

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DITECH FINANCIAL LLC,
Plaintiff,

Case No. 17CV27380

v.

WRIT OF EXECUTION

LESLIE WILLIAM MOWDY AS
PERSONAL REPRESENTATIVE FOR THE
SMALL ESTATE OF CHARLES LESLIE
GORDON MOWDY; LESLIE WILLIAM
MOWDY; SCOTT HAROLD MOWDY;
GINA LEE DOTSON; JODY LESLIE
DURIGHELLO AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 14213
MEADOWBROOK COURT, KLAMATH
FALLS, OR 97601,
Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On October 27, 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: DITECH FINANCIAL LLC 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 14213 Meadowbrook Court, Klamath Falls, OR 97601 ("Subject Property"), and legally described as:
SEE EXHIBIT "A" ATTACHED


1 The total amount due and owing on the Judgment as of December 7, 2017;

2 Judgment:	Principal	\$67,444.76
3 Pre-Judgment:	Interest(3.99000%, \$6.79/day)	\$61.11 (10/19/17 through 10/27/17)
4	Attorney Fees	\$3,445.00
5	Costs	\$2,858.00
6	Prevailing Party Fee	\$300.00
7 Post-Judgment:	Interest(3.99000%, \$6.79/day)	\$278.39 (10/28/17 through 12/7/17)
8	Attorney Fees	\$305.00
9	TOTAL:	\$74,692.26

10 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
 11 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
 12 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
 13 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
 14 holder of the certificate of sale.

15 DATED December 8, 2017

16 *John M Powell*
 COURT ADMINISTRATOR FOR
 KLAMATH COUNTY CIRCUIT COURT
 17 By: *Deborah*



19 Presented by:
 20 ALDRIDGE PITE, LLP
 21 *[Signature]*
 22 ^x
 23 Katie Riggs, OSB # 095861
 24 Tel: (858) 750-7600
 Fax: (503) 222-2260
 kriggs@aldridgepite.com

EXHIBIT "A"

LOT 16, BLOCK 3, ROUND LAKE ESTATES, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

TOGETHER WITH A MULTIWIDE MANUFACTURED HOME, which is permanently affixed and attached to the land and is part of the Real Property and which, by intention of the parties, shall constitute a part of the realty and shall pass with it:

Year/Make: 1993/FUQUA

LX W:48X24

VIN #:12512

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DITECH FINANCIAL LLC,

Plaintiff,

v.

LESLIE WILLIAM MOWDY AS
PERSONAL REPRESENTATIVE FOR THE
SMALL ESTATE OF CHARLES LESLIE
GORDON MOWDY; LESLIE WILLIAM
MOWDY; SCOTT HAROLD MOWDY;
GINA LEE DOTSON; JODY LESLIE
DURIGHELLO and ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 14213 MEADOWBROOK
COURT, KLAMATH FALLS, OR 97601,

Defendants.

Case No. 17CV27380

**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 Leslie William Mowdy As Personal Representative for The Small Estate of Charles Leslie Gordon Mowdy; Leslie William Mowdy; Scott Harold Mowdy; Gina Lee Dotson; Jody Leslie Durighello And All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 14213 Meadowbrook Court, 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 Ditech Financial LLC (“Plaintiff”),

IT IS HEREBY ADJUDGED:

1. Plaintiff’s security interest in the real property located at 14213 Meadowbrook Court, Klamath Falls, OR 97601 (“Subject Property”), as evidenced by the Deed of Trust

1 recorded March 24, 2015 in the official records of Klamath County as instrument number 2015-
2 002589 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the
3 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
4 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
5 legally described as follows:

6
7 LOT 16, BLOCK 3, ROUND LAKE ESTATES, IN THE COUNTY OF,
8 KLAMATH, STATE OF OREGON.

9 TOGETHER WITH A MULTIWIDE MANUFACTURED HOME, which is
10 permanently affixed and attached to the land and is part of the Real Property and which,
11 by intention of the parties, shall constitute a part of the realty and shall pass with it:

12 Year/Make: 1993/FUQUA

13 LX W:48X24

14 17 VIN#:12512

15
16 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
17 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the
18 Sheriff, 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

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

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;

24 ///

25 ///

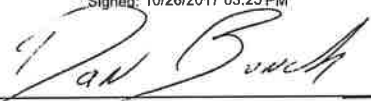
26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 \$67,444.76
2. Simple interest at the variable rate currently at 3.99000% (\$6.79 *per diem*) from October 18, 2017, through the date of sale.
3. Attorney fees of \$3,445.00, plus \$305.00 through the date of sale.
4. Costs of \$2,858.00, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 10/26/2017 03:25 PM


Circuit Court Judge Dan Bunch

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.

- 1 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - 2 a. No objections have been served on me within that time frame;
 - 3 b. I received objections that I could not resolve with the opposing party despite
4 reasonable efforts to do so. I have filed with the Court a copy of the objections I
5 received and indicated which objections remain unresolved;
 - 6 c. After conferring about objections, [**Opposing Party**] agreed to independently
7 file any remaining objection with the Court.
- 8 4. x The relief sought is against an opposing party who has been found in default.
- 9 5. An order of default is being requested with this proposed judgment.
- 10 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
11 otherwise.
- 12 7. This is a proposed judgment that includes an award of punitive damages and notice
13 has been served on the Director of the Crime Victims' Assistance Section as required by
14 subsection (4) of this rule.

13 Presented By:
ALDRIDGE PITE, LLP

14 

15 Date: 10/26/2017

16 _____
Katie L. Riggs, OSB#095861
17 (858) 750-7600
18 (503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

19 Of Attorneys for Plaintiff

20
21
22
23
24
25
26