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

FLAGSTAR BANK, FSB,

Plaintiff,

v.

PEACHY P. THOMAS; NICHOLAS  
SENIOR SERVICES, INC. dba  
HOMESTEAD SENIOR CARE and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
32227 RIVERS DR, CHILOQUIN, OR 97624,

Defendant.

Case No. 17CV17099

**WRIT OF EXECUTION**

TO THE KLAMATH COUNTY SHERIFF:

On November 27, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the KLAMATH 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: FLAGSTAR BANK, FSB 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 32227 RIVERS DR, CHILOQUIN, OR 97624 ("Subject Property"), and legally described as:

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PARCEL ONE

A PARCEL OF LAND SITUATED IN GOVERNMENT LOTS 35 AND 36 IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 35; THENCE SOUTH 89°40'10" EAST ALONG THE NORTH LINE OF SAID LOT 36 A DISTANCE OF 645.1 FEET TO THE NORTHWEST CORNER OF PARCEL CONVEYED TO LLOYD LEE HALL, ET US., BY DEED RECORDED IN BOOK M81, PAGE 10708, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH ALONG THE WEST LINE OF LAST MENTIONED PARCEL A DISTANCE OF 667.07 FEET TO THE SOUTH LINE OF SAID LOT 36; THENCE NORTH 89°52'45" WEST ALONG THE SOUTH LINE OF LOTS 36 AND 35, A DISTANCE OF 1290.0 FEET, MORE OR LESS TO THE EASTERLY LINE OF A 60 FOOT ROADWAY; THENCE ALONG SAID EASTERLY LINE NORTH 07°03'55" EAST A DISTANCE OF 675.0 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID LOT 35; THENCE SOUTH 89°50'15" EAST ALONG SAID NORTH LINE A DISTANCE OF 561.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL TWO

A PARCEL OF LAND SITUATE IN GOVERNMENT LOTS 16, 25, 27 AND 34, SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF KLAMATH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF GOVERNMENT LOT 16, SAID POINT BEING THE INITIAL POINT OF RIVER'S BEND SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY OF RIVER'S BEND SUBDIVISION TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE EAST ALONG THE

1 SOUTH LINE OF GOVERNMENT LOT 34, 451.0 FEET TO A POINT; THENCE SOUTH  
2 89°50'15" EAST 613.34 FEET; THENCE ALONG THE EAST LINE OF GOVERNMENT  
3 LOTS 34, 27, 25 AND 16, NORTH 0°19'00" WEST 2274.21 FEET, MORE OR LESS TO THE  
4 POINT OF BEGINNING.

5 The total amount due and owing on the Judgment as of January 19, 2018;

6	Judgment:	Principal	\$179,907.06
7	Pre-Judgment:	Interest(6.375%, \$29.84/day)	\$4,356.64 (July 5, 2017 through
8			November 27, 2017)
9		Attorney Fees	\$3,112.50
10		Costs	\$1,676.00
11		Prevailing Party Fee	\$300.00
12	Post-Judgment:	Interest(6.375%, \$29.84/day)	\$1,581.52 (November 28, 2017 through
13			January 19, 2018
14		Attorney Fees	\$305.00
15		Costs	\$0.00

16 **TOTAL: \$191,238.72**

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

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By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

John M Powell, TCA

1/25/18

Amy Hammerch, Clerk  


Presented by:  
ALDRIDGE PITE, LLP

By:   
{ } Hunter Zook, OSB #095578  
{ } Katie Riggs, OSB #095861  
{ } Sarah Mathenia, OSB #120681  
{ } Shannon K. Calt, OSB #121855  
{X} Christina Andreoni, OSB #160875  
*of Attorneys for Judgment Creditor*  
(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 KLAMATH**

FLAGSTAR BANK, FSB,  
Plaintiff,

v.

PEACHY P. THOMAS; NICHOLAS  
SENIOR SERVICES, INC. dba  
HOMESTEAD SENIOR CARE and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
32227 RIVERS DR, CHILOQUIN, OR 97624,  
Defendants.

