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LINN COUNTY
SHERIFFS OFFICE

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

CITY OF ALBANY, OREGON, A
MUNICIPAL CORPORATION,

Plaintiff.

Case No. 17CV52681

v.

DEE L. MILLER and CURTIS C. MILLER,

Defendants.

**WRIT OF EXECUTION IN
FORECLOSURE**

TO: THE SHERIFF OF LINN COUNTY, OREGON:

1.

WHEREAS, on 13th day of February, 2018, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above entitled and numbered proceeding directing that the property subject to foreclosure be sold to satisfy the unpaid debt due to Plaintiff.

2.

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 (subject to redemption, if applicable), all of the interest which the Defendants, DEE L. MILLER and CURTIS C. MILLER ("Defendants") had on February 13, 2018 the date the lien on the property was foreclosed, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

///

///

DELAPOER, KIDD, PC
Attorneys at Law
260 Ferry Street SW, Ste 202
Albany, OR 97321-0014
Telephone (541) 926-5505 •

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Attorneys at Law
260 Ferry Street SW, Ste 202
Albany, OR 97321-0014
Telephone: (541) 826-5505 •

1
2 **Creditor's Principal Judgment**

3 Judgment Principal Amount: \$31,598.00

4 Costs, Disbursements, and
5 Litigation Expenses:

- 6 • Service fees: \$130.00
- 7 • Mailing costs: \$ 6.59

8 **Total Judgment Entered (Money Award): \$31,734.59**

9
10 3.

11 Additionally, Plaintiff is entitled to the accrual of post-judgment interest pursuant to
12 ORS 82.010 on \$31,734.59 at the legal rate of 9% per annum, \$7.82 per diem, from February
13 14, 2018 to the date the real property subject to the Judgment is sold by the County Sheriff at its
14 foreclosure auction, plus costs of this Writ, Sheriffs's fees and sale costs, and all other
15 recovered costs pursuant to law.

16 4.

17 The real property subject to this writ of execution is commonly known as 2215-2217
18 Jefferson Court SE, Albany, Oregon 97322 ("Property") and described in Exhibit "1" attached
19 hereto.

20 5.

21 The Judgment Creditor's name and address is:

22 The City of Albany
23 333 Broadalbin Street, SW
24 Albany, Oregon 97321

25 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize
26 and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary
to satisfy the Judgment, interest, fees, and costs.

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MAKE RETURN HEREOF within 60 days after you receive this Writ.



Signed: 3/14/2018 01:36 PM

Cynthia Mitchell
Cynthia Mitchell, Administrative Authority

Submitted by:

Jessica Henson

Jessica L. Henson (OSB#163976)
Attorney for Plaintiff
Delapoer Kidd, P.C.
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Albany, Oregon 97321
Phone: 541-926-5505
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

CITY OF ALBANY, OREGON, A
MUNICIPAL CORPORATION,

Plaintiff,

v.

DEE L. MILLER and CURTIS C. MILLER,

Defendants.

Case No. 17CV52681

**GENERAL JUDGMENT OF
FORECLOSURE**

THIS MATTER came before the court on Plaintiff's motion. Defendants DEE L. MILLER and CURTIS C. MILLER ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States; now therefore, IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

1. A money judgment for foreclosure shall be granted against the subject property, *In Rem*, as listed below.

2. Plaintiff's lien is a valid first lien upon the subject property commonly known as 2215-2217 Jefferson Court SE, Albany, Oregon 97322, in Linn County, Oregon (the "Subject Property") and legally described as follows:

Lot 7, Block 2, THURSTON MANOR, in the City of Albany, Linn County, Oregon

and that Lien is superior to any interest, lien or claim of the Defendants.

3. Plaintiff's lien is foreclosed and the Subject Property shall be sold at a foreclosure sale by the Linn County Sheriff (the "Sheriff") in the manner provided by law, and the proceeds thereof are to be applied first toward the cost of sale; then toward the satisfaction

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of Plaintiff's judgment awarded herein; and the surplus, if any, to such party or parties as may establish their right thereto.

4. Defendants, and all persons claiming by, through, or under them, as purchasers, encumbrancers, or otherwise, are adjudged inferior and subordinate to Plaintiff and are forever foreclosed of all interest, lien, or claim in the Subject Property described above and every portion thereof, excepting only any statutory right of redemption as Defendants may have therein.

5. Plaintiff or any other party to this suit may become the purchaser at the sale of the Subject Property. The purchaser is entitled to exclusive possession of the Subject Property from and after the date of sale and is entitled to exclusive possession of the Subject Property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including the application for a writ of assistance, if Defendants or any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

6. Plaintiff may credit bid the amount of its judgment together with accruing interest and any accruing costs paid by the Plaintiff pursuant to ORS 18.936, 18.950, and 18.999.

MONEY AWARD:

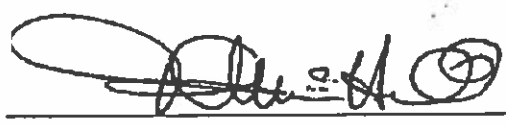
- a. Judgment Creditor: The City of Albany, Oregon
- b. Judgment Creditor's Address: 333 Broadalbin St. SW, Albany, OR
- c. Judgment Creditor's Date of Birth: N/A
- d. Attorney for Judgment Creditor: Jessica L. Henson, OSB# 163976
- e. Attorney for Judgment Creditor's Address and Phone No.: 260 Ferry Street SW, Suite 202, Albany, OR 541-926-5505

Judgment Debtor

- f. Judgment Debtor name: Dee L. Miller and Curtis C. Miller
- g. Judgment Debtor's Address: 3984 Washington Blvd., Bld. 302, Fremont, CA 94538

- 1 h. Judgment Debtor's date of birth: Unknown
- 2 i. Judgment Debtor's SS No.: Unknown
- 3 j. Judgment Debtor's driver's lic. No.: Unknown
- 4 k. Attorney for Judgment Debtor: N/A
- 5 l. Attorney for Judgment Debtor's
Address and Phone No.: N/A
- 6 m. Other Persons Entitled to Payment: N/A
- 7 n. Judgment Principal Amount: \$31,598.00
- 8 o. Post-Judgment Interest shall accrue
at 9.0% (per ORS 82.010) per annum,
9 from the date of the judgment:
- 10 r. Costs, Disbursements, and
Litigation Expenses:
- 11 • Litigation guarantee policy:
- 12 • Filing fees:
- 13 • Recording fees:
- 14 • Service fees: \$130.00
- 15 • Mailing costs: \$ 6.59
- 16 **Subtotal:**
- 17 **Total Judgment (Money Award): \$31,734.59**

Signed: 2/13/2018 05:03 PM



Circuit Court Judge, Thomas A. McHill

Submitted by:
 Jessica L. Henson (OSB #163976)
 Attorney for Plaintiff
 E-Mail: jessica@longdel.com

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