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

U.S. BANK TRUST NATIONAL
ASSOCIATION AS TRUSTEE OF
AMERICAN HOMEOWNER
PRESERVATION TRUST SERIES
2015A+

Case No. 1501335CV

Plaintiff,

WRIT OF EXECUTION

vs.

JAKE FAIVRE, AN INDIVIDUAL;
ALBIA R. FURNEY; STATE OF
OREGON; 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
PLAINTIFFS TITLE, OR ANY CLOUD
ON PLAINTIFF'S TITLE TO THE
PROPERTY

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on November 7, 2017, in the above-entitled court, a General Judgment of
Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and
was duly entered and docketed in the above-entitled cause

1- WRIT OF EXECUTION
S&S No. 17-120063

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on May 6, 2009, the date of
4 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
5 property described in the judgment:

6 LOT 10 IN BLOCK 214 MILLS SECOND ADDITION TO THE CITY OF KLAMATH
7 FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF
8 THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

9 and commonly known as 2211 Eberlein Avenue, Klamath Falls, OR 97601 to satisfy the sum of
10 \$139,929.37, as of November 17, 2017, together with additional post judgment interest of 9.00%
11 from that date (\$34.42 per day), and costs of this execution, making due return within 60 days
12 after you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 17-120063

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1 U.S. Bank Trust National Association as Trustee of American Homeowner Preservation
2 Trust Series 2015A+ is the Judgment Creditor, and its address for purpose of this writ only is:
3 C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
4 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.
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10  11/22/2017
11 

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: 

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Cara J. Richter #094855 [crichter@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
20 Joshua R. Orem # 116872 [jorem@logs.com]*
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
23 (360)260-2253; Fax (360)260-2285
24
25

26 3- WRIT OF EXECUTION
27 S&S No. 17-120063

28 *SHAPIRO & SUTHERLAND, LLC*
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

U.S. BANK TRUST NATIONAL ASSOCIATION
AS TRUSTEE OF AMERICAN HOMEOWNER
PRESERVATION TRUST SERIES 2015A+,

Plaintiff,

vs.

JAKE FAIVRE, AN INDIVIDUAL; ALBIA R.
FURNEY; STATE OF OREGON; 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 PLAINTIFFS TITLE, OR ANY
CLOUD ON PLAINTIFF'S TITLE TO THE
PROPERTY,

Defendants.

Case No. 1501335CV

GENERAL JUDGMENT OF
FORECLOSURE

Default having been entered against Defendants, Jake Faivre, Albia R. Furney and State of Oregon and Defendant, 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 Plaintiffs Title, or any Cloud on Plaintiff's Title to the Property, having been dismissed:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 17-120063

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@lsgs.com

1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Klamath County, Oregon is commonly known as 2211 Eberlein Avenue, Klamath Falls, OR
3 97601 and is legally described as follows:

4 Lot 10 in Block 214 MILLS SECOND ADDITION to the City of Klamath Falls,
5 according to the Official Plat thereof on File in the Office of the County Clerk of
6 Klamath County, Oregon.

7 2. The Deed of Trust executed and delivered by Defendant, Jake Faivre ("Borrower") on or
8 about May 6, 2009 and recorded on May 11, 2009 as Instrument No. 2009-006629 in the
9 official records of Klamath County, Oregon, is a valid and perfected lien against all of the
10 Property for the amount of Plaintiff's judgment as provided herein.

11 3. The Plaintiff is the holder of the original note dated May 6, 2009 and made by Jake Faivre in
12 the amount of \$96,224.00. A copy of the Note was attached to the complaint as Exhibit "2".
13 Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together
14 the "Loan").
15

16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
17 interest in the Property is foreclosed and terminated excepting only any statutory right of
18 redemption as provided by Oregon law.

19 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
20 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
21 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
22 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
23 interests and priorities.
24

- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 17-120063

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$91,487.20	
3	Prejudgment interest at 4.875% through			\$21,119.00
4	March 25, 2017			
5	(accruing thereafter until entry of judgment			
	at \$12.22 per diem)			
6	Late Charges		\$485.58	
	Other Costs and fees (recoverable)		19,449.95	
7	Escrow from	\$10,824.56		
	Prior Servicer			
8	Escrow Advance	\$8,625.39		
	Subtotal			\$111,422.73
9	Total plus Prejudgment Interest			\$132,541.73

227

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

11	Costs			\$1,669.50
12	Title Search Cost		\$493.00	
13	Filing Fee		\$531.00	
14	Lis Pendens Recording Fee		\$51.00	
15	Service Costs		\$319.50	
16	Prevailing Party Fee		\$275.00	
	Attorney fees			\$2,600.00
	Total			\$4,269.50

17 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal
18 rate of 9% per annum pursuant to ORS 82.010.

19
20 14. This Judgment shall not create a personal lien or liability against Borrower except as is
21 customary or necessary to execute on such Judgment and for purposes of redemption. In no
22 event should it be construed as establishing personal liability for any persons whose debt has
23 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
24 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay

1 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
2 entitled to any further judgment, including a judgment for deficiency.

3 15. Execution may issue against the subject property for the aggregate amount found due
4 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
5 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
6 ORS 18.936 or other applicable law.
7

8 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
9 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
10 judgment as to the amounts due shall be terminated.

11 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
12 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
13 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
14 18.936.
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 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: 11/7/2017 08:41 AM

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9 
10 Circuit Court Judge Roxanne Osborne
11
12
13

14 **Certificate of Readiness under UTCR 5 100**

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

- 16 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
17 by each party's signature on the document being submitted.
18 2. Each party affected by this order or judgment has approved the order or judgment, as shown
19 by each party's signature on the document being submitted or by written confirmation of approval
20 sent to me.
21 3. I have served a copy of this order or judgment on each party entitled to service and:
22 a. No objection has been served on me.
23 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
24 have filed a copy of the objections I received and indicated which objections remain unresolved.
25 c. After conferring about objections, [role and name of objecting party] agreed to independently
26 file any remaining objection.

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1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5. This is a proposed judgment that includes an award of punitive damages and notice has been
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
4 this rule.

5 6. Other: _____

6 Submitted by:

7 Attorneys for Plaintiff,
8 SHAPIRO & SUTHERLAND, LLC

11-6-17

9 By: _____

10 James A. Craft #090146 [jcraft@logs.com]
11 Kelly D. Sutherland #87357 [ksutherland@logs.com]
12 Cara J. Richter #094855 [crichter@logs.com]
13 Holger Uhl #950143 [huhl@logs.com]*
14 Joshua R. Orem # 116872 [jorem@logs.com]*
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25 7 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 17-120063

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