

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2006-J4, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
J4,

Plaintiff,

vs.

ROBERT F.MOSS, an individual; LENITA G.
MOSS, an individual, OCWEN LOAN
SERVICING, LLC, a limited liability
corporation; ENTERPRISE IRRIGATION
DISTRICT, a corporation; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NO.: 15CV24937

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of Klamath)

TO THE SHERIFF OF KLAMATH COUNTY OREGON:

WHEREAS, on September 6, 2017 by consideration of the Klamath County Circuit
Court, there was entered a General Judgment of Foreclosure as to Defendants. Said General

WRIT OF EXECUTION -1-

ZIEVE, BRODNAX & STEELE, LLP
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
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503-946-6558
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1 Judgment of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's
2 Office in said County on September 6, 2017; a true copy of the General Judgment of Foreclosure
3 is attached hereto and made a part hereof.

4 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA THE
5 BANK OF NEW YORK, AS TRUSTEE FOR THE
6 CERTIFICATEHOLDERS OF CWALT, INC.,
7 ALTERNATIVE LOAN TRUST 2006-J4, MORTGAGE
8 PASS-THROUGH CERTIFICATES, SERIES 2006-J4,,
9 Judgment Creditor Address: 55 Beattie Place, Suite 100
10 Greenville, SC 29601-2743

11 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
12 commanded to sell the real property as by said General Judgment of Foreclosure according to
13 law (subject to redemption) all of the interest that the Defendants Robert F Moss and Lenita G
14 Moss had on the 24th day of May 2006, the date of the Mortgage, and also all of the interest that
15 Defendants had thereafter, in the real property described in the Judgment as:

16 Tract 49, PLEASANT HOME TRACTS, according to the official plat thereof on file in the
17 office of the County Clerk. Klamath County, Oregon.
18 Less the Northerly 45 feet thereof.

19 Tax Parcel Number: R514919

20 The street address of the real property to be levied upon is 1900 Ivory Street, Klamath
21 Falls, OR 97603.

22 The above referenced property shall be sold to satisfy the following sums: The base
23 judgment amount of \$104,369.19, plus prejudgment interest in the amount of \$24,395.93, plus
24 lender fees and costs of \$12,260.89, plus additional pre-judgment interest in the amount of
25 \$1,304.24, plus attorney fees and costs in the amount of \$3,493.00, plus post-judgment interest in

26 WRIT OF EXECUTION -2-

27 **ZIEVE, BRODNAX & STEELE, LLP**
28 Amy F. Harrington, Esq.
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1 the amount of \$352.79, plus a prevailing party fee of \$300.00, for a grand total of \$146,476.04.
2 plus \$32.07 per diem thereafter until paid. Thus,

3 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
4 THE DATE OF SUBMISSION (September 18, 2017) IS AS FOLLOWS:

5	Base Judgment	\$104,369.19
6	Pre-judgment Interest	\$24,395.93
7	Lender Fees and Costs	\$12,260.89
8	Additional Pre-Judgment Interest	\$1,304.24
9	Attorney Fees and Costs	\$3,493.00
10	Prevailing Party Fee	\$300.00
11	Post-judgment Interest	\$352.79

12 Total due as of September 18, 2017 \$146,476.04. plus \$32.07 per diem thereafter until
13 paid.

14 The proceeds of sale shall be applied, delivered, and distributed according to ORS
15 18.950.

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26 WRIT OF EXECUTION -3-

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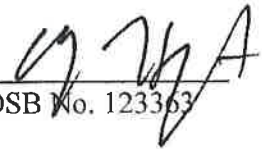
1 The Sheriff is hereby authorized to continue execution under the writ and delay making a
2 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the
3 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
4 18.872.

