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

RUNNING Y RANCH RESORT OWNERS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

DITECH FINANCIAL LLC F/K/A GREEN
TREE SERVICING LLC; and AMY
CAVALLARO,

Defendants.

Case No. 17CV19822

WRIT OF EXECUTION IN
FORECLOSURE OF
RESIDENTIAL REAL
PROPERTY

TO THE SHERIFF OF KLAMATH COUNTY:

WHEREAS, on September 27, 2017 in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto and made part hereof;

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of residential real property upon execution (subject to redemption), all of the interest which the defendants had on October 14, 2013, the date Lien of Running Y Ranch Resort Owner's Association was recorded, and also all of the interest which the defendant had thereafter, in the real property described in the judgment, described as follows:

Lot 732, RUNNING Y RESORT, PHASE 9, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

The subject Property is an unimproved lot with no street address ("Property").

1 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendants which
2 accrued from date of judgment to date of sale; and the cost of this writ, making due return within
3 60 days after you receive this writ. The proceeds from the sale shall be applied in accordance
4 with the judgment.

5 The balance as of November 10, 2017, exclusive of post judgment attorney fees and
6 post judgment dues and assessments is as follows:

7	1. Principal Amount:	\$ 11,658.61
8	2. Amount of Costs and Disbursements:	\$ 779.15
9	3. Pre Judgment Interest:	\$ 3,320.71
10	4. Amount of Attorney Fees:	\$ 2,965.00
11	5. Amount of Post-Judgment Interest (through November 10, 2017):	\$ 400.74
12	6. Subtotal through November 10, 2017: (Per diem thereafter \$9.11)	\$ 19,124.21
	7. Total amount through November 10, 2017:	\$ 19,124.21

13 The mailing address of the judgment creditor is:

14 Running Y Ranch Resort Owners Association
15 c/o Vial Fotheringham LLP
16 Attn: Colin P. Mackenzie
17 17355 SW Boones Ferry Rd. Suite A
18 Lake Oswego, OR 97035

19 DATED: November 14 2017

20 By: John M. Power
21 Marcela Flores
22 Deputy Clerk



23 Submitted by:

24 VIAL FOTHERINGHAM LLP

25 By: s/ Colin P. Mackenzie
26 Colin Mackenzie, OSB #123782
27 colin.mackenzie@vf-law.com
28 Attorney for Plaintiff Running Y
Ranch Resort Owners Association

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

RUNNING Y RANCH RESORT
OWNERS ASSOCIATION, an Oregon
non-profit corporation,
Plaintiff,

Case No. 17CV19822

v.

GENERAL JUDGMENT OF
FORECLOSURE

DITECH FINANCIAL LLC F/K/A
GREEN TREE SERVICING LLC; and
AMY CAVALLARO,
Defendants.

This matter coming regularly before the Court on this day, and it appearing from the record that an Order for Default was entered against Defendant Ditech Financial LLC f/k/a Green Tree Servicing LLC ("Defendant"):

IT IS HEREBY ORDERED AND ADJUDGED:

1. The real property to which this judgment relates ("Property") is situated in Klamath County, Oregon and is legally described as:

Lot 732, RUNNING Y RESORT, PHASE 9, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

The subject property is an unimproved lot with no street address.

Plaintiff's Claim of Lien ("Lien"), recorded on October 14, 2013, in the real property records of Klamath County, Oregon as Instrument No. 2013-011635, is a valid and subsisting Lien against all of the property for the amount of Plaintiff's judgment as provided:

1 herein. Plaintiff's lien is a continuing lien and the amount increases as additional unpaid
2 assessments accrue.

3 3. The interest of Defendant Ditech Financial LLC is subject to this judgment and
4 any successor in interest in the property is foreclosed and terminated excepting only any
5 statutory right of redemption as provided by Oregon law.

6 4. The Plaintiff's Lien is superior to any interest, lien, or claim of the remaining
7 Defendants, and shall remain in effect until issuance of a Sheriff's Deed.

8 5. The Property is hereby ordered to be sold by the Klamath County Sheriff's
9 Office in accordance with the process for sale upon execution.

10 6. Plaintiff, or any junior lien holders, may become purchaser at the sale of the
11 property.

12 7. The purchaser at the sale is entitled to exclusive and immediate possession of the
13 Property from and after the date of the sale and is entitled to such remedies as are available at
14 law or in equity to secure possession.

