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

BAYVIEW LOAN SERVICING, LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY,

Plaintiff,

v.

THE ESTATE OF ANGELA M. GIMARELLI  
FREDRICKSEN AKA ANGELA M.  
GIMARELLI AKA ANGELA  
FREDRICKSEN; CATHERINE (CJ)  
FREDRICKSEN, PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
ANGELA M. GIMARELLI FREDRICKSEN  
AKA ANGELA M. GIMARELLI AKA  
ANGELA FREDRICKSEN; Q. STEVEN  
FREDRICKSEN; TEGAN JOY  
FREDRICKSEN; THE UNKNOWN HEIRS,  
ASSIGNS, AND DEVISEES OF ANGELA  
M. GIMARELLI FREDRICKSEN AKA  
ANGELA M. GIMARELLI AKA ANGELA  
FREDRICKSEN; OREGON AFFORDABLE  
HOUSING ASSISTANCE CORPORATION;  
CAPITAL ONE BANK USA, N. A.; AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
13275 DAIQUIRI LAKE DR NE AURORA,  
OR 97002,

Defendant.

Case No. 17CV13852

**WRIT OF EXECUTION**

TO THE MARION COUNTY SHERIFF:

On September 15, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MARION 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.

1 The mailing address for the judgment creditor is: BAYVIEW LOAN SERVICING, LLC,  
2 A DELAWARE LIMITED LIABILITY COMPANY c/o Aldridge Pite, LLP, 111 SW Columbia  
3 St., Ste. 950, Portland, OR 97201.

4 The real property to be sold at public auction is commonly known as 13275 DAIQUIRI  
5 LAKE DR NE AURORA, OR 97002 ("Subject Property"), and legally described as:

6 LOT 2, BLOCK 3, LAKEWOOD ESTATES NO. 4, RECORDED MAY 17, 1979, IN  
7 BOOK OF TOWN PLATS, VOLUME 35, PAGE 29, COUNTY OF MARION, STATE OF  
8 OREGON.

9 The total amount due and owing on the Judgment as of September 15<sup>th</sup>, 2017:

10 Judgment:	Principal	\$215,801.33
11 Pre-Judgment:	Interest(2.000%, \$10.62/day)	\$169.92 (August 31, 2017 through
12		September 15, 2017)
13	Attorney Fees	\$3,095.00
14	Costs	\$6,617.92
15	Prevailing Party Fee	\$300.00
16 Post-Judgment:	Interest (2.000%, \$10.62/day)	\$509.76 (September 16, 2017 through
17		November 2, 2017)
18	Attorney Fees	\$305.00
19	Costs	\$0.00

20 **TOTAL: \$226,798.93**

21 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
22 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
23 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
24 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
25 holder of the certificate of sale.  
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Signed: 11/17/2017 10:37 AM

By:   
Court Clerk



Presented by:  
ALDRIDGE PITE, LLP



Christina Andreoni, OSB #160875  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
candreoni@aldridgepite.com

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

BAYVIEW LOAN SERVICING, LLC, A  
DELAWARE LIMITED LIABILITY  
COMPANY,

Plaintiff,

v.

THE ESTATE OF ANGELA M. GIMARELLI  
FREDRICKSEN AKA ANGELA M.  
GIMARELLI AKA ANGELA  
FREDRICKSEN; CATHERINE (CJ)  
FREDRICKSEN, PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
ANGELA M. GIMARELLI FREDRICKSEN  
AKA ANGELA M. GIMARELLI AKA  
ANGELA FREDRICKSEN; Q. STEVEN  
FREDRICKSEN; TEGAN JOY  
FREDRICKSEN; THE UNKNOWN HEIRS,  
ASSIGNS, AND DEVISEES OF ANGELA  
M. GIMARELLI FREDRICKSEN AKA  
ANGELA M. GIMARELLI AKA ANGELA  
FREDRICKSEN; OREGON AFFORDABLE  
HOUSING ASSISTANCE CORPORATION;  
CAPITAL ONE BANK USA, N. A.; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
13275 DAIQUIRI LAKE DR NE AURORA,  
OR 97002,

Defendants.

