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LINCOLN COUNTY SHERIFF'S OFFICE
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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN**

BAYVIEW LOAN SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,
Plaintiff,

v.

DIANNE L. TRASK AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 323 NE OLD
RIVER RD, SILETZ, OR 97380,
Defendant.

Case No. 17CV13763

WRIT OF EXECUTION

TO THE LINCOLN COUNTY SHERIFF:

On November 22, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINCOLN 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: BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY 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 323 NE OLD RIVER RD, SILETZ, OR 97380 ("Subject Property"), and legally described as:

A PARCEL OF LAND IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN IN LINCOLN COUNTY, OREGON, MORE PARTICULARLY

1 DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD ON THE NORTHEAST
2 CORNER OF LOT 1, BLOCK 1, SILETZ TOWNSITE, IN LINCOLN COUNTY, OREGON;
3 THENCE SOUTH 89° 55' WEST 90.80 FEET, MORE OR LESS, TO AN IRON ROD WHICH
4 IS LOCATED ON THE NORTHWEST CORNER LOT OF LOT 2, BLOCK 1, SILETZ
5 TOWNSITE; THENCE SOUTH 12° 08' WEST 112.59 FEET; THENCE SOUTH 77° 53' EAST
6 116.96 FEET TO AN IRON ROD; THENCE NORTH 0° 02' 47" EAST 134.75 FEET TO THE
7 POINT OF BEGINNING.

8 The total amount due and owing on the Judgment as of December 27, 2017;

9	Judgment:	Principal	\$63,676.05
10	Pre-Judgment:	Interest(11.47560%, \$8.30/day)	\$30,892.60 (9/15/07 through 11/22/17)
11		Attorney Fees	\$1,430.00
12		Costs	\$5,707.10
13		Prevailing Party Fee	\$300.00
14	Post-Judgment:	Interest(11.47560%, \$8.30/day)	\$290.50 (11/23/17 through 12/27/17)

15 **TOTAL: \$102,296.25**

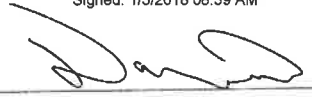
16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
17 and sell the Subject Property.

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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: 1/3/2018 08:39 AM



Circuit Court Judge David V. Cramer

Presented by:
ALDRIDGE PITE, LLP



CHRISTINA M. ANDREONI, OSB # 160875
Tel: (858) 750-7600
Fax: (503) 222-2260
CANDREONI@ALDRIDGEPITE.COM

Lincoln County Circuit Court
Certified to be a true
and correct
copy of the original
Clerk



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

BAYVIEW LOAN SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,

Plaintiff,

v.

DIANNE L. TRASK and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 323 NE OLD
RIVER RD, SILETZ, OR 97380,

Defendants.

Case No. 17CV13763

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY STIPULATION AND
DEFAULT**

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

I. Based upon the stipulation of Defendant DIANNE L. TRASK, the Court's Order of Default against Defendants DIANNE L. TRASK and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 323 NE OLD RIVER RD, SILETZ, OR 97380 ("Defendants"), and pursuant to BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("Plaintiff's") Motion for General Judgment and the records on file herein as to the real property commonly known as 323 NE Old River Rd, Siletz, OR 97380, situated in Lincoln County, Oregon and legally described as follows ("Subject Property"):

1 A PARCEL OF LAND IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 10 WEST,
2 WILLAMETTE MERIDIAN IN LINCOLN COUNTY, OREGON, MORE
3 PARTICULARLY DESCRIBED AS FOLLOWS:

4 BEGINNING AT AN IRON ROD ON THE NORTHEAST CORNER OF LOT 1,
5 BLOCK 1, SILETZ TOWNSITE, IN LINCOLN COUNTY, OREGON; THENCE
6 SOUTH 89° 55' WEST 90.80 FEET, MORE OR LESS, TO AN IRON ROD WHICH IS
7 LOCATED ON THE NORTHWEST CORNER LOT OF LOT 2, BLOCK 1, SILETZ
8 TOWNSITE; THENCE SOUTH 12° 08' WEST 112.59 FEET; THENCE SOUTH 77° 53'
9 EAST 116.96 FEET TO AN IRON ROD; THENCE NORTH 0° 02' 47" EAST 134.75
10 FEET TO THE POINT OF BEGINNING.

