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

BANK OF AMERICA, N.A.,

Case No. 16CV33792

Plaintiff,

**WRIT OF EXECUTION**

v.

MICHELLE D. TUEL, INDIVIDUALLY  
AND AS AFFIANT OF THE ESTATE OF  
MICHAEL J. TUEL; MANDY  
HEMELSTRAND; THE BATTLECREEK  
MEADOWS CONDOMINIUM  
ASSOCIATION HOME OWNER'S  
ASSOCIATION; SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT;  
MIDLAND FUNDING, LLC; AND ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
6337 FAIRWAY AVE SE, SALEM,  
OREGON 97306,

Defendant.

TO THE MARION COUNTY SHERIFF:

On August 14, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MARION 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: BANK OF AMERICA, N.A. 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 6337 FAIRWAY

1 AVE SE, SALEM, OREGON 97306 ("Subject Property"), and legally described as:  
2 UNIT 18, BUILDING 3, BATTLECREEK MEADOWS, IN THE COUNTY OF  
3 MARION AND  
4 STATE OF OREGON.

5 TOGETHER WITH THE UNDIVIDED INTEREST IN THE GENERAL AND  
6 LIMITED COMMON ELEMENTS APPURTENANT THERETO, AS MORE FULLY SET  
7 FORTH AND DESCRIBED IN THE DECLARATION OF UNIT OWNERSHIP RECORDED  
8 FEBRUARY 28, 1990, REEL 203, PAGE 791, OFFICIAL RECORDS, MARION COUNTY,  
9 OREGON, WHICH DESCRIPTION IS INCORPORATED HEREIN AND BY REFERENCE  
10 MADE A PART HEREOF.

11 The total amount due and owing on the Judgment as of August 31, 2017;

12	Judgment:	Principal	\$95,179.55
13			
14	Pre-Judgment:	Interest(3.795%, \$9.42/day)	\$244.92 (7/20/17 through 8/14/17)
15		Attorney Fees	\$1,772.50
16		Costs	\$2,332.90
17		Prevailing Party Fee	\$300.00
18	Post-Judgment:	Interest(3.795%, \$9.42/day)	\$160.14 (8/15/17 through 8/31/17)
19		Attorney Fees	\$650.00
20		Costs	\$0.00

21 **TOTAL: \$100,640.01**

22 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
23 and sell the Subject Property.

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

BANK OF AMERICA, N.A.,

Plaintiff,

v.

MICHELLE D. TUEL, INDIVIDUALLY  
AND AS AFFIANT OF THE ESTATE OF  
MICHAEL J. TUEL; MANDY  
HEMELSTRAND; THE BATTLECREEK  
MEADOWS CONDOMINIUM  
ASSOCIATION HOME OWNER'S  
ASSOCIATION; SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT;  
MIDLAND FUNDING, LLC; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
6337 FAIRWAY AVE SE, SALEM,  
OREGON 97306,

Defendants.

Case No. 16CV33792

**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 MICHELLE D. TUEL,  
INDIVIDUALLY AND AS AFFIANT OF THE ESTATE OF MICHAEL J. TUEL; MANDY  
HEMELSTRAND; THE BATTLECREEK MEADOWS CONDOMINIUM ASSOCIATION  
HOME OWNER'S ASSOCIATION; SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT; MIDLAND FUNDING, LLC; and ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 6337 FAIRWAY AVE SE, SALEM, OREGON  
97306, the records on file herein, and pursuant to the Motion for General Judgment and

1 Declaration of Amount Due by Default by Plaintiff BANK OF AMERICA, N.A. ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 6337 FAIRWAY AVE  
4 SE, SALEM, OREGON 97306 ("Subject Property"), as evidenced by the Deed of Trust recorded  
5 July 10, 2009 in the official records of MARION County as instrument number REEL 3083  
6 PAGE 189 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
7 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
8 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
9 legally described as follows:

10 UNIT 18, BUILDING 3, BATTLECREEK MEADOWS, IN THE COUNTY OF  
11 MARION AND  
12 STATE OF OREGON.

13 TOGETHER WITH THE UNDIVIDED INTEREST IN THE GENERAL AND  
14 LIMITED COMMON ELEMENTS APPURTENANT THERETO, AS MORE FULLY  
15 SET FORTH AND DESCRIBED IN THE DECLARATION OF UNIT OWNERSHIP  
16 RECORDED FEBRUARY 28, 1990, REEL 203, PAGE 791, OFFICIAL RECORDS,  
17 MARION COUNTY, OREGON, WHICH DESCRIPTION IS INCORPORATED  
18 HEREIN AND BY REFERENCE MADE A PART HEREOF.

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

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

26 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an

1 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
2 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
3 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
4 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
5 by sale of the Subject Property as directed under this Judgment;

6 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
7 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
8 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
9 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
10 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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



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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

*S. Mathenia*

Date: 8/2/17

Sarah M. Mathenia, OSB #120681  
(503) 345-9888  
(503) 222-2260 (Facsimile)  
smathenia@aldridgepite.com  
  
111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff