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

SPECIALIZED LOAN SERVICING LLC,

Plaintiff,

v.

THE ESTATE OF PATRICIA ALLISON;
THE UNKNOWN HEIRS, ASSIGNS, AND
DEWISEES OF PATRICIA ALLISON;
THERESA K. SMITH; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 151 N
MILWAUKIE AVE, HINES, OR 97738,

Defendants.

Case No. 16CV33853

**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 THE ESTATE OF
PATRICIA ALLISON; THE UNKNOWN HEIRS, ASSIGNS, AND DEWISEES OF PATRICIA
ALLISON; THERESA K. SMITH; and ALL OTHER PERSONS OR PARTIES UNKNOWN

CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 151 N MILWAUKIE AVE, HINES, OR 97738, the records on file
herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
Default by Plaintiff SPECIALIZED LOAN SERVICING LLC ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 151 N MILWAUKIE
AVE, HINES, OR 97738 ("Subject Property"), as evidenced by the Deed of Trust recorded
August 14, 2013 in the official records of HARNEY County as Instrument Number 20131133

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

5 LAND IN STAFFORD, DERBES & ROY SUBDIVISION, CITY OF HINES,
6 HARNEY COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF
7 AS FOLLOWS:

8 IN BLOCK 88, TRACT 5: LOTS 36, 37, 38 AND THE SOUTH 3 FEET OF LOT 39;

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

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

16 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
17 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
18 68(C), which amount may be added to the outstanding obligation due and owing under the Note

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

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

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;

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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 total amount of the unpaid principal balance, interest, and other amounts owed is \$161,690.29.
2. Simple interest at the variable rate currently at 4.750% (\$19.0464 *per diem*) after July 24, 2017, through the date of sale.
3. Attorney fees of \$3,115.00, plus \$317.50, through the date of sale.
4. Costs of \$1,304.52, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 12/18/2017 04:18 PM


W.D. CRAMER, JR.

Circuit Court Judge

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.

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- 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.
- 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
Of Attorneys for Plaintiff
(858)750-7600, (503)222-2260 (fax)
orecourtnotices@aldridgepite.com

Date: 12/13/17