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LANE COUNTY S.D. CIVIL
02.16.18 R7541

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

THE BANK OF NEW YORK MELLON f/k/a
THE BANK OF NEW YORK as Trustee for
FIRST HORIZON ALTERNATIVE
MORTGAGE SECURITIES TRUST 2005-
FA11,
Plaintiff,
v.
RICHARD NICHOLS; RBS CITIZENS, N.
A.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1425 7TH STREET,
SPRINGFIELD, OR 97477,
Defendant.

Case No. 17CV43623
WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On January 16, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation was entered by the Lane 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: THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2005-FA11 c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 1425 7th Street, Springfield, OR 97477 ("Subject Property"), and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

1 The total amount due and owing on the Judgment as of February 1, 2018;

2	Judgment:	Principal	\$ 110,461.01
3	Pre-Judgment:	Interest(6.5%, \$17.07/day)	\$ 563.31 (12/14/17 to 11/16/18)
4		Attorney Fees	\$ 3,595.00
5		Costs	\$ 2,540.67
6		Prevailing Party Fee	\$ 300.00
7	Post-Judgment:	Interest(9%, \$29.03/day)	\$ 464.61 (11/17/18 to 2/1/18)
8		Attorney Fees	\$305.00
9		Costs	\$0.00

10 **TOTAL: \$ 118,229.60**

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

16 By the signature of the attorney for the judgment creditor, the person that requested
17 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
18 making a return on the writ to a date up to 150 days after receipt.

20 FEB - 5 2018

21 By: Angie Jones
22 court clerk

22 Presented by:

23 ALDRIDGE PITE, LLP

24 By: [Signature]
25 Katie Riggs, OSB #095861
26 of Attorneys for Judgment Creditor
orecourtnotices@aldridgepite.com



EXHIBIT A

BEGINNING AT THE NORTHWEST CORNER OF LOT 28, IN BLOCK 4, HUNTS ADDITION TO SPRINGFIELD, AS PLATTED AND RECORDED IN BOOK 3, PAGE 6, LANE COUNTY OREGON PLAT RECORDS; AND RUNNING THENCE EAST 122 FEET; THENCE SOUTH 63.2 FEET; THENCE WEST 122 FEET, MORE OR LESS, TO THE WEST LINE OF SAID LOT 28, THENCE NORTH 63.2 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, ALL IN BLOCK 4, OF HUNTS ADDITION TO SPRINGFIELD, IN LANE COUNTY, OREGON.

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

THE BANK OF NEW YORK MELLON f/k/a
THE BANK OF NEW YORK as Trustee for
FIRST HORIZON ALTERNATIVE
MORTGAGE SECURITIES TRUST 2005-
FA11,

Plaintiff,

v.

RICHARD NICHOLS; RBS CITIZENS, N.
A.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1425 7TH STREET,
SPRINGFIELD, OR 97477,

Defendants.

Case No. 17CV43623

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND BY
STIPULATION**

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 RICHARD NICHOLS; RBS
CITIZENS, N. A.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN
AS 1425 7TH STREET, SPRINGFIELD, OR 97477, the Stipulation of Defendant RBS
CITIZENS, N. A., the records on file herein, and pursuant to the Motion for General Judgment
and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK as Trustee for FIRST HORIZON ALTERNATIVE
MORTGAGE SECURITIES TRUST 2005-FA11 ("Plaintiff"),

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Page 1 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1425 7th Street, Springfield, OR 97477 ("Subject Property"), as evidenced by the Deed of Trust recorded November 30, 2005 in the official records of Lane County as instrument number 2005-095330 ("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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

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

5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

14 8. Plaintiff or any other party to this action may become a purchaser at the
15 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
16 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
17 successor in interest may apply to this Court for a writ of assistance to gain possession of the
18 subject property if Defendants or any other party or person refuses to surrender possession;

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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



Date: 1/5/2018

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff

EXHIBIT A

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