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Verified Correct Copy of Original 2/7/2018.

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

CIT BANK, N.A.,

CASE NUMBER: 16CV18662

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

MICHAEL J. GOETTEN, an individual;
TIFFANY L. HARTMAN AKA TIFFANY
GOETTEN, an individual; SOUTHERN
OREGON CREDIT SERVICE, INC., a credit
union; OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION, A
NONPROFIT PUBLIC BENEFIT,
individuals; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON:

1.

WHEREAS, on December 6, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

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



WRIT OF EXECUTION IN FORECLOSURE

Certified True Copy Of The Original
Dated This 21st Day Of Feb, 20¹⁸
Circuit Court Administrator
By:

Verified Correct Copy of Original 2/7/2018.

1 redemption, if applicable), all of the interest which the Defendants Michael J. Goetten, Tifany L.
 2 Hartman aka Tiffany Goetten, Southern Oregon Credit Service, Inc., Oregon Affordable Housing
 3 Assistance Corporation, A Nonprofit Public Benefit, All Other Persons, Parties, of Occupants
 4 Unknown ("Defendants") had on July 19, 2007, the date of the foreclosed Deed of Trust which was
 5 recorded on July 23, 2007, as Instrument No. 2007-014354 in the official records of the Josephine
 6 County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real
 7 property described in the Judgment to satisfy the Judgment as follows:

8
 9 **Lender's Principal Judgment:**

10 Unpaid Principal Balance:	\$246,470.72
11 Pre-Judgment Interest from August 1,	
12 2015 to November 10, 2017, the date	
13 set forth in the Judgment at 3.750%, per	
14 annum, (\$25.32 per diem):	\$18,251.06
15 Lender's Fees and Costs:	\$3,492.27
16 Attorney's Fees and Costs:	\$5,426.00
17	
18 <i>Total Judgment Entered:</i>	<i>\$273,640.05</i>

19
 20 **Additional Pre-Judgment Interest:**

21 Accrued Interest from November 11,	
22 2017, the day after the date set forth in	
23 the Judgment through December 6,	
24 2017, the date of entry of the Judgment,	
25 at 3.750%, per annum (\$25.32 per	
26 diem):	\$633.00

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize 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.

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

Submitted by:



Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

B. Harrison
Court Clerk

FEB 7 2018

Dated: 2/6/18



EXHIBIT 1

①

Verified Correct Copy of Original 2/7/2018.



EXHIBIT "A"
LEGAL DESCRIPTION

Lot 9, Block C, PLEASANT VALLEY ACRES SUBDIVISION, Josephine County, Oregon, according to the official plat thereof, now of record.



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

CIT BANK, N.A.,

Plaintiff,

vs.

MICHAEL J. GOETTEN, an individual;
TIFFANY L. HARTMAN AKA TIFFANY
GOETTEN, an individual; SOUTHERN
OREGON CREDIT SERVICE, INC., a credit
union; OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION, A
NONPROFIT PUBLIC BENEFIT,
individuals; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 16CV18662

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. MICHAEL J. GOETTEN,
2. TIFFANY L. HARTMAN AKA
TIFFANY GOETTEN
3. SOUTHERN OREGON CREDIT
SERVICE, INC.
4. OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION,
A NONPROFIT PUBLIC BENEFIT
5. ALL OTHER PERSONS,
PARTIES, OR OCCUPANTS UNKNOWN

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, CIT Bank, N.A. ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants MICHAEL J. GOETTEN, TIFFANY L. HARTMAN AKA TIFFANY GOETTEN, SOUTHERN OREGON CREDIT SERVICE, INC., OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, A NONPROFIT PUBLIC BENEFIT, and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN ("Defendants") were duly served

Malcolm + Cisneros, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, CA 92612

Certified True Copy of the
Dated This 21st Day of Feb., 2018

GENERAL JUDGMENT OF FORECLOSURE

Trial Court Administrator




1 with the Summons and Complaint as required by law; that Defendants failed to appear, that orders of
2 default have been entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry
3 of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as
4 298 ENTERPRISE AVE, MERLIN, OR 97532 ("Property") and extinguishing any and all interest
5 of the Defendants in the Property.

6 2.

7 The Court being fully advised; it is hereby
8 ORDERED AND ADJUDGED that:

9 3.

10 Plaintiff is the holder of that certain fixed/adjustable rate note ("Note"), dated July 19, 2007,
11 in the amount of \$215,200.00, and executed by MICHAEL J. GOETTEN and TIFFANY L.
12 HARTMAN aka TIFFANY GOETTEN.