Case No. 17CV17099

**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 Peachy P. Thomas and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 32227 Rivers Dr, Chiloquin, OR 97624, the Stipulated Limited Judgment with Defendant NICHOLAS SENIOR SERVICES, INC. dba HOMESTEAD SENIOR CAR, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Flagstar Bank, FSB ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 32227 Rivers Dr, Chiloquin, OR 97624 ("Subject Property"), as evidenced by the Deed of Trust recorded September 17, 2003 in the official records of Klamath County as instrument number Vol M03 Pg 69429 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the

1 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
2 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
3 legally described as follows:

4 PARCEL ONE

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6 A PARCEL OF LAND SITUATED IN GOVERNMENT LOTS 35 AND 36 IN  
7 SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST OF THE WILLAMETTE  
8 MERIDIAN, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE  
9 PARTICULARLY DESCRIBED AS FOLLOWS:

10  
11 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 35; THENCE SOUTH  
12 89°40'10" EAST ALONG THE NORTH LINE OF SAID LOT 36 A DISTANCE OF  
13 645.1 FEET TO THE NORTHWEST CORNER OF PARCEL CONVEYED TO LLOYD  
14 LEE HALL, ET US., BY DEED RECORDED IN BOOK M81, PAGE 10708, DEED  
15 RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH ALONG THE  
16 WEST LINE OF LAST MENTIONED PARCEL A DISTANCE OF 667.07 FEET TO  
17 THE SOUTH LINE OF SAID LOT 36; THENCE NORTH 89°52'45" WEST ALONG  
18 THE SOUTH LINE OF LOTS 36 AND 35, A DISTANCE OF 1290.0 FEET, MORE OR  
19 LESS TO THE EASTERLY LINE OF A 60 FOOT ROADWAY; THENCE ALONG  
20 SAID EASTERLY  
21 LINE NORTH 07°03'55" EAST A DISTANCE OF 675.0 FEET, MORE OR LESS, TO  
22 THE NORTH LINE OF SAID LOT 35; THENCE SOUTH 89°50'15" EAST ALONG  
23 SAID NORTH LINE A DISTANCE OF 561.0 FEET, MORE OR LESS, TO THE  
24 POINT OF BEGINNING.

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26 PARCEL TWO

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A PARCEL OF LAND SITUATE IN GOVERNMENT LOTS 16, 25, 27 AND 34, SECTION 20, TOWNSHIP 35 SOUTH, RANGE 7 EAST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF KLAMATH, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF GOVERNMENT LOT 16, SAID POINT BEING THE INITIAL POINT OF RIVER'S BEND SUBDIVISION ACCORDING TO THE RECORDED PLAT THEREOF; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY OF RIVER'S BEND SUBDIVISION TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE EAST ALONG THE SOUTH LINE OF GOVERNMENT LOT 34, 451.0 FEET TO A POINT; THENCE SOUTH 89°50'15" EAST 613.34 FEET; THENCE ALONG THE EAST LINE OF GOVERNMENT LOTS 34, 27, 25 AND 16, NORTH 0°19'00" WEST 2274.21 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

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

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

4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule 68(C), which amount may be added to the outstanding obligation due and owing under the Note

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
3 by sale of the Subject Property as directed under this Judgment;

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

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

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

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

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

Aldridge Pite, LLP  
111 SW Columbia Street, Suite 950  
Portland, OR 97201  
(858) 750-7600



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DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The amount of the judgment is \$179,907.06.
2. Simple interest at the variable rate currently at 6.375% (\$29.84 *per diem*) from July 4, 2017, through the date of sale.
3. Attorney fees of \$3,112.50, plus \$305.00, through the date of sale.
4. Costs of \$1,676.00, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 11/27/2017 10:26 AM

*Roxanne Osborne*  
Circuit Court Judge Roxanne Osborne

CERTIFICATE OF READINESS

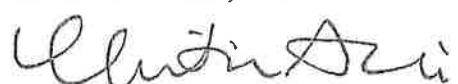
This proposed Order or Judgment is ready for judicial signature because:

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:

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- 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.
  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



Date: 11/22/17

- 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*  
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