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ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

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TILLAMOOK COUNTY
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK

NESTUCCA RIDGE DEVELOPMENT,
INC.,

Plaintiff,

v.

BRAD J. HODGES,

Defendant.

Case No. 17CV46432

**WRIT OF EXECUTION OF REAL
PROPERTY IN FORECLOSURE**

Filing Fee: \$45, ORS 21.235(2)

TO: Andy Long, Tillamook County Sheriff:

WHEREAS, on December 22, 2017, in this court, a judgment of foreclosure was enrolled and docketed in this cause;

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption), all of the interest that defendant had on December 22, 2017, the date of the judgment, and also all of the interest that defendant had thereafter, in the real property described in the judgment, commonly known as 5700 Barefoot Lane, Share L, Pacific City, OR 97135, to satisfy the sum of \$12,532.90, together with interest on that sum at the rate of 9% per annum from December 22, 2017 (\$3.09 per diem); attorney fees, costs, and disbursements in the sum of \$1,953.62, together with interest on that sum at the rate of 9% per annum from December

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22, 2017 (\$0.48 per diem), and the costs of this writ, making due return within 60 days after you receive this writ.

12-29-17

Maureen Clea

Judgment Creditor's Mailing Address:

Nestucca Ridge Development, Inc.
c/o Adam C. Springer, Attorney at Law
PO Box 1987
Newport, OR 97365

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17CV46432

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ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON



Certified True Copy of The Original
Filed this 29 Day of December 2017
in the 1st Judicial District, State of Oregon
Tribal Court Administrator

By *Nancy Cheney*

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK

NESTUCCA RIDGE DEVELOPMENT,
INC.,

Plaintiff,

v.

BRAD J. HODGES,

Defendant.

Case No. 17CV46432

**GENERAL JUDGMENT UPON
ORDER OF DEFAULT**

This case was filed by plaintiff Nestucca Ridge Development, Inc. against defendant Brad J. Hodges. The Court makes the following findings in support of this General Judgment:

1. The defendant was validly served with the summons and complaint in this case by personal service on November 2, 2017, as indicated in the proof of service filed herein.

2. The defendant failed to file any answer or appearance in this case and on December 20, 2017 an Order of Default was entered against him.

3. Based upon the pleadings and file in this case, the court finds that the plaintiff has a valid lien for unpaid assessments on the property described in plaintiff's complaint.

4. In addition to the lien amount and interest, plaintiff is entitled to recover from defendant the sum of \$240 incurred by plaintiff for payment of a foreclosure guarantee.

6. The Court finds no just reason for delay and determines it is appropriate to enter a general judgment authorizing the sale of the property at a Sheriff's sale.

1 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

2 1. Plaintiff is awarded judgment against defendant Brad J. Hodges in the amount of
3 \$11,990.57 as principal, \$302.33 as interest on the outstanding balance at the rate of 9% per annum
4 from September 12, 2017 through December 22, 2017, and interest thereafter at the rate of 9% per
5 annum on the principal balance of \$11,990.57, which is \$2.96 per day, until paid.

6 2. In addition, plaintiff is awarded judgment against defendant the sum of \$240.00 for
7 the foreclosure guarantee.

8 3. Plaintiff is also entitled to have and recover from defendant the amount of \$1627.50
9 as plaintiff's attorney fees incurred herein.

10 4. Plaintiff shall also have judgment against defendant for costs and disbursements in
11 the amount of \$326.12.

12 5. The lien is foreclosed and all interest that defendant has in the real property
13 described herein shall be sold by the Sheriff of Tillamook County, Oregon in the manner provided
14 by law and in accordance with the practice of this court. The description of the real property being
15 foreclosed and to be sold is described as:

16 Share L, Lot 29, Shorepine Village, Tillamook County, Oregon.

17 6. The proceeds of sale shall be applied first toward the cost of sale; then toward the
18 satisfaction of plaintiff's judgment awarded herein; and the surplus, if any, to the clerk of the court
19 to be distributed to such party or parties as may establish their right thereto.

20 7. The defendant and all persons claiming through or under defendant, as purchasers,
21 encumbrancers or otherwise are forever foreclosed of all right, title and interest, lien or claim in
22 the real property described herein and every portion thereof, excepting only any statutory right of
23 redemption as defendant may have herein.
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8. Plaintiff or any party to the suit may become a purchaser at the sale of the real property. Purchaser is entitled to exclusive possession of the real property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including a writ of assistance, if defendant or any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

9. In the event the property is redeemed after it is sold at the Sheriff's sale, the party redeeming shall pay interest on the amounts due through the date of redemption.

MONEY AWARD

- 1. Judgment Creditor: Nestucca Ridge Development
- 2. Judgment Creditor's Attorney: Adam C. Springer
PO Box 1987
Newport, OR 97365
Phone: 541-272-5500
- 3. Judgment Debtor: Brad J. Hodges
5901 Wyoming Blvd. NE, #234
Albuquerque, NM 87109
- 4. Judgment Debtor's Attorney: None
- 5. Any person or public body entitled to a portion of the money award: None
- 6. Amount of money award: \$12,230.57 (which includes the following: \$11,990.57 in unpaid assessments as of September 12, 2017 and a foreclosure guarantee of \$240)
- 7. Prejudgment Interest:
 - a) \$302.33 as interest due at 9% per annum from September 12, 2017 through December 22, 2017;
- 8. Post judgment interest:
 - a) Simple interest at the rate of 9% per annum on the amount of \$12,532.90 until the date of the Sheriff's sale herein, or to date of payment, if payment is prior to Sheriff's sale.
 - b) Simple interest at the rate of 9% per annum on the amount awarded as attorney fees and costs as set forth in 9 and 10 hereafter.

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9. Costs and disbursements awarded are: \$326.12

10. Attorney fees awarded are: \$1,627.50

Signed 12/22/2017 02:57 PM



Circuit Court Judge Mari Garrie Trevino

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Dated This _____ Day of _____ 20____
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

