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

BANK OF AMERICA, N.A.,
Plaintiff,

Case No. 15CV0263FC

v.

WRIT OF EXECUTION

MICHELLE M. WITT, GARDENSIDE
OWNERS ASSOCIATION, OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 21261
BELLFLOWER PL, BEND, OR 97702,
Defendant.

TO THE DESCHUTES COUNTY SHERIFF:

On September 15, 2016, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Deschutes 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 Bank of America, N.A. 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 21261 Bellflower Pl, Bend, OR 97702 ("Subject Property"), and legally described as:

LOT 102, GARDENSIDE P.U.D. - PHASE 2, CITY OF BEND, DESCHUTES COUNTY, OREGON.

///

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

2 Judgment:	Principal	\$418,155.49
3 Pre-Judgment:	Interest(5.875%, \$46.3285/day)	\$10,331.26 (2/6/16 through 9/15/16)
4	Attorney Fees	\$3,277.50
5	Costs	\$1,569.00
6	Prevailing Party Fee	\$300.00
7 Post-Judgment:	Interest(5.875%, \$46.3285/day)	\$23,349.56 (9/16/16 through 2/1/18)
8	Attorney Fees	\$410.00
9	TOTAL: \$457,502.81	

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

Signed: 2/7/2018 02:04 PM

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 17 **Administrative Analyst Lisa Marx**
 for Trial Court Administrator



18 Presented by:
 ALDRIDGE PITE, LLP
 19
 20 
 21 x
 Katie Riggs OSB # 095861
 Tel: (858) 750-7600
 Fax: (503) 222-2260
 22 kriggs@aldridgepite.com

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

BANK OF AMERICA, N.A.,
Plaintiff,

v.

MICHELLE M. WITT, GARDENSIDE
OWNERS ASSOCIATION, OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 21261
BELLFLOWER PL, BEND, OR 97702,
Defendants.

Case No. 15CV0263FC

**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

15 Based upon the Court's Order of Default against defendants MICHELLE M. WITT,
16 GARDENSIDE OWNERS ASSOCIATION, OREGON AFFORDABLE HOUSING
17 ASSISTANCE CORPORATION and ALL OTHER PERSONS OR PARTIES UNKNOWN
18 CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY
19 COMMONLY KNOWN AS 21261 BELLFLOWER PL, BEND, OR 97702, the records on file
20 herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
21 Default by Plaintiff BANK OF AMERICA, N.A. ("Plaintiff"),

IT IS HEREBY ADJUDGED:

23 1. Plaintiff's security interest in the real property located at 21261 Bellflower Pl,
24 Bend, OR 97702 ("Subject Property"), as evidenced by the Deed of Trust recorded April 11,
25 2008 in the official records of Deschutes County as Instrument Number 2008-16023 ("Deed of
26 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,

Page 1 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
2 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

3 LOT 102, GARDENSIDE P.U.D. - PHASE 2, CITY OF BEND, DESCHUTES
4 COUNTY, OREGON.

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

8 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
9 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
10 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
11 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

12 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
13 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
14 68(C), which amount may be added to the outstanding obligation due and owing under the Note
15 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
16 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
17 by sale of the Subject Property as directed under this Judgment;

18 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
19 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
20 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
21 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
22 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

25 7. The Sheriff shall make a return on the writ of execution to the court administrator
26 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first

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

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

1 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
2 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
3 parties as may establish their right thereto. The Defendants and all persons claiming through or
4 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
5 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
6 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
7 every part of the Subject Property when the time for redemption has elapsed;

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

13 DECLARATION OF AMOUNT DUE BY DEFAULT
14 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 15 1. The amount of the judgment is \$418,155.49.
16 2. Simple interest at the variable rate currently at 5.875% (\$46.3285 *per diem*) after
17 February 5, 2016, through the date of sale.
18 3. Attorney fees of \$3,277.50, plus \$410.00, through the date of sale.
19 4. Costs of \$1,569.00, plus costs accrued through the date of sale.
20 5. Prevailing party fee: \$300.00.

21 **IT IS SO ADJUDGED**

Signed: 9/15/2016 02:06 PM

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24 **Circuit Court Judge Stephen P. Forte**