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**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
(CWALT 2005-06CB),
Plaintiff,

Case No. 17CV18511

WRIT OF EXECUTION

v.
JAMES R. WOLF; WELLS FARGO BANK,
N.A.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2461 ORCHARD WAY,
KLAMATH FALLS, OR 97601,
Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On October 18, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the KLAMATH 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: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2005-06CB) 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 2461 ORCHARD WAY, KLAMATH FALLS, OR 97601 ("Subject Property"), and legally described as:

LOT 25 IN BLOCK 125, MILLS ADDITION TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. ALSO, ALL THAT PORTION OF

1 THE STRIP OF LAND LYING CONTIGUOUS TO THE NORTHERLY BOUNDARY OF
2 LOT 25, BLOCK 125, MILLS ADDITION, CITY OF KLAMATH FALLS, SHOWN ON THE
3 MAP FILED MAY 1, 1926, IN THE KLAMATH COUNTY RECORDS, AND

4 BETWEEN EXTENSIONS OF THE EASTERLY BOUNDARY LINE AND THE
5 WESTERLY BOUNDARY LINE OF SAID LOT TO THE CENTERLINE OF THAT STRIP
6 OF LAND DESCRIBED IN THE CERTAIN CORRECTION DEED TO THE UNITED
7 STATES DATED SEPTEMBER 28, 1912, RECORDED IN BOOK 38, AT PAGE 209, FILED
8 IN THE RECORDS OF KLAMATH COUNTY, STATE OF OREGON.

9 The total amount due and owing on the Judgment as of October 18, 2017;

10 Judgment:	Principal	\$74,638.52
11 Pre-Judgment:	Interest(6.250%, \$6.77/day)	\$250.49 (September 12, 2017 through
12		October 18, 2017)
13	Attorney Fees	\$2,942.50
14	Costs	\$1,630.00
15	Prevailing Party Fee	\$300.00
16 Post-Judgment:	Interest(6.250%, \$6.77/day)	\$148.94 (October 19, 2017 through
17		November 9, 2017)
18	Attorney Fees	\$305.00
19	Costs	\$0.00

20 **TOTAL: \$80,215.45**

21 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
22 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
23 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.

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Page 2 – WRIT OF EXECUTION

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Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

Presented by:
ALDRIDGE PITE, LLP

smathenia
Sarah M. Mathenia, OSB #120681
(858) 750-7600
(503) 222-2260 (facsimile)
smathenia@aldridgepite.com



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**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
(CWALT 2005-06CB),

Plaintiff,

v.

JAMES R. WOLF; WELLS FARGO BANK,
N.A. and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2461 ORCHARD WAY,
KLAMATH FALLS, OR 97601,

Defendants.

Case No. 17CV18511

**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 JAMES R. WOLF; WELLS FARGO BANK, N.A. and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 2461 ORCHARD WAY, KLAMATH FALLS, OR 97601, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2005-06CB) ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 2461 ORCHARD WAY, KLAMATH FALLS, OR 97601 ("Subject Property"), as evidenced by the Deed of Trust recorded January 11, 2005 in the official records of KLAMATH County as instrument number

1 Vol. M05 Pg. 02233 ("Deed of Trust"), is a viable first priority lien, superior to the interests of
2 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 LOT 25 IN BLOCK 125, MILLS ADDITION TO THE CITY OF KLAMATH FALLS,
6 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF
7 THE COUNTY CLERK OF KLAMATH COUNTY, OREGON. ALSO, ALL THAT
8 PORTION OF THE STRIP OF LAND LYING CONTIGUOUS TO THE NORTHERLY
9 BOUNDARY OF LOT 25, BLOCK 125, MILLS ADDITION, CITY OF KLAMATH
10 FALLS, SHOWN ON THE MAP FILED MAY 1, 1926, IN THE KLAMATH COUNTY
11 RECORDS, AND BETWEEN EXTENSIONS OF THE EASTERLY BOUNDARY
12 LINE AND THE WESTERLY BOUNDARY LINE OF SAID LOT TO THE
13 CENTERLINE OF THAT STRIP OF LAND DESCRIBED IN THE CERTAIN
14 CORRECTION DEED TO THE UNITED STATES DATED SEPTEMBER 28, 1912,
15 RECORDED IN BOOK 38, AT PAGE 209, FILED IN THE RECORDS OF KLAMATH
16 COUNTY, STATE OF OREGON.

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

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

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

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

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
3 by sale of the Subject Property as directed under this Judgment;

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

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

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

20 8. Plaintiff or any other party to this action may become a purchaser at the
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the
24 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 \$74,638.52.
2. Simple interest at the variable rate currently at 6.25000% (\$6.77 *per diem*) after September 11, 2017, through the date of sale.
3. Attorney fees of \$2,942.50, plus \$305.00, through the date of sale.
4. Costs of \$1,630.00, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 10/17/2017 03:44 PM



Circuit Court Judge Cameron F. Wogan

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;

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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

Sarah M. Mathenia
Sarah M. Mathenia, OSB #120681
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(503) 222-2260 (Facsimile)
smathenia@aldridgepite.com
Of Attorneys for Plaintiff

Date: 10/13/17

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2005-06CB)