



Verified Correct Copy of Original 12/17/2017

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

KLAMATH IRRIGATION DISTRICT,  
Plaintiff,

Case No. 16CV34836

**WRIT OF EXECUTION**

v.

AMERICAN SAFETY AND CASUALTY  
INSURANCE COMPANY, a corporation,  
PARTIES IN POSSESSION,  
Defendants.

10

11 TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

12 On October 17, 2017, plaintiff recovered a Stipulated General Judgment of Foreclosure  
13 (the "General Judgment") in the above-entitled matter against certain real property located in  
14 Klamath County, Oregon, described as follows:

15 Lot 4, ALTAMONT SMALL FARMS, in the County of Klamath, State of  
16 Oregon. SAVING AND EXCEPTING THEREFROM the Westerly 10 feet  
17 thereof conveyed to Klamath County by Deed recorded September 17, 1987  
18 in Book M-87 at Page 16949. LESS AND EXCEPT that portion of the above  
described property deeded to Klamath County by Deed recorded September  
4, 1991 in Book M-91 at Page 17665 and by Deed recorded July 8, 1996 in  
Book M-96 at Page 20146, Microfilm records of Klamath County, Oregon.

19 Said parcel is also described as Klamath County Tax Assessor's Account No. R-3909-015BC-  
20 01400-000 and Account No. R578761.

21 The General Judgment awards plaintiff as follows for irrigation charges, interest, and lien  
22 fees, together with interest thereon at the rate of 1.33% per month from October 1, 2017 until paid:

- 23 a. 2013 assessment, late fee, lien fees: \$311.71
- 24 b. 2014 assessment, late fee, and interest to July 31, 2017: \$333.46
- 25 c. 2015 assessment, late fee, and interest to July 31, 2017: \$493.46
- 26 d. 2016 assessment, late fee, and interest to July 31, 2017: \$493.46



- 1 e. 2017 assessment, late fee, and interest to July 31, 2017: \$493.46
- 2 f. Total interest accrued: \$615.00
- 3

4 The General Judgment awards plaintiff as follows for plaintiff's costs, disbursements, and attorney  
 5 fees, together with interest thereon at the rate of nine percent (9%) per annum beginning October  
 6 1, 2017 until paid:

- 7 a. Foreclosure Lien Title Report \$200.00
- 8 b. Cost of foreclosure suit \$158.00
- 9 c. Reasonable attorney fees: \$5,500.00

10 A true copy of the General Judgment is attached hereto as Exhibit "A" and made a part hereof.

11 The name and mailing address of the judgment creditor is:

12 Klamath Irrigation District  
 13 c/o Nathan R. Rietmann  
 14 Attorney at Law  
 15 1270 Chemeketa St. NE  
 16 Salem, Oregon 97301

17 As of December 1, 2017, the General Judgment remains unsatisfied and total amount owing  
 18 under the General Judgment and the amount of interest accruing each day are:

- 19 a. Irrigation charges, interest, and lien fees:
  - 20 a. Principal: \$2,740.55
  - 21 b. Interest accrued for November, 2017: \$36.00
  - 22 c. Monthly interest accrues on the 1<sup>st</sup> day of each month for the entire month  
 beginning on December 1, 2017 at the daily rate of: \$1.20
- 23 b. Plaintiff's costs, disbursements, and attorney fees:
  - 24 a. Principal: \$5,858.00
  - 25 b. Interest accrued from October 17, 2017 to December 1, 2017: \$66.24
  - 26 c. Daily interest after December 1, 2017: \$1.44

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NOW, THEREFORE, in the name of the State of Oregon, you are hereby commanded to sell under the General Judgment in the manner prescribed by law for the sale of real property (subject to redemption), the real property described above to satisfy the sums set forth above and make due return hereon within 60 days after you have received this Writ.

DATED this 5<sup>th</sup> day of December, 2017.

