

Verified Correct Copy of Original 4/11/2018.

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

ROBERT D. McMILLIN and MARION J.  
McMILLIN, as Trustees of the McMILLIN  
FAMILY TRUST, UDT August 20, 1996,

Plaintiffs,

v.

MARTIN E. THOMPSON, PORTFOLIO  
RECOVERY ASSOCIATION LLC, OREGON  
EMPLOYMENT DEPARTMENT and OREGON  
DEPARTMENT OF REVENUE,

Defendants.

CASE NO. 17CV49691

**AMENDED  
GENERAL JUDGMENT OF  
FORECLOSURE AND SALE**

1.

THIS MATTER came on regularly before the court by way of plaintiffs' motion for order of default and it appearing from the record herein that plaintiffs, their successors in interests and/or assigns filed their complaint for Contract of Sale foreclosure; that defendants were duly served with the Summons and Complaint and have failed to appear and that an Order of Default has been entered against defendants on plaintiffs' complaint and, consequently this General Judgment of Foreclosure is submitted in accordance with URCR 5.100(3)(c).

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2.

Plaintiffs hereby request that this general judgment for foreclosure and sale be entered into the Court's register to accomplish the following: to foreclosure any and all interest of defendants in the real property subject to this foreclosure action, described as:

**Parcel 1**

T23 S., R31 E.W.M. SEC 07CD TL2400  
LAND IN ORIGINAL TOWN OF BURNS, HARNEY COUNTY, OREGON AS  
FOLLOWS:  
IN BLOCK 21: THE EAST 35 FEET OF LOT 1 AND THE NORTH 7 FEET OF THE  
EAST 35 FEET OF LOT 2

**Parcel 2**

T23 S., R31 E.W.M. SEC 07CE TL 2500  
LAND IN ORIGINAL TOWN OF BURNS, HARNEY COUNTY, OREGON AS  
FOLLOWS:  
IN BLOCK 21: THE EAST 15 FEET OF THE WEST 65 FEET OF LOT 1 AND THE  
NORTH 15 FEET OF THE EAST 15 FEET OF THE WEST 65 FEET OF LOT 2.

More commonly known as 53 W. Washington Street, Burns, Oregon 97720.

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 plaintiffs and against defendants.

**ORDERED AND ADJUDGED:**

4.

That the Contract of Sale recorded on July 7, 2014, recorded in the Official Records of Harney County, Oregon, Document No. 20140882 is a valid contract of sale for the amount due and owing as set forth in paragraph 14 herein against the property situated in Harney County, Oregon and described as follows:

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**Parcel 1**

T23 S., R31 E.W.M. SEC 07CD TL2400  
LAND IN ORIGINAL TOWN OF BURNS, HARNEY COUNTY, OREGON AS  
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IN BLOCK 21: THE EAST 35 FEET OF LOT 1 AND THE NORTH 7 FEET OF THE  
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**Parcel 2**

T23 S., R31 E.W.M. SEC 07CE TL 2500  
LAND IN ORIGINAL TOWN OF BURNS, HARNEY COUNTY, OREGON AS  
FOLLOWS:  
IN BLOCK 21: THE EAST 15 FEET OF THE WEST 65 FEET OF LOT 1 AND THE  
NORTH 15 FEET OF THE EAST 15 FEET OF THE WEST 65 FEET OF LOT 2.

More commonly known as 53 W. Washington Street, Burns, Oregon 97720.

5.

That the Contract of Sale is superior to any interest lien or claim of defendant and that  
said Contract of Sale is hereby foreclosed by this Court on the property.

6.

That defendants 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 Martin E. Thompson is not entitled to a homestead exemption as against  
plaintiffs' Contract of Sale.

8.

That all of the right, title and interest which Martin E. Thompson had on July 7,  
2014, the date of the Contract of Sale was signed, and all of the right, title and interest defendant

1 Martin E. Thompson and any successor thereafter had in and to the real Property is hereby  
2 ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees  
3 and costs of sale, then toward the satisfaction of the amount due and owing set forth in paragraph  
4 14 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or  
5 parties as may establish their right thereto.  
6

7 9.

