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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST,

Case No. 16CV30082

WRIT OF EXECUTION

Plaintiff,

v.

KIMBERLY THOMAS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF DOYLE W. DROWNS;
JEFFREY DROWNS; JASON DROWNS;
CONNIE MCCARTY; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1540 HWY 20-
26, VALE, OREGON 97918

Defendant.

TO THE MALHEUR COUNTY SHERIFF:

On October 31, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MALHEUR 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: U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

RECEIVED JAN 08 2018

RECEIVED DEC 22 2017

1 The real property to be sold at public auction is commonly known as 1540 HWY 20-26,
2 VALE, OREGON 97918 ("Subject Property"), and legally described as:

3 IN TWP. 18 S., R. 45 E., W.M.; SEC. 21: A PARCEL OF LAND IN THE S1/2 MORE
4 PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS
5 LOCATED 1070 FEET EAST AND 451 FEET NORTH OF THE SOUTH QUARTER
6 CORNER OF SEC. 21; THENCE S. 67 DEGREES 37' E., 612 FEET; THENCE N. 0
7 DEGREES 39' E., 1066.7 FEET; THENCE N. 65 DEGREES 56' W., 630.7 FEET; THENCE S.
8 1087.5 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE
9 FOLLOWING DESCRIBED PARCEL: COMMENCING AT A POINT 1070 FEET EAST
10 AND 451 FEET NORTH OF THE SOUTH QUARTER CORNER OF SEC. 21; THENCE S. 67
11 DEGREES 37' E., 612 FEET TO THE POINT OF BEGINNING; THENCE N. 0 DEGREES 39'
12 E., 727.9 FEET; THENCE N. 62 DEGREES 17' W., 64.5 FEET; THENCE N. 78 DEGREES 21'
13 W., 132.4 FEET; THENCE S. 0 DEGREES 20' W., 709.4 FEET; THENCE S. 67 DEGREES 37'
14 E., 197.4 FEET TO THE POINT OF BEGINNING.

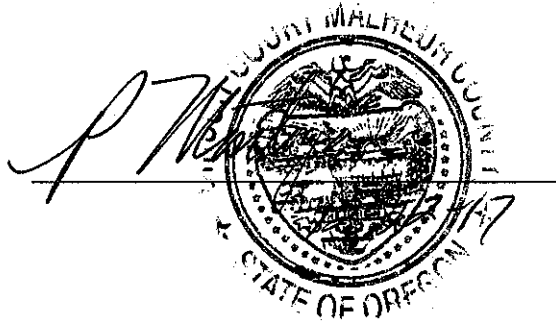
15 The total amount due and owing on the Judgment as of December 15, 2017:

16 Judgment:	Principal	\$127,464.73
17 Pre-Judgment:	Interest(9.170%, \$26.83/day)	\$1,314.67 (September 13, 2017 through
18		October 31, 2017)
19	Attorney Fees	\$3,995.00
20	Costs	\$2,310.09
21	Prevailing Party Fee	\$300.00
22 Post-Judgment:	Interest(9.170%, \$26.83/day)	\$1,207.35 (November 1, 2017 through
23		December 15, 2017)
24	Attorney Fees	\$305.00
25	Costs	\$0.00
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TOTAL: \$136,896.84

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



Presented by:
ALDRIDGE PITE, LLP

A handwritten signature in dark ink, which appears to be "Christina Andreoni", is written below the name of the law firm.

- { } 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 Plaintiff
(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 MALHEUR**

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

KIMBERLY THOMAS, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF DOYLE W. DROWNS;
JEFFREY DROWNS; JASON DROWNS;
CONNIE MCCARTY; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1540 HWY 20-
26, VALE, OREGON 97918,

Defendants.

Case No. 16CV30082

**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 KIMBERLY THOMAS,
INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DOYLE
W. DROWNS; JEFFREY DROWNS; JASON DROWNS; CONNIE MCCARTY; and ALL
OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1540 HWY 20-26,
VALE, OREGON 97918, the records on file herein, and pursuant to the Motion for General
Judgment and Declaration of Amount Due by Default by Plaintiff U.S. BANK TRUST, N.A.,
AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST ("Plaintiff"),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1540 HWY 20-26, VALE, OREGON 97918 ("Subject Property"), as evidenced by the Deed of Trust recorded August 1, 2007 in the official records of Malheur County as instrument number 2007-5834 ("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:

IN TWP. 18 S., R. 45 E., W.M.; SEC. 21: A PARCEL OF LAND IN THE S1/2 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS LOCATED 1070 FEET EAST AND 451 FEET NORTH OF THE SOUTH QUARTER CORNER OF SEC. 21; THENCE S. 67 DEGREES 37' E., 612 FEET; THENCE N. 0 DEGREES 39' E., 1066.7 FEET; THENCE N. 65 DEGREES 56' W., 630.7 FEET; THENCE S. 1087.5 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT A POINT 1070 FEET EAST AND 451 FEET NORTH OF THE SOUTH QUARTER CORNER OF SEC. 21; THENCE S. 67 DEGREES 37' E., 612 FEET TO THE POINT OF BEGINNING; THENCE N. 0 DEGREES 39' E., 727.9 FEET; THENCE N. 62 DEGREES 17' W., 64.5 FEET; THENCE N. 78 DEGREES 21' W., 132.4 FEET; THENCE S. 0 DEGREES 20' W., 709.4 FEET; THENCE S. 67 DEGREES 37' E., 197.4 FEET 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.

1 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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

24 8. Plaintiff or any other party to this action may become a purchaser at the
25 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
26 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any

1 successor in interest may apply to this Court for a writ of assistance to gain possession of the
2 subject property if Defendants or any other party or person refuses to surrender possession;


3 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 6
- 7 1. The amount of the judgment is \$127,464.73.
 - 8 2. Simple interest at the variable rate currently at 9.17% (\$26.83 *per diem*) through
9 September 12th, 2017, through the date of sale.
 - 10 3. Attorney fees of \$3,995.00, plus \$305.00, through the date of sale.
 - 11 4. Costs of \$2,310.09, plus costs accrued through the date of sale.
 - 12 5. Prevailing party fee: \$300.00.

13 **IT IS SO ADJUDGED**

Signed: 10/27/2017 10:25 AM

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16 **Lung S. Hung, Circuit Court Judge**

17
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19 **CERTIFICATE OF READINESS**

20
21 This proposed Order or Judgment is ready for judicial signature because:

- 22 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
23 or Judgment, as shown by each opposing party's signature on the document being
24 submitted.
- 25 2. Each opposing party affected by this Order or Judgment has approved the Order or
26 Judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

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- 3. X 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.
- 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: 10/24/2017

Christina Andreoni, OSB #160875
 (858) 750-7600
 (503) 222-2260 (Facsimile)
 candreoni@aldridgepite.com
 111 SW Columbia Street, Suite 950
 Portland, OR 97201
 Of Attorneys for Plaintiff