judgment is ready for judicial signature because:

- 20 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
21 or Judgment, as shown by each opposing party's signature on the document being
22 submitted.
- 23 2. Each opposing party affected by this Order or Judgment has approved the Order or
24 Judgment, as shown by signature on the document being submitted or by written
25 confirmation of approval sent to me.
- 26 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. 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: 9/19/17

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff