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

THE BANK OF NEW YORK MELLON, AS
TRUSTEE FOR CIT MORTGAGE LOAN
TRUST 2007-1,
Plaintiff,

Case No. 17CV31443

WRIT OF EXECUTION

v.

THE ESTATE OF RICHARD C. PARKER;
THE UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF RICHARD C. PARKER;
CATHERINE ANN SHANK; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; RAY KLEIN, INC. DBA
PROFESSIONAL CREDIT SERVICE; AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
61379 KOBE ST, BEND, OR 97702,
Defendant.

TO THE DESCHUTES COUNTY SHERIFF:

On January 9, 2018, 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: THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 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 61379 KOBE ST, BEND, OR 97702 ("Subject Property"), and legally described as:

1 LOT 4, TRI-PEAKS II, RECORDED NOVEMBER 5, 2003, IN CABINET G, PAGE(S)
2 89, DESCHUTES COUNTY, OREGON.

3 The total amount due and owing on the Judgment as of January 24, 2018;

4	Judgment:	Principal	\$298,202.73
5	Pre-Judgment:	Interest(7.75%, \$47.15/day)	\$1,744.55 (12/4/17 through 1/9/18)
6		Attorney Fees	\$4,757.50
7		Costs	\$6,115.21
8		Prevailing Party Fee	\$300.00
9	Post-Judgment:	Interest(9.00%,\$76.78/day)	\$1,151.70 (1/10/18 through 1/24/18)
10		Attorney Fees	\$305.00

11 **TOTAL: \$312,576.69**

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

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

Signed: 2/21/2018 12:49 PM

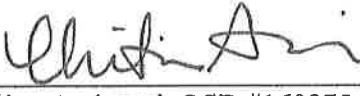


Trial Court Administrator Jeffrey E. Hall



7 Presented by:

8 ALDRIDGE PITE, LLP

9 By: 

10 Christina Andreoni, OSB #160875
11 (858) 750-7600
12 (503) 222-2260 (facsimile)
candreoni@aldridgepite.com

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

THE BANK OF NEW YORK MELLON, AS
TRUSTEE FOR CIT MORTGAGE LOAN
TRUST 2007-1,
Plaintiff,

v.

THE ESTATE OF RICHARD C. PARKER;
THE UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF RICHARD C. PARKER;
CATHERINE ANN SHANK; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; RAY KLEIN, INC. DBA
PROFESSIONAL CREDIT SERVICE; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
61379 KOBE ST, BEND, OR 97702,
Defendants.

Case No. 17CV31443

**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 RICHARD C. PARKER; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF RICHARD C. PARKER; CATHERINE ANN SHANK; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; RAY KLEIN, INC. DBA PROFESSIONAL CREDIT SERVICE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 61379 KOBE ST, BEND, OR 97702, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON, AS TRUSTEE FOR CIT MORTGAGE LOAN TRUST 2007-1 ("Plaintiff"),

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 61379 KOBE ST,
3 BEND, OR 97702 ("Subject Property"), as evidenced by the Deed of Trust recorded December
4 29, 2006 in the official records of DESCHUTES County as instrument number 2006-84860
5 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
6 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
7 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
8 described as follows:

9 LOT 4, TRI-PEAKS II, RECORDED NOVEMBER 5, 2003, IN CABINET G, PAGE(S)
10 89, DESCHUTES COUNTY, OREGON.

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

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

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

24 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
26 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

19 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

22 1. The total amount of the unpaid principal balance, interest, and other amounts
23 owed is \$298,202.73.

24 2. Simple interest at the variable rate currently at 7.75% (\$47.15 *per diem*) after
25 December 3rd, 2017, through the date of sale.
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- 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



Date: 12/26/17

- { } Hunter Zook, OSB #095578
- { } Katie Riggs, OSB #095861
- { } Sarah Mathenia, OSB #120681
- { } Shannon K. Calt, OSB #121855
- {X} Christina Andreoni, OSB #160875

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