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

BEAUVAIS, LLC, an Oregon limited liability
company,

Plaintiff,

v.

FRANK R. HARRIS,

Defendant.

CASE NO. 17CV47072

**WRIT OF EXECUTION IN
FORECLOSURE**

TO: SHERIFF OF DESCHUTES COUNTY, OREGON.

1.

WHEREAS, in the above-entitled court on April 30, 2018 a General Judgment of Foreclosure and Sale against defendant was entered and docketed in an amount described therein and a Notice of Entry of Judgment was entered and docketed on May 1, 2018, in the above-entitled matter.

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell the real property described in paragraph 4 in the manner prescribed by law for the sale of real property upon execution (subject to redemption), all of the interest which the plaintiffs have on April 30, 2018, or thereafter in the Judgment being foreclosed and all interest which the plaintiffs have thereafter in the real property described in the Judgment to satisfy the money aware as follows:

1 Attorney Fees and Costs:

2 Attorney Fees \$ 4,971.00

3 Costs:

4 Title Report \$ 360.00

5 Filing Fee – complaint 685.00

6 Maintenance & Insurance 623.00

7 Process service fees 45.00

\$ 1,713.00 1,713.00

8 Prevailing Party Fee 300.00

9 *Total Fees and Costs* \$ *6,984.00*

10 Lender's Principal and Interest:

11 Principal Balance (as of 9/01/2017) \$ 61,630.67

12
13 Accrued interest from 9/01/2017 to
14 present, at 6% per annum; 2,157.05

15 Property taxes from 2014 to present 6,362.12
16 Plus interest at 9% per annum

17 Post Judgment interest thereafter on the
18 Total Amount Due at the rate of 9% per
annum, pursuant to ORS 82.010

19 *Total Lender's Principal & Interest* \$ *70,149.84*

20
21 **TOTAL JUDGMENT** \$ **77,133.84**

22
23 3.

24 In addition to this amount, plaintiffs are entitled to the continued accrual of post-
25 judgment interest at the legal rate of interest 9% per annum, \$19.03 per diem, from April 30,
26 2018 to the date the real property subject to the Judgment is sold by the Deschutes County
27
28

1 Sheriff at its' foreclosure auction. plus costs of this writ, sheriff's fees and sale costs. and all
2 other recoverable costs pursuant to law.

3
4 4.

5 The real property description is as follows:

6 Lot: 1 Block: 6 Subdivision; Casper Mobile Acres;
7 Tax/Map ID: 1513155BA08200; APN: 123068

8 and more commonly known as 211 SE 6th St., Redmond, Oregon, 97756.

9 5.

10 The Judgment Creditor's name and address:

11 Beauvais LLC
12 c/o Sean M. Neary
13 Fitch Law Group
14 210 SW 5th St., Ste. #2
15 Redmond OR 97756

16 6.

17 The real property to be sold is not the debtor's residence or homestead. Additionally,
18 pursuant to ORS 18.904(3)(c), no additional order is required for sale of the real property.

19 7.

20 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize
21 and sell the above-described Property, in the manner prescribed by law; or so much thereof as
22 may be necessary to satisfy the Judgment and Money Award, interest, fees and costs.

23 Signed: 5/11/2018 07:27 AM

24 
25
26 **Trial Court Administrator Jeffrey E. Hall**



27 Submitted by:
28 Sean M. Neary, OSB #114709
Attorney for Plaintiff

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

BEAUVAIS, LLC, an Oregon limited liability
company,

Plaintiff,

v.

FRANK R. HARRIS,

Defendant.

CASE NO. 17CV47072

**GENERAL JUDGMENT OF
FORECLOSURE AND SALE**

This matter comes before the Court upon Plaintiff's Motion and Order for Summary, and an Order entered in favor of plaintiff and against defendant disposing of all claims in this matter and this court being fully advised,

NOW THEREFORE IT IS HEREBY ORDERED AND ADJUDGED

1.

That a general judgment for foreclosure and sale be entered into the Court's register to accomplish the following: to foreclosure any and all interest of defendant Frank R. Harris in the real property subject to this foreclosure action, described as: 211 SE 6th Street, Redmond, Oregon and more particularly described as:

Lot: 1 Block: 6 Subdivision: Casper Mobile Acres;
Tax/Map ID: 1513155BA08200; APN: 123068

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3.

The court being fully advised in the Premise, finding good cause exists so this general judgment of foreclosure and sale may be entered in favor of plaintiff and against defendant Frank R. Harris, it is hereby

ORDERED AND ADJUDGED:

4.

That the Trust Deed recorded on October 9, 2013, Document No. 2013-042398. Deschutes County, Oregon and the Promissory Note executed on September 25, 2013 by plaintiff and defendant, is a valid lien for the amount due and owing as set forth in Paragraph 14. herein against the Property situated in Jefferson County, Oregon, and described as follows:

Lot: 1 Block: 6 Subdivision; Casper Mobile Acres;
Tax/Map ID: 1513155BA08200; APN: 123068

5.

That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendant and that said Deed of Trust is hereby foreclosed by this Court on the Property.

6.

That defendant and all parties claiming by, through or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property, and every portion thereof, excepting only the statutory right of redemption provided by the laws of the State of Oregon.

7.

That defendant is not entitled to a homestead exemption as against Plaintiff's Trust Deed.

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8.