*John M Powell*  
KLAMATH COUNTY CIRCUIT COURT  
ADMINISTRATOR  
By *Deborah*  
Deputy

Prepared By:  
Nathan R. Rietmann, OSB #053630  
Attorney for Klamath Irrigation District  
1270 Chemeketa St. NE  
Salem, Oregon 97301  
503-551-2740  
nathan@rietmannlaw.com

County of KLAMATH  
STATE OF OREGON  
I hereby certify that the within is a true and correct copy and the whole of the original.  
Clerk of Court  
By: N. Rietmann  
Date: 12/18/17

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

3 KLAMATH IRRIGATION DISTRICT,  
4 Plaintiff,  
5 v.  
6 AMERICAN SAFETY AND CASUALTY  
7 INSURANCE COMPANY, a corporation,  
8 PARTIES IN POSSESSION,  
9 Defendants.

Case No. 16CV34836

**STIPULATION; PROPOSED STIPULATED  
GENERAL JUDGMENT OF FORECLOSURE**

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10 **STIPULATION**

11 By and through their respective undersigned counsel, plaintiff Klamath Irrigation District  
12 and defendant American Safety and Casualty Insurance Company, successor in interest TIG  
13 Insurance Company, hereby stipulate and agree to entry of judgment in the proposed form set forth  
14 below.  
15

16 IT IS SO STIPULATED AND AGREED.

17 Dated: October 16, 2017

18 RIETMANN & RIETMANN, LLP

19 By: /s/ Nathan R. Rietmann  
20 Nathan R. Rietmann  
21 Attorneys for Plaintiff  
22 Klamath Irrigation District

23 BULLIVANT HOUSER BAILEY PC

24 By: /s/ Loren D. Podwill  
25 Loren D. Podwill  
26 Attorneys for Defendant  
American Safety Casualty Insurance,  
successor in interest TIG Insurance Company

1 **JUDGMENT**

2 THIS MATTER came before the Court on plaintiff's Motion for Entry of Stipulated  
3 General Judgment of Foreclosure. The Court, having considered the Motion, the stipulation of the  
4 parties, as well as the Complaint on file, finds that the plaintiff is entitled to a General Judgment  
5 of Foreclosure as described below.

6 NOW THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

- 7
- 8 1. Plaintiff's Motion is GRANTED
  - 9 2. Plaintiff has a valid and subsisting lien and is awarded a General Judgment against the  
10 parcel of real property more particularly described as follows:

11 Lot 4, ALTAMONT SMALL FARMS, in the County of Klamath,  
12 State of Oregon. SAVING AND EXCEPTING THEREFROM the Westerly  
13 10 feet thereof conveyed to Klamath County by Deed recorded September  
14 17, 1987 in Book M-87 at Page 16949. LESS AND EXCEPT that portion of  
15 the above described property deeded to Klamath County by Deed recorded  
16 September 4, 1991 in Book M-91 at Page 17665 and by Deed recorded July  
17 8, 1996 in Book M-96 at Page 20146, Microfilm records of Klamath County,  
18 Oregon.

19 for plaintiff's irrigation charges, lien fees, interests, costs, and reasonable attorney fees  
20 to this date as follows:

- |   |           |
|---|-----------|
| 21 a. 2013 assessment, late fee, lien fees:                     | \$ 311.71 |
| 22 b. 2014 assessment, late fee, and interest to July 31, 2017: | \$333.46  |
| 23 c. 2015 assessment, late fee, and interest to July 31, 2017: | \$493.46  |
| 24 d. 2016 assessment, late fee, and interest to July 31, 2017: | \$493.46  |
| 25 e. 2017 assessment, late fee, and interest to July 31, 2017: | \$493.46  |
| 26 f. Total interest accrued:                                   | \$615.00  |

- 1 g. Foreclosure Lien Title Report \$200.00  
2 h. Cost of foreclosure suit \$158.00  
3 i. Reasonable attorney fees: \$5,500.00

4 3. The figures from 2.a to 2.f above accrue interest at the rate of 1.33% per month  
5 beginning October 1, 2017 until paid.

