

RECEIVED

2018 APR 13 PM 3:45

LINN COUNTY
SHERIFFS OFFICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

U.S. BANK NATIONAL ASSOCIATION,
Plaintiff,

Case No. 17CV41731

v.

WRIT OF EXECUTION

TOMMIE J. GRANGER; U.S. BANK TRUST
COMPANY NATIONAL ASSOCIATION;
UNITED STATES OF AMERICA;
NEHEMIAHS MINISTRIES; RON NILY;
DEBI W. TAYLOR; SILVER MOUNTAIN
FARMS LLC; AND ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 40777 24TH AVE., LYONS,
OR 97358.

Defendant.

TO THE LINN COUNTY SHERIFF:

On March 8, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Linn 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: U.S. BANK NATIONAL ASSOCIATION 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 40777 24TH AVE., LYONS, OR 97358 ("Subject Property"), and legally described as:

PARCEL 1:

BEGINNING 3 CHAINS EAST OF THE NORTHWEST CORNER OF THE

1 NORTHEAST QUARTER OF SECTION 29, IN TOWNSHIP 9 SOUTH, RANGE 2 EAST OF
2 THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, AND RUNNING THENCE
3 EAST ON THE SECTION LINE 100 RODS; THENCE SOUTH 240 RODS; THENCE WEST
4 100 RODS (DISTANCE CHANGE TO 1452 FEET BY JUDGMENT ENTERED JULY 15,
5 1985 IN CIRCUIT COURT CASE #81-1472); THENCE NORTH 240 RODS (NORTH 1° 54'
6 37" WEST 3989.09 FEET BY CIRCUIT COURT CASE #81-1472) TO THE PLACE OF
7 BEGINNING.

8 PARCEL II:

9 AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 34.00 FEET OF
10 THE FOLLOWING DESCRIBED REAL PROPERTY: BEGINNING AT THE SOUTHEAST
11 CORNER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 SOUTH,
12 RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, AND
13 RUNNING THENCE NORTH ALONG THE EAST BOUNDARY OF SAID QUARTER
14 SECTION 11.35 CHAINS TO THE SOUTH BOUNDARY OF THE RIGHT-OF-WAY OF
15 THE CORVALLIS AND EASTERN RAILROAD COMPANY; THENCE NORTH 73° 45'
16 WEST ALONG THE SOUTH BOUNDARY LINE OF SAID RIGHT-OF-WAY 20.83 CHAINS
17 TO THE WEST BOUNDARY LINE OF THE SOUTHEAST QUARTER OF THE
18 SOUTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 17.18 CHAINS TO
19 THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
20 QUARTER OF SAID SECTION 20; THENCE EAST 20 CHAINS TO THE POINT OF
21 BEGINNING.

22 PARCEL III:

23 AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 40.00 FEET OF
24 THE EAST 232.00 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:
25 BEGINNING AT THE NORTHWEST CORNER OF SECTION 29 IN TOWNSHIP 9 SOUTH,
26

1 RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON, AND
2 RUNNING THENCE EAST 43 CHAINS; THENCE SOUTH 60 CHAINS; THENCE WEST 23
3 CHAINS; THENCE NORTH 20 CHAINS; THENCE WEST 20 CHAINS; THENCE NORTH
4 40 CHAINS TO THE POINT OF BEGINNING.

5 The total amount due and owing on the Judgment as of April 6, 2018;

6	Judgment:	Principal	\$500,169.35
7	Pre-Judgment:	Interest(6.125%. \$54.32/day)	\$1,249.36 (2/13/18 through 3/8/18)
8		Attorney Fees	\$3,475.00
9		Costs	\$2,150.57
10		Prevailing Party Fee	\$300.00
11	Post-Judgment:	Interest(9.000%, \$125.18/day)	\$3,504.87 (3/9/18 through 4/6/18)
12		Attorney Fees	\$305.00

13 **TOTAL: \$511,154.15**

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

19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

Signed: 4/9/2018 04:45 PM



Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

Presented by:
ALDRIDGE PITE, LLP

By: 

Katie Riggs, OSB #095861
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

v.

TOMMIE J. GRANGER; U.S. BANK TRUST
COMPANY NATIONAL ASSOCIATION;
UNITED STATES OF AMERICA;
NEHEMIAHS MINISTRIES; RON NILY;
DEBI W. TAYLOR; SILVER MOUNTAIN
FARMS LLC; and ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 40777 24TH AVE., LYONS,
OR 97358,

Defendants.