That all of the right, title and interest which defendant had on October 9, 2013, the date of the Deed of Trust, and all of the right, title and interest defendant and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 14 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

9.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 14 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

10.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, should defendant refuse to surrender possession of the Property immediately upon the purchaser's demand for possession.

11.

That Plaintiff is entitled to and is hereby awarded his attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$4,971.00 and its litigation costs in the amount of \$1070.00, shall be, and is hereby declared additional amounts secured by and hereinafter shall made part of the amount of the debt secured by Plaintiff's Deed of Trust.

12.

This court shall retain jurisdiction to enter such additional orders, judgments or decrees necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

13.

The Clerk of the Court is hereby ordered to issue a Writ of Execution and Foreclosure for the sale of the Property. Plaintiff may credit the amounts determined herein, plus such additional amounts as described in Paragraph 14.

14.

DECLARATION OF DEBT SECURED BY DEED OF TRUST

(Pursuant to Senate Bill 368)

Under the terms of the Deed of Trust and the promissory note dated September 25, 2013, in the principal amount of \$73,000.00 (less payments received) there is now due and owing the following amounts, to be hereinafter described as the Amount Due.

Attorney Fees and Costs:

Attorney Fees \$ 4,971.00

Costs:

Title Report	\$ 360.00	
Filing Fee -- complaint	685.00	
Maintenance & Insurance	623.00	
Process service fees	45.00	
	<u>\$ 1,713.00</u>	1,713.00

Prevailing Party Fee 300.00

Total Fees and Costs \$ 6,984.00

1 Lender's Principal and Interest:

2 Principal Balance (as of 9/01/2017) \$ 61,630.67
3
4 Accrued interest from 9/01/2017 to 2,157.05
5 present, at 6% per annum;
6 Property taxes from 2014 to present 6,362.12
7 Plus interest at 9% per annum
8 Post Judgment interest thereafter on the
9 Total Amount Due at the rate of 9% per
annum, pursuant to ORS 82.010

10 *Total Lender's Principal & Interest* \$ 70,149.84

11 **TOTAL JUDGMENT** \$ 77,133.84

12
13
14 Signed: 4/30/2018 02:42 PM



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

16
17 Submitted by:
18 Sean M. Neary, OSB #114706
19 Tel: 541-316-1588
20 Email: sean@fitchlawgroup.com
21 Attorney for Plaintiff
22
23
24
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27

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing *General Judgment of Foreclosure and Sale* on:

Frank R. Harris
211 SE 6th St.
Redmond OR 97756

by the following indicated method or methods:

X by **mailing** a full, true and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney(s) listed above, and deposited in the United States Postal Service at Redmond, Oregon, on the date set forth below.

_____ by **emailing** a full, true and correct copy thereof addressed to the attorney(s) listed above, at the email address listed above, on the date set forth below.

_____ by **hand-delivering** a full, true and correct copy thereof to the attorney(s) listed above on the date set forth below.

_____ by **sending via overnight delivery** a full, true and correct copy thereof in a sealed postage-prepaid envelope, addressed to the attorney(s) listed above, on the date set forth below.

_____ by **faxing** a full, true and correct copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

Dated this 13th day of April 2018.

FITCH LAW GROUP, PC

/s/ Sean M. Neary
Sean M. Neary, OSB #114709
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

FITCH LAW GROUP
210 SW St., Suite 2
Redmond, OR 97756
Phone: 541-316-1588
Fax: 541-316-1588

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3 IN THE CIRCUIT COURT OF THE STATE OF OREGON
4 FOR THE COUNTY OF DESCHUTES
5

6 BEAUVAIS, LLC, an Oregon limited liability
7 company,

8 Plaintiff,

9 v.

10 FRANK R. HARRIS,

11 Defendant.
12

CASE NO. 17CV47072

PRAECIPE FOR EXECUTION

13
14 TO: THE COURT ADMINISTRATOR OF THE ABOVE-ENTITLED COURT:

15 You are hereby requested and instructed to issue an execution to the Sheriff of Deschutes
16 County, Oregon, in the above-entitled case upon the General Judgment of Foreclosure entered on
17 April 30, 2018.
18

19 1. The principal indebtedness due to the plaintiff is \$61,630.67 with interest accrued
20 at 6% from 9/01/2017 to April 30, 2017 in the amount of \$2,157.05; property taxes from 2014 to
21 April 30, 2018 in the amount of \$6,362.12 with interest at the rate of 9% per annum from April
22 30, 2018, and post judgment interest at the rate of 9% until the judgment is paid.
23

24 2. The balance as of April 30, 2018 is \$70,149.84 plus an award of attorney fees and
25 costs in the amount of \$6,984.00 for a total Judgment of \$77,133.84.

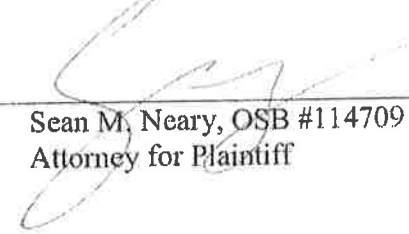
26 3. No order is required for the sale of the property because this execution arises from
27 a judgment of foreclosure of a validly executed trust deed on the property per ORS 18.904(3)(c).
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It is hereby certified that the provisions of the execution conform to the terms of the
general judgment of foreclosure in this matter.

Dated this 9 day of May 2018.

FITCH LAW GROUP, PC

By: 
Sean M. Neary, OSB #114709
Attorney for Plaintiff