13 4.

14 The Note is secured by that certain deed of trust ("Deed of Trust") dated July 19, 2007 and
15 executed by MICHAEL J. GOETTEN and TIFFANY L. HARTMAN aka TIFFANY GOETTEN.
16 The Deed of Trust was recorded on July 23, 2007 under the recording number 2007-014354 of the
17 Official Records of Josephine County, Oregon, against the Property, which is legally described in
18 Exhibit "1" attached hereto ("Property") and constitutes a valid lien against the Property.

19 5.

20 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
21 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

22 6.

23 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
24 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
25 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
26 may be entitled under Oregon law.

27 7.

28 A judgment of foreclosure in the amount of \$273,640.04 shall be granted in favor of Plaintiff,

1 and its successors and/or assigns, as further described below in the Declaration of Amount Owed --
2 Not a Money Award ("Amount Owed").

3 8.

4 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the
5 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be
6 disbursed to such party or parties as may establish their right thereto.

7 9.

8 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary
9 costs and expenses incurred to enforcing the Note and Deed of Trust.

10 10.

11 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
12 assessments, municipal charges, and such other items as may constitute liens on the Property,
13 together with insurance and repairs necessary to prevent the impairment of the Property, together
14 with interest thereon from the date of payment may also be added to the Amount Owed and paid
15 from the proceeds from the sale of the Property.

16 11.

17 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,
18 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and
19 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
20 State of Oregon.

21 12.

22 Defendants MICHAEL J. GOETTEN and TIFFANY L. HARTMAN aka TIFFANY
23 GOETTEN are not entitled to a homestead exemption in the Property.

24 13.

25 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the
26 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

27 14.

28 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate

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1 possession of the Property from and after the date of the sale, and is entitled to such remedies as are
2 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a
3 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
4 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

5 15.

6 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to
7 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to
8 obtain possession of the Property.

9 16.

10 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be
11 hereinafter described as the Amount Owed.

12 17.

13 This suit does not constitute an attempt to collect the debt against Defendants MICHAEL J.
14 GOETTEN and TIFFANY L. HARTMAN aka TIFFANY GOETTEN. Rather, it is a suit to execute
15 upon the Property as security for the Amount Owed.

16 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**
17 **(Pursuant to Senate Bill 368)**

18 18.

19 Under the terms of the Deed of Trust and the Note dated July 19, 2007, in the original
20 principal amount of \$215,200.00, there is now due and owing the following amounts, to be
21 hereinafter described as the Amount Due:

22
23 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

24 **1. Judgment Creditor:** CIT Bank, N.A.
25 Address: c/o MALCOLM ♦ CISNEROS,
26 A Law Corporation
27 2112 Business Center Drive, 2nd Floor
28 Irvine, California 92612

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1 **Judgment Attorney:** Nathan F. Smith
 2 Address: MALCOLM ♦ CISNEROS, A Law Corporation
 3 2112 Business Center Drive, 2nd Floor
 4 Irvine, California 92612
 5 Telephone Number: (949) 252-9400

6 **2. Persons or Public Bodies Entitled to**
 7 **a Portion the Judgment:** N/A

8 **3. Judgment Amount:** \$268,214.05

9 **4. Pre-Judgment Interest:** Simple interest to accrue on \$246,470.72 from
 10 November 11, 2017 to the date the Judgment is
 11 entered into the Court's register at 3.750% per
 12 annum, \$25.32 per diem.

13 **5. Post-Judgment Interest:** Simple interest to accrue on \$273,640.05 plus
 14 Pre-Judgment Interest from the day after the
 15 General Judgment is entered to the date upon
 16 which the Writ of Execution in Foreclosure is
 17 levied at the legal rate of interest or 9% per
 18 annum, whichever is greater.

19 **6. Periodic accrual:** N/A

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CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- 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.
- 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.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 11/30, 2017

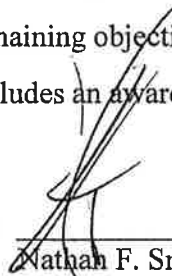
By: 
 Nathan F. Smith, OSB #120112
 Attorney for Plaintiff
 MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, Second Floor
 Irvine, California 92612
 (949) 252-9400 (TELEPHONE)
 (949) 252-1032 (FAX)

EXHIBIT 1

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**EXHIBIT "A"
LEGAL DESCRIPTION**

Lot 9, Block C, PLEASANT VALLEY ACRES SUBDIVISION, Josephine County, Oregon, according to the official plat thereof, now of record.