15 8. The purchaser at the sale may apply to the Court for a writ of assistance if any
16 Defendant or any person holding possession under or through such Defendants shall refuse to
17 surrender possession to the purchaser immediately on the purchaser's demand for possession.

18 9. The proceeds of sale shall be applied first toward the costs of the sale; then to
19 any assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment
20 to the date of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the
21 surplus, if any, to the party or parties who may establish their right thereto.

22 10. Since the amount of the lien referenced herein includes only assessments,
23 attorney fees, and costs incurred to the date of judgment, and regular assessments, fees and costs
24 increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more
25

1 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale
2 but are not included in this judgment.

3 11. Plaintiff is now due and owing the following amounts:

Lien Principle:	\$11,658.61
Pre-judgment Interest:	\$3,320.71
Total:	\$14,979.32

7 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):		\$2,965.00
Costs:		\$479.15
Photocopies:	\$0.15	
Filing Fee:	\$252.00	
Recording Cost:	\$42.00	
Process Service Fees:	\$185.00	
Prevailing Party Fee:		\$300.00
Subtotal:		\$3,489.15
Total:		\$3,744.15

14 13. Post-judgment simple interest on the aggregate of all amounts declared due
15 above shall accrue from the date of judgment at the rate of eighteen percent (18%) until paid.
16

17 14. The amounts declared due in paragraphs 10, 11, and 12 of this judgment shall
18 collectively declare the secured amount due under this Judgment of Foreclosure

19 15. If before sale such amount, including sheriff's fees for the execution, is tendered
20 to the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
21 judgment as to the amounts due shall be terminated

22 ///

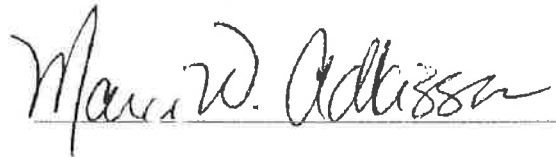
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1 16. The court shall retain jurisdiction to enter such additional order, judgment or
2 decree necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 9/27/2017 09:28 AM



Circuit Court Judge Marci W. Adkisson

SUBMITTED BY:

By 

Colin P. Mackenzie, OSB #123782
colin.mackenzie@vf-law.com
Of Attorneys for Plaintiff

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

RUNNING Y RANCH RESORT
OWNERS ASSOCIATION, an Oregon
non-profit corporation,

Plaintiff,

v.

DITECH FINANCIAL LLC F/K/A
GREEN TREE SERVICING LLC; and
AMY CAVALLARO,

Defendants.

Case No. 17CV19822

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 objection has been served on me.
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of opposing 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.

1 7. [] This is a proposed judgment that includes an award of punitive damages and notice
2 has been served on the Director of the Crime Victims' Assistance Section as required by
3 subsection (4) of this rule.

4 DATED this 26th day of September, 2017

6 VIAL FOTHERINGHAM LLP

7 By: 

8 Colin Mackenzie, OSB #123782
9 colin.mackenzie@vf-law.com
Of Attorneys for Plaintiff

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

RUNNING Y RANCH RESORT
OWNERS ASSOCIATION, an Oregon
non-profit corporation,
Plaintiff,

Case No. 17CV19822

v.

DECLARATION OF MAILING

DITECH FINANCIAL, L.L.C F/K/A
GREEN TREE SERVICING LLC; and
AMY CAVALLARO,
Defendants.

I, Tyra Harker, hereby declare that I served copies of the GENERAL JUDGMENT OF FORECLOSURE, STATEMENT FOR ATTORNEY FEES AND COSTS FOR PLAINTIFF, and CERTIFICATE OF READINESS, as well as this Declaration of Service, to the following parties:

Ditech Financial, L.L.C f/k/a Green Tree
Servicing LLC
c/o CT Corporation System, R/A
388 State St., Ste. 420
Salem, OR 97301

by mailing copies to said parties at their last known mailing addresses as set forth above, via first class mail, postage prepaid, and deposited in the United States mail at Lake Oswego, Oregon, on the 26th day of September, 2017.

I HEREBY DECLARE AND ATTEST THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

VIAL FOTHERINGHAM LLP

By: 
Tyra Harker, Paralegal
for the Firm Vial Fotheringham LLP