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LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR
18-0025

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

DEUTSCHE BANK TRUST COMPANY
AMERICAS AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.
PASS THROUGH CERTIFICATES 2007-
QH2,

Plaintiff,

v.

RALPH W. KING; SUSAN L. KING; AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 367
SALISHAN DR, LINCOLN CITY, OR 97367,

Defendant.

Case No. 15CV29727

WRIT OF EXECUTION

TO THE LINCOLN COUNTY SHERIFF:

On November 21, 2016, 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: DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC. PASS THROUGH CERTIFICATES 2007-QH2 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 367 SALISHAN DR, LINCOLN CITY, OR 97367 ("Subject Property"), and legally described as:

BEGINNING AT AN IRON ROD WHICH IS NORTH 5510.52 FEET AND EAST

1 560.10 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 8 SOUTH,
2 RANGE 11 WEST, WILLAMETTE MERIDIAN, IN LINCOLN COUNTY, OREGON, SAID
3 POINT BEING THE NORTHEAST CORNER OF HOMESITE 330, SALISHAN; THENCE
4 NORTH 0° 58' WEST, 100 FEET TO AN IRON ROD; THENCE NORTH 75° 24' WEST, 74.4
5 FEET TO AN IRON ROD; THENCE NORTH 75° 24' WEST, TO THE MEAN HIGH WATER
6 LINE OF THE PACIFIC OCEAN; THENCE SOUTHWESTERLY, ALONG SAID MEAN
7 HIGH WATER LINE TO A POINT WHICH IS NORTH 75° 24' WEST FROM THE POINT
8 OF BEGINNING; THENCE SOUTH 75° 24' EAST TO THE POINT OF BEGINNING.

9 SAID LAND IS KNOWN AS HOMESITE 331, SALISHAN.

10 The total amount due and owing on the Judgment as of December 15, 2017;

| | | |
|-------------------|-------------------------------|---|
| 11 Judgment: | Principal | \$1,176,498.70 |
| 12 Pre-Judgment: | Interest(2.625%, \$77.35/day) | \$16,475.55 (4/23/16 through 11/21/16) |
| 13 | Attorney Fees | \$10,702.25 |
| 14 | Costs | \$4,282.00 |
| 15 | Prevailing Party Fee | \$300.00 |
| 16 Post-Judgment: | Interest(2.625%, \$77.35/day) | \$30,089.15 (11/22/16 through 12/15/17) |
| 17 | Attorney Fees | \$260.00 |

18 **TOTAL: \$1,238,530.30**

19 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
20 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.



COURT ADMINISTRATOR FOR
LINCOLN COUNTY CIRCUIT COURT

Signed: 12/18/2017 02:45 PM

x 

Circuit Court Clerk Steven Zalewski

Presented by:
ALDRIDGE PITE, LLP

x 

Katie L. Riggs, OSB # 095861
(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 LINCOLN**

DEUTSCHE BANK TRUST COMPANY
AMERICAS AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.
PASS THROUGH CERTIFICATES 2007-
QH2,

Plaintiff,

v.

RALPH W. KING; SUSAN L. KING; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 367
SALISHAN DR, LINCOLN CITY, OR 97367,

Defendants.

Case No. 15CV29727

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE**

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 Granting Summary Judgment against Defendants RALPH W. KING and SUSAN L. KING, the Order of Default against Defendants ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 367 SALISHAN DR, LINCOLN CITY, OR 97367, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Plaintiff DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC. PASS THROUGH CERTIFICATES 2007-QH2 ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 367 Salishan Dr, Lincoln City, OR 97367 ("Subject Property"), as evidenced by the Deed of Trust recorded January 9,

1 2007 in the official records of Lincoln County as Instrument Number 2007-00431 ("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 BEGINNING AT AN IRON ROD WHICH IS NORTH 5510.52 FEET AND EAST
6 560.10 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 8
7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, IN LINCOLN COUNTY,
8 OREGON, SAID POINT BEING THE NORTHEAST CORNER OF HOMESITE 330,
9 SALISHAN; THENCE NORTH 0° 58' WEST, 100 FEET TO AN IRON ROD;
10 THENCE NORTH 75° 24' WEST, 74.4 FEET TO AN IRON ROD; THENCE NORTH
11 75° 24' WEST, TO THE MEAN HIGH WATER LINE OF THE PACIFIC OCEAN;
12 THENCE SOUTHWESTERLY, ALONG SAID MEAN HIGH WATER LINE TO A
13 POINT WHICH IS NORTH 75° 24' WEST FROM THE POINT OF BEGINNING;
14 THENCE SOUTH 75° 24' EAST TO THE POINT OF BEGINNING.

15 SAID LAND IS KNOWN AS HOMESITE 331, SALISHAN.

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

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

23 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
24 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
25 68(C), which amount may be added to the outstanding obligation due and owing under the Note
26 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of

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

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

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

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

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

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- 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: 11/11/16

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Of Attorneys for Plaintiff