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

CALIBER HOME LOANS, INC.,  
Plaintiff,

Case No. 17CV49118

v.

**WRIT OF EXECUTION**

THE ESTATE OF EUGENE D. BUTTLER;  
THE UNKNOWN HEIRS, DEVISEES AND  
ASSIGNEES OF EUGENE D. BUTTLER;  
SHANI MAYNARD; and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 209 MORTIMER  
ST., KLAMATH FALLS, OR 97601,  
Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On March 7, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Klamath 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: CALIBER HOME LOANS, INC. 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 209 MORTIMER ST., KLAMATH FALLS, OR 97601 ("Subject Property"), and legally described as:

SEE ATTACHED - EXHIBIT 1

The total amount due and owing on the Judgment as of March 16, 2018;

Judgment:	Principal	\$ 78,730.64
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1	Pre-Judgment:	Interest(4.5%,\$9.16/day)	\$ 64.12 (2/28/2018 through 3/7/2018)
2		Attorney Fees	\$ 2,690.00
3		Costs	\$ 1,956.40
4		Prevailing Party Fee	\$ 300.00
5	Post-Judgment:	Interest(9%,\$20.71/day)	\$ 165.70 (3/8/2018 through 3/16/2018)
6		Attorney Fees	\$260.00
7		Costs	\$0.00

8 **TOTAL: \$ 84,166.86**

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

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

17 March 23, 2018

18 Shn M Powell  
 19 CIRCUIT COURT ADMINISTRATOR

20 [Signature]  
 21 CIRCUIT COURT CLERK



20 Presented by:

21 ALDRIDGE PITE, LLP

22 [Signature]  
 23 By: [Signature]  
 24 Katie Riggs, OSB #095861  
 25 of Attorneys for Judgment Creditor  
 (858) 750-7600 (503) 222-2260 (facsimile)  
 26 [orecourtnotices@aldridgepite.com](mailto:orecourtnotices@aldridgepite.com)

Lot 6, Block 2, WILLIAMS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Lot 6, Block 2, WILLIAMS ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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

CALIBER HOME LOANS, INC.,

Plaintiff,

v.

THE ESTATE OF EUGENE D. BUTTLER;  
THE UNKNOWN HEIRS, DEVISEES AND  
ASSIGNEES OF EUGENE D. BUTTLER;  
SHANI MAYNARD; and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 209 MORTIMER  
ST., KLAMATH FALLS, OR 97601,

Defendants.

Case No. 17CV49118

**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

16 Based upon the Court’s Order of Default against defendants THE ESTATE OF EUGENE  
17 D. BUTTLER; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF EUGENE D.  
18 BUTTLER; SHANI MAYNARD; and ALL OTHER PERSONS OR PARTIES UNKNOWN  
19 CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY  
20 COMMONLY KNOWN AS 209 MORTIMER ST., KLAMATH FALLS, OR 97601, the records  
21 on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due  
22 by Default by Plaintiff CALIBER HOME LOANS, INC. (“Plaintiff”),

**IT IS HEREBY ADJUDGED:**

23  
24 1. Plaintiff’s security interest in the real property located at 209 MORTIMER ST.,  
25 KLAMATH FALLS, OR 97601 (“Subject Property”), as evidenced by the Deed of Trust  
26 recorded July 25, 2013 in the official records of Klamath County as instrument number 2013-

1 008441 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the  
2 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
3 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is  
4 legally described as follows:

5 See attached Plaintiff’s Declaration in Support of Judgment - Exhibit A.

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

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

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

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

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

26 ///

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

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

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**DECLARATION OF AMOUNT DUE BY DEFAULT**

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

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$78,730.64.
2. Simple interest at the variable rate currently at 4.50000% (\$9.16 *per diem*) from February 28, 2108, through the date of judgment.
3. Attorney fees of \$2,690.00, plus \$260.00, through the date of sale.
4. Costs of \$1,956.40, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total amounts above, #1-5, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 3/6/2018 02:31 PM

  
Circuit Court Judge Cameron F. Wogan

**CERTIFICATE OF READINESS**

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

1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's 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 objection has been served on me;
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c.  After conferring about objections, [ **role and name of objecting party** ] agreed to independently file any remaining objection.
- 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 5.  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 (5) of this rule.
- 6.  Other: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP



Date: 3/6/2018

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{ } Hunter Zook, OSB #095578  
 {x} Katie Riggs, OSB #095861  
 { } Sarah Mathenia, OSB #120681  
 { } Shannon K. Calt, OSB #121855  
 { } Christina Andreoni, OSB #160875  
*of Attorneys for Plaintiff*  
 (858) 750-7600  
 (503) 222-2260 (facsimile)  
 orecourtnotices@aldridgepite.com

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