6 4. The figures from 2.g to 2.i above accrue interest at the rate of 9% per annum  
7 beginning October 1, 2017 until paid.

8 5. Plaintiff's lien and General Judgment are declared to be superior to the interests of  
9 the defendant and all persons claiming by or through defendant in said real property.

10 6. Plaintiff's General Judgment is hereby foreclosed against said parcel, and the  
11 Sheriff of Klamath County, Oregon is hereby ordered to hold the sale of the parcel described above  
12 as provided in ORS 545.502 in the same manner as other foreclosure sales.

13 7. The proceeds of said sale shall be applied first to the cost of the Sheriff's Sale, then  
14 to satisfy plaintiff's General Judgment against the parcel, and then any excess shall be paid to the  
15 defendant as may be hereafter ordered.

16 8. Defendant is not liable for, and no monetary judgment shall be entered against the  
17 defendant for, any deficiency that may result from the foreclosure and sale of the parcel.

18 9. Defendant, and all persons claiming through or under defendant, either as  
19 purchasers, encumbrancers, or otherwise, are hereby foreclosed of all interest or claim in the  
20 subject real property except any statutory right of redemption that defendant may have in the real  
21 property.  
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1           10.     The plaintiff or any other party to this action may become a purchaser at said sale,  
2 and the purchaser shall be entitled to exclusive possession of the real property from the date of the  
3 sale.

Signed: 10/17/2017 03:50 PM



A handwritten signature in black ink, appearing to read 'C. Wogan', is written over a horizontal line. The signature is fluid and cursive.

**Circuit Court Judge Cameron F. Wogan**

16 Submitted By:  
17 Nathan R. Rietmann, OSB #053630  
18 1270 Chemeketa St. NE  
19 Salem, Oregon 97301  
20 503-551-2740  
21 nathan@rietmannlaw.com

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**CERTIFICATE OF SERVICE**

I certify that on October 16, 2017, I served the foregoing **STIPULATION AND PROPOSED STIPULATED GENERAL JUDGMENT OF FORECLOSURE** upon the parties indicated below, by U.S. Mail, addressed to the following:

Loren D Podwill  
Bullivant Houser Bailey PC  
888 SW 5th Ave Ste 300  
Portland OR 97204

RIETMANN & RIETMANN, LLP

/s/ Nathan R. Rietmann  
Nathan R. Rietmann, OSB #053630  
Attorney at Law  
1270 Chemeketa St. NE  
Salem, Oregon 97301  
503-551-2740  
nathan@rietmannlaw.com



1 **CERTIFICATE OF READINESS**

2 This proposed order or judgment is ready for judicial signature because:

3 1.[X] Each party affected by this order or judgment has stipulated to or  
4 approved the order or judgment, as shown by the signatures on the  
5 documents being submitted or by written confirmation of approval sent to  
me.

6 2.[ ] I have served a copy of this order or judgment on all parties entitled to  
7 service and:

- 8 a. [X] No objection has been served on me.
- 9 b. [ ] I received objections that I could not resolve with the  
10 opposing party despite reasonable efforts to do so. I have filed a  
copy of the objections I received and indicated which objections  
remain unresolved.
- 11 c. [ ] After conferring about objections,  
12 \_\_\_\_\_, agreed to independently file  
any remaining objection.

13 3.[ ] Service is not required under UTCR 5.100 or by statute, rule, or otherwise.

14 DATED this 16<sup>th</sup> day of October, 2017.

15 RIETMANN & RIETMANN, LLP

16 /s/ Nathan R. Rietmann  
 17 Nathan R. Rietmann, OSB #053630  
 18 Attorney at Law  
 1270 Chemeketa St. NE  
 19 Salem, Oregon 97301  
 20 503-551-2740  
 nathan@rietmannlaw.com