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

MTGLQ INVESTORS, L.P.,

Plaintiff,

v.

THE ESTATE OF MARTHA M. KUBISCH;
DORI REED, AS HEIR TO AND
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF MARTHA M. KUBISCH; DEE
TYREE, AS HEIR TO AND PERSONAL
REPRESENTATIVE FOR THE ESTATE OF
MARTHA M. KUBISCH; THE UNKNOWN
HEIRS, ASSIGNS, AND DEVISEES OF
MARTHA M. KUBISCH; DEREK REED;
DEBBIE LEE WILSON; DENISE FRANK;
DINA L. HARBERT; RANDALL
SALVESON; REBECCA SALVESON;
LASALLE BANK, N.A.; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 62810 BEND
RD., BEND, OR 97701,

Defendant.

Case No. 16CV32977

WRIT OF EXECUTION

TO THE DESCHUTES COUNTY SHERIFF:

On October 31, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the DESCHUTES 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: MTGLQ INVESTORS, L.P. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

Page 1 – WRIT OF EXECUTION

1 The real property to be sold at public auction is commonly known as 62810 BEND RD.,
2 BEND, OREGON 97701 ("Subject Property"), and legally described as:

3 PARCEL NO. FIFTY-SEVEN (57), UNIT ONE (1), BEND CASCADE VIEW
4 ESTATES, TRACT TWO (2), DESCHUTES COUNTY, OREGON.

5 The total amount due and owing on the Judgment as of October 31, 2017;

6 Judgment:	Principal	\$82,927.32
7 Pre-Judgment:	Interest(7.750%, \$8.69/day)	\$834.24 (July 28, 2017 through October
8		31, 2017)
9	Attorney Fees	\$6,740.50
10	Costs	\$6,397.56
11	Prevailing Party Fee	\$300.00
12 Post-Judgment:	Interest(7.750%, \$8.69/day)	\$391.05 (November 1, 2017 through
13		December 15, 2017
14	Attorney Fees	\$305.00
15	Costs	\$0.00

16 **TOTAL: \$97,895.67**

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

Signed: 12/22/2017 11:57 AM



Trial Court Administrator Jeffrey E. Hall

Presented by:
ALDRIDGE PITE, LLP



- { } Hunter Zook, OSB #095578
- { } Katie Riggs, OSB #095861
- { } Sarah Mathenia, OSB #120681
- { } Shannon K. Calt, OSB #121855
- { } Christina Andreoni, OSB #160875

of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

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

MTGLQ INVESTORS, L.P.,

Plaintiff,

v.

THE ESTATE OF MARTHA M. KUBISCH;
DORI REED, AS HEIR TO AND
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF MARTHA M. KUBISCH; DEE
TYREE, AS HEIR TO AND PERSONAL
REPRESENTATIVE FOR THE ESTATE OF
MARTHA M. KUBISCH; THE UNKNOWN
HEIRS, ASSIGNS, AND DEVISEES OF
MARTHA M. KUBISCH; DEREK REED;
DEBBIE LEE WILSON; DENISE FRANK;
DINA L. HARBERT; RANDALL
SALVESON; REBECCA SALVESON;
LASALLE BANK, N.A.; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 62810 BEND
RD., BEND, OR 97701,

Defendants.

Case No. 16CV32977

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND
SUMMARY JUDGMENT**

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 THE ESTATE OF
MARTHA M. KUBISCH; DORI REED, AS HEIR TO AND PERSONAL REPRESENTATIVE
FOR THE ESTATE OF MARTHA M. KUBISCH; DEE TYREE, AS HEIR TO AND
PERSONAL REPRESENTATIVE FOR THE ESTATE OF MARTHA M. KUBISCH; THE
UNKNOWN HEIRS, ASSIGNS, AND DEVISEES OF MARTHA M. KUBISCH; DEBBIE
LEE WILSON; DENISE FRANK; DINA L. HARBERT; RANDALL SALVESON; REBECCA
SALVESON; LASALLE BANK, N.A.; AND ALL OTHER PERSONS OR PARTIES

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND SUMMARY
JUDGMENT

1 UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL
2 PROPERTY COMMONLY KNOWN AS 62810 BEND RD., BEND, OR 97701, the Sipulated
3 Order Granting Summary Judgment against Defendant DEREK REED, the records on file
4 herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
5 Default and Summary Judgment by Plaintiff MTGLQ INVESTORS, L.P. (“Plaintiff”),

6 **IT IS HEREBY ADJUDGED:**

7 1. Plaintiff’s security interest in the real property located at 62810 BEND RD.,
8 BEND, OREGON 97701 (“Subject Property”), as evidenced by the Deed of Trust recorded
9 November 29, 1999 in the official records of DESCHUTES County as instrument number
10 Vol:1999 Page:56688 (“Deed of Trust”), is a viable first priority lien, superior to the interests of
11 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
12 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
13 legally described as follows:

14 PARCEL NO. FIFTY-SEVEN (57), UNIT ONE (1), BEND CASCADE VIEW
15 ESTATES, TRACT TWO (2), DESCHUTES COUNTY, OREGON.

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

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;

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND SUMMARY
JUDGMENT

1 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 4 1. The amount of the judgment is \$85,927.32.
5 2. Simple interest at the variable rate currently at 7.75% (\$8.69 *per diem*) after July
6 27th, 2017, through the date of sale.
7 3. Attorney fees of \$6,740.50, plus \$305.00, through the date of sale.
8 4. Costs of \$6,397.56, plus costs accrued through the date of sale.
9 5. Prevailing party fee: \$300.00.
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11 **IT IS SO ADJUDGED**

Signed: 10/31/2017 11:29 AM



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14 **Circuit Court Judge Beth M. Bagley**

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17 **CERTIFICATE OF READINESS**

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19 This proposed Order or Judgment is ready for judicial signature because:

- 20 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
21 or Judgment, as shown by each opposing party's signature on the document being
22 submitted.
23 2. Each opposing party affected by this Order or Judgment has approved the Order or
24 Judgment, as shown by signature on the document being submitted or by written
25 confirmation of approval sent to me.
26 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;

Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND SUMMARY
JUDGMENT

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- 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.
- 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

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 Portland, OR 97201

Date: 10/27/17

Of Attorneys for Plaintiff