Case No. 17CV41731

**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 TOMMIE J. GRANGER;
U.S. BANK TRUST COMPANY NATIONAL ASSOCIATION; UNITED STATES OF
AMERICA; NEHEMIAHS MINISTRIES; RON NILY; DEBI W. TAYLOR; SILVER
MOUNTAIN FARMS LLC; and ALL OTHER PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 40777 24TH AVE., LYONS, OR 97358, the records on file herein,
and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
Plaintiff U.S. BANK NATIONAL ASSOCIATION ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 40777 24TH AVE.,

1 LYONS, OR 97358 ("Subject Property"), as evidenced by the Deed of Trust recorded March 22,
2 2006 in the official records of Linn County as instrument number 2006-06624 ("Deed of Trust"),
3 is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims,
4 ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as
5 created by the Note and Deed of Trust. The Subject Property is legally described as follows:

6 PARCEL I:

7 BEGINNING 3 CHAINS EAST OF THE NORTHWEST CORNER OF THE
8 NORTHEAST QUARTER OF SECTION 29, IN TOWNSHIP 9 SOUTH, RANGE 2
9 EAST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, AND
10 RUNNING THENCE EAST ON THE SECTION LINE 100 RODS; THENCE SOUTH
11 240 RODS; THENCE WEST 100 RODS (DISTANCE CHANGE TO 1452 FEET BY
12 JUDGMENT ENTERED JULY 15, 1985 IN CIRCUIT COURT CASE #81-1472);
13 THENCE NORTH 240 RODS (NORTH 1° 54' 37" WEST 3989.09 FEET BY CIRCUIT
14 COURT CASE #81-1472) TO THE PLACE OF BEGINNING.

15 PARCEL II:

16 AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 34.00 FEET OF
17 THE FOLLOWING DESCRIBED REAL PROPERTY: BEGINNING AT THE
18 SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20,
19 TOWNSHIP 9 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, LINN
20 COUNTY, OREGON, AND RUNNING THENCE NORTH ALONG THE EAST
21 BOUNDARY OF SAID QUARTER SECTION 11.35 CHAINS TO THE SOUTH
22 BOUNDARY OF THE RIGHT-OF-WAY OF THE CORVALLIS AND EASTERN
23 RAILROAD COMPANY; THENCE NORTH 73° 45' WEST ALONG THE SOUTH
24 BOUNDARY LINE OF SAID RIGHT-OF-WAY 20.83 CHAINS TO THE WEST
25 BOUNDARY LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
26 QUARTER OF SAID SECTION 20; THENCE SOUTH 17.18 CHAINS TO THE

1 SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
2 QUARTER OF SAID SECTION 20: THENCE EAST 20 CHAINS TO THE POINT OF
3 BEGINNING.

4 PARCEL III:

5 AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 40.00 FEET OF
6 THE EAST 232.00 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:
7 BEGINNING AT THE NORTHWEST CORNER OF SECTION 29 IN TOWNSHIP 9
8 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY,
9 OREGON, AND RUNNING THENCE EAST 43 CHAINS; THENCE SOUTH 60
10 CHAINS; THENCE WEST 23 CHAINS; THENCE NORTH 20 CHAINS; THENCE
11 WEST 20 CHAINS; THENCE NORTH 40 CHAINS TO THE POINT OF BEGINNING.

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

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

19 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
20 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
21 68(C), which amount may be added to the outstanding obligation due and owing under the Note
22 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
23 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
24 by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECLARATION OF AMOUNT DUE BY DEFAULT

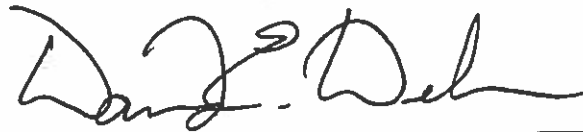
(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$500,169.35.
2. Simple interest at the rate currently at 6.125% per annum (\$54.32 *per diem*) after February 12, 2018, through the date of judgment.
3. Attorney fees of \$3,475.00, plus \$305.00, through the date of sale.
4. Costs of \$2,150.57, 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

Dated: Mar. 6, 2018.

Signed: 3/6/2018 09:09 AM



David E. Delsman, Circuit Court Judge

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- 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.

- 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: 3/5/2018

Katie Riggs, OSB #095861
of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com