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6
7 October 10, 2017

8  John M. Powell
TRIAL COURT ADMINISTRATOR
9 by 
Deputy

10 Submitted by:

11 ~~is/ Amy Harrington~~



12 Amy F. Harrington, OSB No. 123363

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persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NO. 15CV24937

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD -
JUDGMENT DOES NOT
CREATE A LIEN)**

Based upon the Motion for a General Judgment of Foreclosure filed by Plaintiff The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2006-J4, Mortgage Pass Through Certificates, Series

1 2006-J4 ("Plaintiff") and against all defendants ("Defendants"), the Declaration in Support of
2 Judgment, the Statement for Attorney Fees, Costs, and Disbursements, and good cause
3 appearing,

4 **IT IS HEREBY ORDERED AND ADJUDGED:**

5 **1.**

6 Plaintiff is awarded judgment against Defendants and all persons claiming through or
7 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
8 interest, lien or claim in the real property described above and every portion thereof excepting
9 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

10 **2.**

11 A writ of execution upon this General Judgment of Foreclosure shall issue.

12 **3.**

13 The Deed of Trust executed by Borrowers and recorded on May 31, 2006, in the Klamath
14 County Recorder's Office as Instrument number M06-11055, is a valid mortgage lien for the
15 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
16 Klamath County, Oregon commonly referred to as 1900 Ivory Street, Klamath Falls, OR 97603,
17 with a legal description as follows:

18 TRACT 49, PLEASANT HOME TRACTS, ACCORDING TO THE OFFICIAL PLAT
19 THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK. KLAMATH
20 COUNTY, OREGON.

21 LESS THE NORTHERLY 45 FEET THEREOF.

22 **4.**

23 Said mortgage lien is superior to any interest, lien or claim of Defendants in the real
24 property, and all other interest in the property gained by him thereafter, or so much interest as
25 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Klamath
26 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

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5.

The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as may establish their right thereto.

6.

Defendants and all persons claiming through or under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property described above and every portion thereof excepting only any satisfactory right of redemption as Defendants may have.

7.

Plaintiff or any other party to this suit or third party purchase may become the purchaser at the sale of the real property. The purchaser is entitled to exclusive possession of the real property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including writ of assistance, if the Defendants and any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

SECURED DEBT

- 1. Judgment Creditor: The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2006-J4, Mortgage Pass Through Certificates, Series 2006-J4 c/o Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
- 2. Judgment Creditor's Attorney: Amy F. Harrington
Zieve, Brodnax, & Steele, LLP

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3. Person or public body entitled to any portion of money award herein: None

4. **Total Amount of Secured Debt:**

a. Lenders' Principal and Interest

Principal Balance \$ 104,369.19

Accrued interest and fees on \$ 24,395.93
the principal balance through
6/30/17

Additional pre-judgment interest
to accrue from 6/30/17 to the date this
judgment is entered, at the note rate
of 6.875% (\$19.18 per diem)

Post-judgment interest to accrue on the
sum of: (1) the judgment amount in section
d, and (2) the additional pre-judgment interest
accruing from 6/30/17 to the date of judgment.
This post-judgment interest shall accrue at the
statutory rate of 9.00%, from the date judgment
is entered until the date of sale.

**Total Principal and Interest
Through 6/30/17 at the rate of
6.875% per annum (\$19.18
per diem). \$ 128,765.12**

b. Lender Costs \$12,260.89

c. Attorneys' Fees and Costs

Attorney Fees \$3,030.00

Attorney Costs \$463.00

Total Attorney Fees and Costs \$3,493.00

d. Prevailing Party Fee \$300.00

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c. After conferring about objections [role and name of objecting party] agreed to independently file any remaining objection.

- 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 as been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of the rule.
- 8. Other: _____

Submitted By:

/s/Amy F. Harrington 9/5/17
Amy F. Harrington, OSB No. 123363
Attorney for Plaintiff
The Bank of New York Mellon FKA The Bank of New York as Trustee for the
Certificateholders of CWALT, Inc., Alternative Loan Trust 2006-J4, Mortgage Pass Through
Certificates, Series 2006-J4