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

CITIMORTGAGE, INC.,
Plaintiff,

v.

KIRK H. STROHMAN, JR., AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
KAREN K. KUHL; MERRILL JOE KUHL;
SENIOR ESTATES GOLF & COUNTRY
CLUB; OSU FEDERAL CREDIT UNION;
STATE OF OREGON; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1279
PRINCETON ROAD, WOODBURN,
OREGON 97071,
Defendant.

Case No. 17CV05451

WRIT OF EXECUTION

TO THE MARION COUNTY SHERIFF:

On August 22, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation 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.

The mailing address for the judgment creditor is: CITIMORTGAGE, 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 1279 Princeton Road, Woodburn, Oregon 97071 ("Subject Property"), and legally described as:

LOT 20, BLOCK 31, WOODBURN SENIOR ESTATES NO. 3, MARION COUNTY,
OREGON.

1 The total amount due and owing on the Judgment as of October 3, 2017;

2	Judgment:	Principal	\$84,378.62
3	Pre-Judgment:	Interest(6.25%, \$11.81/day)	\$354.30 (7/24/17 through 8/22/17)
4		Attorney Fees	\$3,960.00
5		Costs	\$8,246.00
6		Prevailing Party Fee	\$300.00
7	Post-Judgment:	Interest(6.25%, \$11.81/day)	\$496.02 (8/23/17 through 10/3/17)
8		Attorney Fees	\$305.00

9 **TOTAL: \$98,039.94**

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.

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Signed: 10/5/2017 04:15 PM
Cristin Ballinger

Court Clerk



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Presented by:
ALDRIDGE PITE LLP

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Kate Riggs

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X

Katie L. Riggs, OSB # 095861
(858) 750-7600
(503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

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Page 2 – WRIT OF EXECUTION

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

CITIMORTGAGE, INC.,

Plaintiff,

v.

KIRK H. STROHMAN, JR., AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KAREN K. KUHL; MERRILL JOE KUHL; SENIOR ESTATES GOLF & COUNTRY CLUB; OSU FEDERAL CREDIT UNION; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1279 PRINCETON ROAD, WOODBURN, OREGON 97071,

Defendants.

Case No. 17CV05451

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

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 MERRILL JOE KUHL; SENIOR ESTATES GOLF & COUNTRY CLUB; OSU FEDERAL CREDIT UNION; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1279 PRINCETON ROAD, WOODBURN, OREGON 97071, the Stipulation of Defendant KIRK H. STROHMAN, JR., AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KAREN K. KUHL; the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default and Stipulation by Plaintiff CITIMORTGAGE, INC. ("Plaintiff"),

Page 1 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AND BY STIPULATION

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 1279 Princeton Road,
3 Woodburn, Oregon 97071 ("Subject Property"), as evidenced by the Deed of Trust recorded
4 December 22, 2003 in the official records of Marion County as instrument number Reel: 2253,
5 Page 348 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
6 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
7 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
8 legally described as follows:

9 LOT 20, BLOCK 31, WOODBURN SENIOR ESTATES NO. 3, MARION COUNTY,
10 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 Page 2 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION

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

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;

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**Page 3 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION**

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

1 CERTIFICATE OF READINESS

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

- 3 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or
- 4 Judgment, as shown by each opposing party's signature on the document being submitted.
- 5 2. Each opposing party affected by this Order or Judgment has approved the Order or
- 6 Judgment, as shown by signature on the document being submitted or by written
- 7 confirmation of approval sent to me.
- 8 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
- 9 a. No objections have been served on me within that time frame;
- 10 b. I received objections that I could not resolve with the opposing party despite
- 11 reasonable efforts to do so. I have filed with the Court a copy of the objections I
- 12 received and indicated which objections remain unresolved;
- 13 c. After conferring about objections, **[Opposing Party]** agreed to independently
- 14 file any remaining objection with the Court.
- 15 4. The relief sought is against an opposing party who has been found in default.
- 16 5. An order of default is being requested with this proposed judgment.
- 17 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 18 otherwise.
- 19 7. This is a proposed judgment that includes an award of punitive damages and notice
- 20 has been served on the Director of the Crime Victims' Assistance Section as required by
- 21 subsection (4) of this rule.

19 Presented By:
20 ALDRIDGE PITE, LLP

21 

21 Date: 8/18/2017

22 Katie L. Riggs (Bar # 000000000)
23 (858) 750-7600
24 (619) 326-2430
25 kriggs@aldridgepite.com
26 Of Attorneys for Plaintiff