8 That plaintiffs may become purchaser at the sheriff's sale of the Property and may bid up  
9 to the aggregate amount due and owing set forth in Paragraph 14 herein, plus interest from the  
10 date of this Judgment until sale without advancing any cash except money required for the  
11 sheriff's sale.  
12

13 10.

14 That plaintiffs, if the successful purchaser of the Property at the sheriff's sale, reserve the  
15 right to motion the court after sale for exclusive and immediate possession of the Property  
16 through the issuance and enforcement of a writ of assistance, should defendant Martin E.  
17 Thompson refuse to surrender possession of the Property immediately upon the purchaser's  
18 demand for possession.  
19

20 11.

21 That plaintiffs are entitled to and is hereby awarded their attorney fees and costs incurred  
22 in this action, and that plaintiffs' attorney fees in the amount of \$2,500.00 and its litigation costs  
23 in the amount of \$840.00 shall be and is hereby declared additional amounts secured by and  
24 hereinafter shall made part of the amount of the debt secured by plaintiffs' Contract of Sale.  
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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. Plaintiffs may credit the amounts determined herein, plus such additional amounts as described in paragraph 14.

**DECLARATION OF DEBT SECURED BY DEED OF TRUST**

**(Pursuant to Senate Bill 368)**

14.

Under the terms of the Contract of Sale dated July 3, 2017 and recorded on July 7, 2014 in the principal amount of \$105,000.00 (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		\$	2,615.00
<b><u>Costs:</u></b>			
Title Report	\$	200.00	
Filing Fee – complaint		560.00	
Process service fees		<u>80.00</u>	
	\$	840.00	
Prevailing Party Fee		<u>300.00</u>	
<b>Total Fees and Costs</b>	<b>\$</b>		<b>3,755.00</b>

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**Lender's Principal and Interest:**

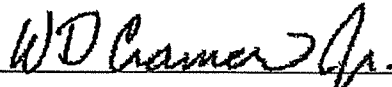
Principal Balance (as of 7/07/2014) \$ 105,000.00  
Accrued interest from March 1, 2017 to present, at 5% per annum; 5,250.00

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

**Total Lender's Principal & Interest \$ 110,250.00**

**TOTAL JUDGMENT \$ 114,005.00**

Signed 3/29/2018 12:37 PM

  
**W.D. CRAMER, JR.**  
**Circuit Court Judge**

Submitted by:  
Edward P. Fitch, OSB #782026  
Tel: 541-316-1588  
Email: [ed@fitchlawgroup.com](mailto:ed@fitchlawgroup.com)  
Attorney for Plaintiffs

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**Certificate of Readiness under UTCR 5.100**

I certify this proposed judgment/order is ready for judicial signature because (*check all that apply*):

Service is not required under UTCR 5.100 (3)(b) because the other party has been found in **default** or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order is being submitted in **open court** with all parties present.

Each party affected by this judgment/order has **stipulated** to or **approved** the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.

I have **served** (complete service section below) a copy of this judgment/order and the Notice of Proposed Judgment/order to all parties entitled to service.

**And:**

- No objection has been served on me within the 7-day time frame.
- I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
- After conferring about objections, the other party agreed to file any remaining objection with the court.

Dated this \_\_\_\_\_ day of March, 2018.

/s/ Edward P. Fitch  
Edward P. Fitch, OSB #782026  
Attorney for Plaintiffs

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**CERTIFICATE OF SERVICE**

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

Martin E. Thompson  
Stahancyk Kent & Hook PC  
158 NE Greenwood Ave., Ste. #1  
Bend OR 97756  
Email: [martin.thompson.jd@gmail.com](mailto:martin.thompson.jd@gmail.com)

Portfolio Recovery Association, LLC  
c/o Corporation Service Company  
1127 Broadway St., NE, Ste. #310  
Salem OR 97301

Bella Na  
Assistant Attorney General  
1162 Court St., NE  
Salem OR 97301-4096

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.

X 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 23<sup>rd</sup> day of March 2018.

FITCH LAW GROUP, PC

/s/ Edward P. Fitch  
Edward P. Fitch, OSB #782026  
Of Attorneys for Plaintiffs