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

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON,

Plaintiff,

v.

UQUERIO ROBLES; MARIA G. ROBLES AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 28473 REDWOOD HWY, CAVE JUNCTION, OR 97523,

Defendant.

Case No. 17CV16888

WRIT OF EXECUTION

TO THE JOSEPHINE COUNTY SHERIFF:

On December 1, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JOSEPHINE 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: OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON 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 28473 REDWOOD HWY, CAVE JUNCTION, OR 97523 ("Subject Property"), and legally described as:

PARCEL 1: BEGINNING AT A POINT ON THE EAST-WEST CENTER LINE OF SECTION 32, TOWNSHIP 39 SOUTH, RANGE 8 WEST OF THE WILLAMETTE

1 MERIDIAN, JOSEPHINE COUNTY, OREGON, WHICH BEARS NORTH 89°47' WEST
 2 700.10 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION; THENCE
 3 NORTH 89°47' WEST 400 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE
 4 OF THE REDWOOD HIGHWAY; THENCE NORTH 29°37' EAST ALONG THE
 5 EASTERLY RIGHT OF WAY LINE OF SAID HIGHWAY 126.05 FEET; THENCE SOUTH
 6 89°47' EAST 338.44 FEET; THENCE SOUTH 110 FEET TO THE TRUE POINT OF
 7 BEGINNING. PARCEL 2: BEGINNING AT A POINT ON THE EAST-WEST CENTER LINE
 8 OF SECTION 32, TOWNSHIP 39 SOUTH, RANGE 8 WEST OF THE WILLAMETTE
 9 MERIDIAN, JOSEPHINE COUNTY, OREGON, WHICH POINT BEARS NORTH 89°47'
 10 WEST 1100.1 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION AND IS
 11 THE EASTERLY RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY; THENCE
 12 NORTH 29°37' EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID
 13 HIGHWAY 126.05 FEET, THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;
 14 THENCE SOUTH 89°47' EAST 338.44 FEET; THENCE NORTH 21.54 FEET; THENCE
 15 NORTH 89°47' WEST 332 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY
 16 RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY, WHICH IS NORTH 29°37' EAST
 17 25 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 29°37' WEST 25 FEET
 18 ALONG THE EASTERLY RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY TO
 19 THE TRUE POINT OF BEGINNING.

20 The total amount due and owing on the Judgment as of December 6, 2017;

21	Judgment:	Principal	\$261,731.09
22	Pre-Judgment:	Interest(5.500%, \$31.22/day)	\$5,682.04 (6/3/17 through 12/1/17)
23		Attorney Fees	\$5,690.00
24		Costs	\$1,985.55
25		Prevailing Party Fee	\$300.00
26			

1 Post-Judgment: Interest(5.500%, \$31.22/day) \$156.10 (12/2/17 through 12/6/17)
2 Attorney Fees \$305.00

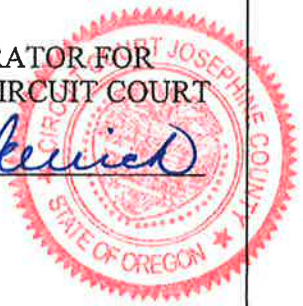
3 **TOTAL: \$275,849.78**

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

9 DATED December 12, 2017

10 COURT ADMINISTRATOR FOR
11 JOSEPHINE COUNTY CIRCUIT COURT

12 By: *Sarah Olfers*



13 Presented by:
14 ALDRIDGE PITE, LLP

15
16 *S Mathenia*
17 SARAH M. MATHENIA, OSB # 120681
18 Tel: (858) 750-7600
19 Fax: (503) 222-2260
20 SMATHENIA@ALDRIDGEPITE.COM

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

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON,

Plaintiff,

v.

UQUERIO ROBLES; MARIA G. ROBLES and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 28473 REDWOOD HWY, CAVE JUNCTION, OR 97523,

Defendants.

Case No. 17CV16888

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 Uquerio Robles, Maria G. Robles, and All Other Persons or Parties Unknown Claiming any Right, Title, Lien, Or Interest In The Real Property Commonly Known as 28473 Redwood Hwy, Cave Junction, OR 97523, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Oregon Housing and Community Services Department, State Of Oregon ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 28473 Redwood Hwy, Cave Junction, OR 97523 ("Subject Property"), as evidenced by the Deed of Trust recorded June

1 25, 2007 in the official records of Josephine County as instrument number 2007-012304 (“Deed
2 of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
3 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien
4 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:
5

6 **PARCEL 1:**

7 BEGINNING AT A POINT ON THE EAST-WEST CENTER LINE OF SECTION 32,
8 TOWNSHIP 39 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN,
9 JOSEPHINE COUNTY, OREGON, WHICH BEARS NORTH 89°47' WEST 700.10
10 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION; THENCE
11 NORTH 89°47' WEST 400 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY
12 LINE OF THE REDWOOD HIGHWAY; THENCE NORTH 29°37' EAST ALONG
13 THE EASTERLY RIGHT OF WAY LINE OF SAID HIGHWAY 126.05 FEET;
14 THENCE SOUTH 89°47' EAST 338.44 FEET; THENCE SOUTH 110 FEET TO THE
15 TRUE POINT OF BEGINNING.
16

17 **PARCEL 2:**

18 BEGINNING AT A POINT ON THE EAST-WEST CENTER LINE OF SECTION 32,
19 TOWNSHIP 39 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN,
20 JOSEPHINE COUNTY, OREGON, WHICH POINT BEARS NORTH 89°47' WEST
21 1100.1 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION AND IS
22 THE EASTERLY RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY; THENCE
23 NORTH 29°37' EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID
24 HIGHWAY 126.05 FEET, THE TRUE POINT OF BEGINNING OF THIS
25 DESCRIPTION; THENCE SOUTH 89°47' EAST 338.44 FEET; THENCE NORTH
26 21.54 FEET; THENCE NORTH 89°47' WEST 332 FEET, MORE OR LESS, TO A

1 POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE REDWOOD
2 HIGHWAY, WHICH IS NORTH 29°37' EAST 25 FEET FROM THE POINT OF
3 BEGINNING; THENCE SOUTH 29°37' WEST 25 FEET ALONG THE EASTERLY
4 RIGHT OF WAY LINE OF THE REDWOOD HIGHWAY TO THE TRUE POINT OF
5 BEGINNING.

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

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

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

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

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

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

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

17
18 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 21
22 1. The amount of the judgment is \$261,731.09.
23 2. Simple interest at the variable rate currently at 5.500% (\$31.223 *per diem*) after
24 June 2, 2017 through the date of sale.
25 3. Attorney fees of \$5,690.00, plus \$305.00, through the date of sale.
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4. Costs of \$1,985.55, plus costs accrued through the date of sale.

5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 11/30/2017 03:23 PM


Circuit Court Judge Lindi L. Baker

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

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

Date: 11/27/17

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