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

USAA FEDERAL SAVINGS BANK,

Plaintiff,

v.

JOSHUA KRITZBERG PALMER and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1193 JAY ST, EUGENE, OR 97402,

Defendant.

Case No. 17CV25629

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On November 20, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lane 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: USAA FEDERAL SAVINGS BANK 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 1193 Jay St, Eugene, OR 97402 ("Subject Property"), and legally described as:

LOT 2, GID PLAT, RECORDED AUGUST 4, 2006, DOCUMENT NO. 2006-056658, LANE COUNTY RECORDS, IN LANE COUNTY, OREGON.

//

1	The total amount due and owing on the Judgment as of December 15, 2017;		
2	Judgment:	Principal	\$173,945.97
3	Pre-Judgment:	Interest(3.750%, \$17.26/day)	\$1,656.96 (August 17, 2017 through
4			November 20, 2017)
5		Attorney Fees	\$2,940.00
6		Costs	\$2,085.00
7		Prevailing Party Fee	\$300.00
8	Post-Judgment:	Interest(3.750%, \$17.26/day)	\$431.50 (November 21, 2017 through
9			December 15, 2017)
10		Attorney Fees	\$260.00
11		Costs	\$0.00
12	TOTAL: \$181,619.43		

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

7 DEC 18 2017

8 By: Angie Jones
9 court clerk

9 Presented by:
10 ALDRIDGE PITE, LLP

11 Katie Riggs

12 Katie Riggs, OSB #095861
13 of Attorneys for Plaintiff
14 (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 LANE**

USAA FEDERAL SAVINGS BANK,
Plaintiff,

v.

JOSHUA KRITZBERG PALMER and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1193 JAY ST, EUGENE, OR 97402,
Defendants.

Case No. 17CV25629

**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

Based upon the Court's Order of Default against defendants JOSHUA KRITZBERG PALMER and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1193 JAY ST, EUGENE, OR 97402, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff USAA FEDERAL SAVINGS BANK ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1193 Jay St, Eugene, OR 97402 ("Subject Property"), as evidenced by the Deed of Trust recorded September 25, 2015 in the official records of Lane County as instrument number 2015-047850 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

1 LOT 2, GID PLAT, RECORDED AUGUST 4, 2006, DOCUMENT NO. 2006-056658,
2 LANE COUNTY RECORDS, IN LANE COUNTY, OREGON.

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

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

10 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
11 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
12 68(C), which amount may be added to the outstanding obligation due and owing under the Note
13 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
14 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
15 by sale of the Subject Property as directed under this Judgment;

16 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
17 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
18 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
19 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
20 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

23 7. The Sheriff shall make a return on the writ of execution to the court administrator
24 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
25 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
26 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 parties as may establish their right thereto. The Defendants and all persons claiming through or
2 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
3 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
4 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
5 every part of the Subject Property when the time for redemption has elapsed;

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

11 DECLARATION OF AMOUNT DUE BY DEFAULT

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

14 1. The amount of the judgment is \$173,945.97.

15 2. Simple interest at the variable rate currently at 3.75% (\$17.26 *per diem*) after
16 August 16, 2017, through the date of sale.

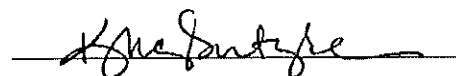
17 3. Attorney fees of \$2,940.00, plus \$260.00, through the date of sale.

18 4. Costs of \$2,085.00, plus costs accrued through the date of sale.

19 5. Prevailing party fee: \$300.00.

20
21 **IT IS SO ADJUDGED**

22
23 Signed: 11/17/2017 11:04 AM

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26 **Karrie K. McIntyre, Circuit Court Judge**

1 CERTIFICATE OF READINESS

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

- 3 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
4 or Judgment, as shown by each opposing party's signature on the document being
5 submitted.
- 6 2. Each opposing party affected by this Order or Judgment has approved the Order or
7 Judgment, as shown by signature on the document being submitted or by written
8 confirmation of approval sent to me.
- 9 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
10 a. No objections have been served on me within that time frame;
11 b. I received objections that I could not resolve with the opposing party despite
12 reasonable efforts to do so. I have filed with the Court a copy of the objections I
13 received and indicated which objections remain unresolved;
- 14 c. After conferring about objections, [Opposing Party] agreed to independently
15 file any remaining objection with the Court.
- 16 4. The relief sought is against an opposing party who has been found in default.
- 17 5. An order of default is being requested with this proposed judgment.
- 18 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
19 otherwise.
- 20 7. This is a proposed judgment that includes an award of punitive damages and notice
21 has been served on the Director of the Crime Victims' Assistance Section as required by
22 subsection (4) of this rule.

23 Presented By:
24 ALDRIDGE PITE, I.L.P.

25 

26 Date: 11/7/2017

27 Katie L. Riggs, OSB#095861
28 (858) 750-7600
29 (503) 222-2260 (Facsimile)
30 kriggs@aldridgepite.com

31 Of Attorneys for Plaintiff
32 USAA FEDERAL SAVINGS BANK