Case No. 17CV13852

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

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 THE ESTATE OF  
ANGELA M. GIMARELLI FREDRICKSEN AKA ANGELA M. GIMARELLI AKA  
ANGELA FREDRICKSEN; CATHERINE (CJ) FREDRICKSEN, PERSONAL  
REPRESENTATIVE OF THE ESTATE OF ANGELA M. GIMARELLI FREDRICKSEN AKA

1 ANGELA M. GIMARELLI AKA ANGELA FREDRICKSEN; Q. STEVEN FREDRICKSEN;  
2 TEGAN JOY FREDRICKSEN; THE UNKNOWN HEIRS, ASSIGNS, AND DEVISEES OF  
3 ANGELA M. GIMARELLI FREDRICKSEN AKA ANGELA M. GIMARELLI AKA  
4 ANGELA FREDRICKSEN; OREGON AFFORDABLE HOUSING ASSISTANCE  
5 CORPORATION; CAPITAL ONE BANK USA, N. A.; and ALL OTHER PERSONS OR  
6 PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
7 REAL PROPERTY COMMONLY KNOWN AS 13275 DAIQUIRI LAKE DR NE AURORA,  
8 OR 97002, the records on file herein, and pursuant to the Motion for General Judgment and  
9 Declaration of Amount Due by Default by Plaintiff BAYVIEW LOAN SERVICING, LLC, A  
10 DELAWARE LIMITED LIABILITY COMPANY ("Plaintiff"),

11 **IT IS HEREBY ADJUDGED:**

12 1. Plaintiff's security interest in the real property located at 13275 DAIQUIRI  
13 LAKE DR NE AURORA, OR 97002 ("Subject Property"), as evidenced by the Deed of Trust  
14 recorded September 20, 2007 in the official records of MARION County as Instrument Number  
15 Reel: 2868 Page: 229 ("Deed of Trust"), is a viable first priority lien, superior to the interests of  
16 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
17 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
18 legally described as follows:

19 LOT 2, BLOCK 3, LAKEWOOD ESTATES NO. 4, RECORDED MAY 17, 1979, IN  
20 BOOK OF TOWN PLATS, VOLUME 35, PAGE 29, COUNTY OF MARION, STATE  
21 OF OREGON.

22 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
23 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
24 in the manner provided by law;

25 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
26 due under the Note and Deed of Trust and any future advances and/or fees that may be made or

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
2 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

3 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
4 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
5 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
6 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
7 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
8 by sale of the Subject Property as directed under this Judgment;

9 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
10 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
11 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
12 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
13 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

25 8. Plaintiff or any other party to this action may become a purchaser at the  
26 foreclosure sale, and such purchaser shall be immediately let into possession of the subject

1 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
2 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
3 subject property if Defendants or any other party or person refuses to surrender possession;

4 DECLARATION OF AMOUNT DUE BY DEFAULT

5 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
6 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 7 1. The amount of the judgment is \$215,801.33.  
8 2. Simple interest at the variable rate currently at 2.00000% (\$10.62 *per diem*) after  
9 August 31, 2017, through the date of sale.  
10 3. Attorney fees of \$3,095.00, plus \$305.00, through the date of sale.  
11 4. Costs of \$6,617.92, plus costs accrued through the date of sale.  
12 5. Prevailing party fee: \$300.00.

13 **IT IS SO ADJUDGED**

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15  
16 Signed: 9/15/2017 12:12 PM

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18 Circuit Court Judge Donald D. Abar

19 CERTIFICATE OF READINESS

20  
21 This proposed Order or Judgment is ready for judicial signature because:

- 22 1.  Each opposing party affected by this Order or Judgment has stipulated to the Order  
23 or Judgment, as shown by each opposing party's signature on the document being  
24 submitted.  
25 2.  Each opposing party affected by this Order or Judgment has approved the Order or  
26 Judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

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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

*Christina M. Andreoni*

Date: 9/12/2017

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Of Attorneys for Plaintiff