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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE")

Case No. 17CV15853

Plaintiff,

WRIT OF EXECUTION

vs.

KIMBERLY R. LAPOINT; EDWARD
LAPOINT; PARTIES IN POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on November 20, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled 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 upon execution (subject to redemption) all of the interest which the defendants had on December 9, 2011, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

LOT 418, BLOCK 101, MILLS ADDITION, TO THE CITY OF KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

1- WRIT OF EXECUTION
S&S No. 17-120242

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 and commonly known as 2012 Orchard Avenue, Klamath Falls, OR 97601 to satisfy the sum of
2 \$87,795.73, as of January 9, 2018, together with additional post judgment interest of 9.00% from
3 that date (\$21.38 per day), and costs of this execution, making due return within 60 days after
4 you receive this writ.
5

6 Federal National Mortgage Association ("Fannie Mae") is the Judgment Creditor, and its
7 address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 7632 SW Durham
8 Road, Suite 350, Tigard, OR 97224 (360)260-2253. Shapiro & Sutherland, LLC is the attorney
9 for the Judgment Creditor.
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Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: _____

- James A. Craft #090146 [jcraft@logs.com]
 - Kelly D. Sutherland #87357 [ksutherland@logs.com]
 - Cara J. Richter #094855 [crichter@logs.com]
 - Holger Uhl #950143 [huhl@logs.com]*
 - Joshua R. Orem # 116872 [jorem@logs.com]*
- 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
7632 SW Durham Road, Suite 350, Tigard, OR 97224*
(360)260-2253; Fax (360)260-2285

2- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

vs.

KIMBERLY R. LAPOINT; EDWARD LAPOINT;
PARTIES IN POSSESSION,

Defendants.

Case No. 17CV15853

STIPULATED GENERAL JUDGMENT
OF FORECLOSURE

Default having been previously granted contemporaneously against Defendant(s), Parties
in Possession and Defendant(s), Kimberly R. LaPoint and Edward LaPoint, having stipulated to
entry of judgment:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Klamath County, Oregon is commonly known as 2012 Orchard Avenue, Klamath Falls, OR
97601 and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 17-120242

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Lot 418, Block 101, MILLS ADDITION, to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

2. The Deed of Trust executed and delivered by Defendant, Kimberly Lapoint and Edward Lapoint, as tenants by the entirety ("Borrower") on or about December 9, 2011 and recorded on December 16, 2011 as Instrument No. 2011-013891 in the official records of Klamath County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
3. The Plaintiff is the holder of the original note dated December 9, 2011 and made by Kimberly R LaPoint in the amount of \$85,525.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.

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- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2

Principal		\$78,941.99	
Prejudgment interest at 4.75% through September 13, 2017 (accruing thereafter until entry of judgment at \$10.27 per diem)			\$4,508.27
Late Charges		\$66.93	
Other Costs and fees (recoverable)		855.66	
	Property Tax	\$211.66	
	PMI/MIP	\$540.00	
	Property Inspections	\$104.00	
	Subtotal		\$79,864.58
Total plus Prejudgment Interest			\$84,372.85

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11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

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Costs			\$1,655.52
	Title Search Cost	\$594.10	
	Skip Trace Costs	\$10.92	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$47.00	
	Service Costs	\$197.50	
	Prevailing Party Fee	\$275.00	
Total			\$1,655.52

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18 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate
19 of 9% per annum pursuant to ORS 82.010.

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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

9 15. Execution may issue against the subject property for the aggregate amount found due
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
12 ORS 18.936 or other applicable law.
13

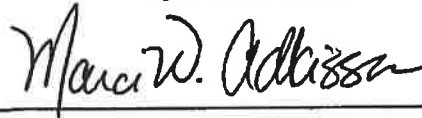
14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21

22 18. Stipulating Defendants do hereby waive any and all rights of redemption whether created by
23 law, equity or otherwise and agree to execute any documents necessary to convey, transfer
24 or assign said rights as is necessary to facilitate issuance of the deed from the Sheriff.

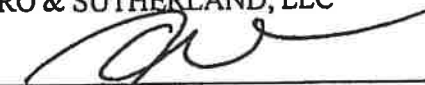
1 19. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 11/17/2017 03:08 PM

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9 **Circuit Court Judge Marci W. Adkisson**

10 So stipulated and submitted by:
11 Attorneys for Plaintiff,
12 SHAPIRO & SUTHERLAND, LLC

13 By: 
14 James A. Craft #090146 [jcraft@logs.com]
15 Cara J. Richter #094855 [crichter@logs.com]
16 1499 SE Tech Center Place, Suite 255, Vancouver,
17 WA 98683
18 (360)260-2253; Fax (360)260-2285

19 So Stipulated:
20 Approved as to form and content:

21 /s/ Richard Billin

22 Richard Billin, OSB #904546
23 Attorney for Stipulating Defendants,
24 Kimberly LaPoint and Edward LaPoint
25 Richard Billin, Attorney at Law
26 812 Bennett Ave
27 Medford, OR 97504
28 541 776-9900

6 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 17-120242

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Certificate of Readiness under UTCR 5 100

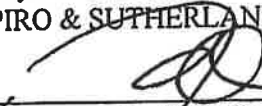
This proposed order or judgment is ready for judicial signature because:

- 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's 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 each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
- 5. 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 (5) of this rule.
- 6. Other: _____

Dated: Nov. 17, 2017

Submitted by:

Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: 
 James A. Craft #090146 [jcraft@logs.com]
 Cara J. Richter #094855 [crichter@logs.com]
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