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LINN COUNTY
SHERIFFS OFFICE

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINN

U.S BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

DAVID MEYER, INDIVIDUALLY AND AS
AFFIANT OF THE SMALL ESTATE OF
KAREN L. HAY; FRANCES WINSTEAD;
CORRINA WILKEN; DANIEL HAY; THE
LEXINGTON ESTATES COMMUNITY
ASSOCIATION; STATE OF OREGON
THROUGH THE DEPARTMENT OF
HUMAN SERVICES; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3106 30TH AVE.
SE, ALBANY, OREGON 97322,

Defendant.

Case No. 16CV19475

WRIT OF EXECUTION

TO THE LINN COUNTY SHERIFF:

On December 30, 2016, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN 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: U.S BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST 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 3106 30TH AVE. SE, ALBANY, OREGON 97322 ("Subject Property"), and legally described as:

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1 LOT 282, LEXINGTON SUBDIVISION, PHASE V, CITY OF ALBANY, COUNTY
2 OF LINN, STATE OF OREGON

3 The total amount due and owing on the Judgment as of December 19, 2017;

4	Judgment:	Principal	\$155,306.52
5	Pre-Judgment:	Interest(4.625%, \$17.61/day)	\$739.62 (11/19/16 through 12/30/16)
6		Attorney Fees	\$3,765.00
7		Costs	\$2,929.00
8		Prevailing Party Fee	\$300.00
9	Post-Judgment:	Interest(4.625%, \$17.61/day)	\$6,233.94 (12/31/16 through 12/19/17)
10		Attorney Fees	\$260.00

11 **TOTAL: \$169,534.08**

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

Signed: 12/22/2017 08:45 AM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

21 Presented by:
22 ALDRIDGE PITE, LLP
23 *Christina M. Andreoni*
24 CHRISTINA M. ANDREONI, OSB # 160875
25 Tel: (858) 750-7600
26 Fax: (503) 222-2260
CANDREONI@ALDRIDGEPITE.COM



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Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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

U.S BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST

Plaintiff,

v.

DAVID MEYER, INDIVIDUALLY AND AS
AFFIANT OF THE SMALL ESTATE OF
KAREN L. HAY; FRANCES WINSTEAD;
CORRINA WILKEN; DANIEL HAY; THE
LEXINGTON ESTATES COMMUNITY
ASSOCIATION; STATE OF OREGON
THROUGH THE DEPARTMENT OF
HUMAN SERVICES; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3106 30TH AVE.
SE, ALBANY, OREGON 97322,

Defendants.

Case No. 16CV19475

**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

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Based upon the Court's Order of Default against defendants DAVID MEYER,
INDIVIDUALLY AND AS AFFIANT OF THE SMALL ESTATE OF KAREN L. HAY;
FRANCES WINSTEAD; CORRINA WILKEN; DANIEL HAY; THE LEXINGTON ESTATES
COMMUNITY ASSOCIATION; STATE OF OREGON THROUGH THE DEPARTMENT OF
HUMAN SERVICES; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING
ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY
KNOWN AS 3106 30TH AVE. SE, ALBANY, OREGON 97322 ("Defendants") the records on
file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
Default by Plaintiff U.S BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER

1 PARTICIPATION TRUST ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 3106 30TH AVE. SE,
4 ALBANY, OREGON 97322 ("Subject Property"), as evidenced by the Deed of Trust recorded
5 March 28, 2007 in the official records of LINN County as instrument number 2007-07669
6 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
7 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
8 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
9 described as follows:

10 LOT 282, LEXINGTON SUBDIVISION, PHASE V, CITY OF ALBANY, COUNTY
11 OF LINN, STATE OF OREGON

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

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

19 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
20 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
21 68(C), which amount may be added to the outstanding obligation due and owing under the Note
22 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
23 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
24 by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

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

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

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

15 8. Plaintiff or any other party to this action may become a purchaser at the
16 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
17 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
18 successor in interest may apply to this Court for a writ of assistance to gain possession of the
19 subject property if Defendants or any other party or person refuses to surrender possession;

20 DECLARATION OF AMOUNT DUE BY DEFAULT

21 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
22 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 23 1. The amount of the judgment is \$155,306.52.
24 2. Simple interest at the rate currently at 4.625% (\$17.61 *per diem*) after November
25 18, 2016, through the date of sale.
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- 3. Attorney fees of \$3,765.00, plus \$260.00, through the date of sale.
- 4. Costs of \$2,929.00, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 12/30/2016 09:44 AM



 Circuit Court Judge, Carol R. Bispham

Dated: _____

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;
 - 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.

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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



Date: December 29, 2016

AMY F. HARRINGTON (OSB # 123363)
(858) 750-7600
(503) 222-2260
aharrington@aldridgepite.com
111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
U.S BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST