

Verified Correct Copy of Original 2/16/2018.

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

UNITED STATES OF AMERICA, acting
through the Rural Housing Service or
successor agency, UNITED STATES
DEPARTMENT OF AGRICULTURE,

Case No. 17CV40711

**WRIT OF EXECUTION
(Foreclosure of Real Property)**

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF
LOUISE F. PIERCE, deceased, all other
persons or parties unknown claiming any right,
title, lien, or interest in the Property described
in the Complaint herein, LVNV FUNDING,
LLC, and OREGON DEPARTMENT OF
HUMAN SERVICES.

Defendants.

TO: SHERIFF OF MALHEUR COUNTY.

On or about February 7, 2018, a General Judgment of Foreclosure and Money Award was entered in the register for this case in the above-entitled court, in favor of the Plaintiff United States of America, acting through the Rural Housing Service or successor agency, United States Department of Agriculture, and against the Defendants Unknown Heirs and Devisees of Louise F. Pierce, if any, and all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the Complaint, providing a Money Award in the principal amount of \$89,031.07, plus interest at the rate of nine (9) percent per annum, in attorney fees, in costs and disbursements and in prevailing party fee, and continuing to accrue interest at the rate of \$21.95 per diem from February 7, 2018 until paid.

1 On February 7, 2018, a Supplemental General Judgment and Money Award was entered in
2 the above-entitled court register in favor of the Plaintiff and against above-referenced Defendants in
3 the amount of \$3,772.00, plus interest at the rate of 9% per annum on the principal balance, attorney
4 fees, costs, disbursements and prevailing party fee, and continuing to accrue interest at \$.93 per
5 diem from February 7, 2018, until paid.

6 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are, hereby
7 commanded to sell, in the manner prescribed by law for the sale of real property described as 589
8 NW 2nd Street, Ontario, OR 97914 and particularly as follows: Land in RIVERSIDE ADDITION,
9 city of Ontario, Malheur County, Oregon, according to the Official Plat thereof, as follows:
10

11 In Block 10: Lots 53, 54 and 55,
12 EXCEPTING THEREFROM THAT PORTION OF Lot 55 described as follows:
13 Beginning at the Southwest corner of said Lot 55;
14 Thence North along the West boundary thereof, 15 feet;
15 Thence East, parallel with the North boundary of Lot 55, to the intersection with the South
16 boundary;
17 Thence Westerly along the said South boundary to the Point of Beginning.
18 Land in the CITY OF ONTARIO, Malheur County, Oregon, according Wilson's Supplemental Plat
19 thereof, as follows:

20 In Block 124: That portion of Lot 14 described as follows:
21 Beginning at the Northeast corner of said Lot 14;
22 Thence South along the East boundary thereof, 12 feet;
23 Thence West, parallel with the South boundary of Lot 14, to the intersection with the North
24 boundary;
25 Thence East along the said North boundary to the Point of Beginning.
Account No.: 00199 Code No. 1 Map No.: 18473BC Tax Lot No.: 9500, to satisfy the sum of
\$92,803.07, plus interest at the rate of nine (9) percent per annum and continuing to accrue interest
at \$22.88 per diem until paid, which are the amounts owing on the Money Awards on the date this
Writ is issued, making due return within 60 days after you receive this writ.

The mailing address of the judgment creditor is:

United States Department of Agriculture
31978 North Lake Creek Drive
Tangent, OR 97389

The mailing address of the judgment creditor's attorney is:

1 Alan N. Stewart
2 Merrill O'Sullivan LLP
3 805 SW Industrial Way, Ste. 5
4 Bend, OR 97702

4 The last known mailing address of the judgment debtor is:

5 Unknown Heirs and Devisees of Louise F. Pierce, deceased, and all other persons or
6 parties unknown claiming any right, title, lien, or interest in the Property described
7 in the Complaint
8 589 NW 2nd Street,
9 Ontario, OR 97914

9 The proceeds of the sale shall be applied first toward the costs of sale, including payment of
10 any outstanding property taxes owed to Linn County, then toward the satisfaction of the debt of the
11 judgment creditor at the following address:

12 United States Department of Agriculture
13 c/o Alan N. Stewart
14 Merrill O'Sullivan LLP
15 805 SW Industrial Way, Ste. 5
16 Bend, OR 97702



17 *Mailee Alford*
18 *Jrial Court Administrator*

19
20 *Dated 2-16-18*

21
22 *By [Signature]*

23 Submitted By:

24 Alan N. Stewart
25 Merrill O'Sullivan LLP
805 SW Industrial Way, Ste. 5
Bend, OR 97702

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

UNITED STATES OF AMERICA, acting
through the Rural Housing Service or
successor agency, UNITED STATES
DEPARTMENT OF AGRICULTURE,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF
LOUISE F. PIERCE, deceased, all other
persons or parties unknown claiming any right,
title, lien, or interest in the Property described
in the Complaint herein, LVNV FUNDING,
LLC, and OREGON DEPARTMENT OF
HUMAN SERVICES.

Defendants.

) Case No. 17CV40711

) **GENERAL JUDGMENT OF
FORECLOSURE AND MONEY
AWARD AGAINST DEFENDANT
UNKNOWN HEIRS AND DEVISEES
OF LOUISE F. PIERCE,
DECEASED, ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE,
LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN**

Plaintiff's Motion for Order of Default against Defendant was submitted to the Court and an
Order granting the Motion has been entered herein.

NOW, BASED THEREON AND THE RECORDS AND FILES HEREIN, IT IS HEREBY
ORDERED AND ADJUDGED that Plaintiff shall have a general judgment against Defendant
Unknown Heirs and Devisees of Louise F. Pierce, if any, and all other persons or parties unknown
claiming any right, title, lien, or interest in the property described in the Complaint (hereinafter
"Defendant") as follows:

1. Plaintiff shall have judgment against Defendant as follows:

///

1 (a) \$89,031.07, together with interest at the rate of 9% per annum, from July 18,
2 2017, until paid; and

3 (b) Foreclosure report fees, necessary costs, disbursements and Plaintiff USDA's
4 reasonable attorney fees. The costs, disbursements and attorney fees shall be determined by the
5 court pursuant to the provisions of ORCP 68 and shall be awarded by way of a Supplemental
6 Judgment.

7 2. The Plaintiff's lien is hereby foreclosed and the above property shall be sold by the
8 Sheriff of Malheur County in the manner prescribed by law, applying the proceeds of the sale first
9 towards the cost of the sale, then toward the satisfaction of Plaintiff's judgment and any surplus to
10 the party or parties who may establish their right thereto.

11 3. Defendant and all persons claiming through or under defendants either as purchasers,
12 encumbrances, or otherwise, is hereby foreclosed of all interest or claim in the real property except
13 any statutory right of redemption as defendants, or any of them, may have in the real property.

14 4. Plaintiff or any other party to this action may become a purchaser at the sale of the
15 real property and that the purchaser be entitled to immediate exclusive possession of the real
16 property from the date of sale until being entitled to such remedies as are available at law to secure
17 possession, including a Writ of Assistance if defendants or any other party or person shall refuse to
18 immediately surrender possession to purchaser.

19
20 **MONEY AWARD**

- 21 1. Judgment Creditor: United States of America, acting through the Rural
22 Housing Service or successor agency, United States
23 Department of Agriculture
24 31978 North Lake Creek
25 Tangent, OR 97389
2. Judgment Creditor's Attorney: Alan N. Stewart
Merrill O'Sullivan LLP
805 SW Industrial Way, Ste. 5

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Bend, OR 97702

- 3. Judgment Debtor(s):
Unknown Heirs and devisees of Louise F. Pierce, deceased, and all other persons or parties unknown claiming any right, title, lien, or interest in the Property described in the Complaint
589 NW 2nd Street
Ontario, OR 97914

- Year of Birth: Unknown
Tax ID No. or final four digits of SSN: Unknown
License No. (final four digits): Unknown

- 4. Judgment Debtor's Attorneys: None

- 5. Principal Amount: \$89,031.07

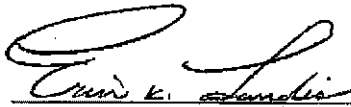
- 6. Attorney Fees: Attorney fees incurred herein to be determined pursuant to ORCP 68 and a Supplemental Judgment

- 7. Costs and Disbursements: Costs incurred herein to be determined pursuant to ORCP 68 and a Supplemental Judgment

- 8. Prevailing Party Fee: \$300.00

- 9. Post-Judgment Interest: At the rate of 9% per annum on the principal balance, attorney fees, costs, disbursements and prevailing party fee until paid.

- 10. The name of any person or public body, other than the judgment creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the money award. None.


Erin K. Landis, Circuit Court Judge

Signed: 2/7/2018 02:48 PM

MERRILL O'SULLIVAN, LLP
805 SW INDUSTRIAL WAY, SUITE 5
BEND, OR 97702
(541) 389-1770

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Submitted by:
Alan N. Stewart, OSB #121451
Merrill O'Sullivan LLP
Of Attorneys for Plaintiff