11 II. Plaintiff and Stipulating Defendant agree and stipulate to the following facts and terms of
12 this Stipulated Judgment of Foreclosure:

- 13 1. Deed of Trust executed and delivered by Stipulating Defendant ("Borrower")
14 dated August 3rd, 1999, and recorded on October 26, 1999, in the official records
15 of Lincoln County as instrument number Book 391 Page 1654 ("Deed of Trust")
16 is a valid and subsisting lien against the Subject Property for and securing the
17 Amount Due Plaintiff as determined herein. Plaintiff is the holder of the
18 beneficial interest of said Deed of Trust.
- 19 2. Plaintiff is the holder of the original Note dated August 3rd, 1999 ("Note") in the
20 amount of \$59,500.00, plus interest at the rate of 11.475% per annum.
- 21 3. On August 1, 2010, Borrower defaulted under the terms of the Note and Deed of
22 Trust by failing to make payments when due.
- 23 4. The lien of Plaintiff is superior to any interest, lien, or claim of any of the
24 Defendants' and shall remain in effect until issuance of a Sheriff's Deed.
- 25 5. Plaintiff is entitled to have the same foreclosed and the Subject Property sold at

Page 2 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
STIPULATION AND DEFAULT

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

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foreclosure sale by the Lincoln County Sheriff to satisfy any and all Amounts Due and owing upon the Deed of Trust and Note as determined herein and in accordance with the process for sale upon execution.

6. The said Sheriff will give notice of such sale in the manner provided by law of not less than 28 days; that the Sheriff will make, execute and deliver to the purchaser or purchasers a Certificate of Sale and, following the expiration of the period of redemption, if applicable, a Sheriff's deed of the Subject Property so sold.

7. Plaintiff is entitled a writ of execution whereby all of the rights, title and interest that Stipulating Defendant had as of the date of the Deed of Trust or thereafter acquired shall be ordered sold in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of Plaintiff's Amount Due as awarded herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to distribute to such party of parties as may establish their right thereto.

8. Plaintiff is owed the total amount due under the Note and Deed of Trust, which as of September 14, 2007, is \$63,676.05 (excluding attorney fees and costs), together with interest at the rate of 11.47560% (\$8.30 *per diem*) 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. This amount is to be satisfied by sale of the Subject Property as directed under this Judgment.

9. Plaintiff is owed reasonable attorney fees in the amount of \$1,430.00 for an execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule 68(C), which amount may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the

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sheriff's sale. Pursuant to the Deed of Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed under this Judgment.

10. Plaintiff is owed costs of suit in the amount of \$5,707.10 pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed under this Judgment.

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

12. Stipulating Defendant represents that she is not now and shall not re-enter into possession of the Subject Property. Stipulating Defendant shall not enter into any lease of the Subject Property and shall not allow any other person to occupy the Subject Property.

13. Stipulating Defendant has the authority to execute this stipulated judgment on behalf of any and all occupants of the Subject Property, of whom there are none.

14. Stipulating Defendant waives, releases, and transfers any redemptive rights to the Subject Property to Plaintiff. Stipulating Defendant may not otherwise sell or transfer her redemptive rights.

15. The interest of each Stipulating Defendant and any successor in interest, in the Subject Property may be foreclosed and terminated.

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

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

17. Before execution may issue, this Judgment may be supplemented and/or amended by Plaintiff, through Declaration of Counsel or Plaintiff, to reflect the accrued interest and late charges, any adjustments to the amount due because of additional advances, and any other corrections, adjustments or credits as of the day of application for the writ of execution. Stipulating Defendant consents to the entry of a Supplemental Judgment of Foreclosure in conformance with this Stipulation.

DECLARATION OF AMOUNT DUE
(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 \$63,676.05.
2. Simple interest at the interest rate of 11.47560% (\$8.30 *per diem*) after September 14, 2007, through the date of sale.
3. Attorney fees of \$1,430.00 plus fee accrued through the date of sale.
4. Costs of \$5,707.10 plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00

IT IS SO ORDERED.

Signed: 11/22/2017 02:49 PM



Circuit Court Judge David V. Cramer

<Stipulations next page.>

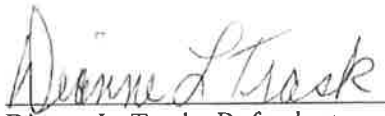
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Stipulated to and submitted by:
ALDRIDGE PITE, LLP



Date 10/9/2017

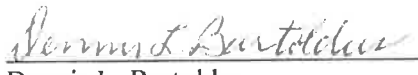
Christina M. Andreoni, OSB# 160875
(858) 750-7600; (503) 222-2260 (Facsimile)
candreoni@aldridgepite.com
111 SW Columbia Street, Suite 950
Portland, OR 97201
*Of Attorneys for Plaintiff Bayview Loan Servicing, LLC,
A Delaware Limited Liability Company*



Date 10/20/17

Dianne L. Trask, *Defendant*

Approved as to Form:



Date 10/20/17

Dennis L. Bartoldus
Law Office of Bartoldus Law
380 SW 2nd St.
Newport, OR 97365
Of Attorneys for Defendant Dianne L. Trask

By signing above the Parties hereby acknowledge the following: (1) that they were provided a reasonable period of time to review and consider this Stipulated Judgment; (2) that they were advised to and have sought and received the advice of their attorney prior to signing this Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so; (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment; (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a manner that is understandable to them, and that they indeed understand the entirety of this Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that they hereby release the rights and claims set forth above in exchange for the consideration set forth in this Stipulated Judgment

///

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:
 - 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: 10/9/2017

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Of Attorneys for Plaintiff

Page 7 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY STIPULATION AND DEFAULT

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