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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2005-64CB),

Case No. 17CV17165

WRIT OF EXECUTION

Plaintiff,

v.

ADAM DRAPKIN; WENDY TILLMAN;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., AS
NOMINEE FOR LENDER, AMERICAN
BROKERS CONDUIT; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 30779
BLANTON RD, EUGENE, OR 97405,

Defendant.

TO THE LANE COUNTY SHERIFF:

On December 18, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE 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 FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2005-64CB) 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 30779 BLANTON

1 RD, EUGENE, OR 97405 ("Subject Property"), and legally described as:

2 BEGINNING AT ON IRON PIPE MARKING THE NORTHEAST, CORNER OF
3 SECTION 14, TOWNSHIP 18 SOUTH, RANGE 4 WEST OF THE WILLAMETTE
4 MERIDIAN; THENCE NORTH 89° 27' WEST 687.04 FEET TO A POINT MARKED BY AN
5 IRON PIPE; THENCE SOUTH 35° 53' FEET 119.91 FEET TO A POINT MARKED BY AN
6 IRON PIPE; THENCE SOUTH 60° 57 1/2' FEET 144.60 FEET TO AN IRON PIPE MARKING
7 THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 60° 57 1/2' WEST
8 296.39 FEET TO A POINT MARKED BY AN IRON PIPE; THENCE NORTH 81° 34 1/2'
9 WEST 92.58 FEET TO A POINT MARKED BY AN IRON PIPE; THENCE SOUTH 232.80
10 FEET TO A POINT MARKED BY ON IRON PIPE; THENCE EAST 350.67 FEET TO A
11 POINT MARKED BY AN IRON PIPE; THENCE NORTH 363.13 FEET TO THE TRUE
12 POINT OF BEGINNING, IN LANE COUNTY, OREGON.

13 TOGETHER WITH AN EASEMENT FOR RIGHT OF WAY AS MORE
14 PARTICULARLY DESCRIBED AS FOLLOWS:

15 BEGINNING AT THE SOUTHWEST CORNER AT TRACT NO. 4, SURVEY OF
16 FURROW PROPERTY WHICH POINT IS SOUTH 378.48 FEET FROM A POINT NORTH
17 81° 34 1/2' WEST 92.58 FEET FROM A POINT SOUTH 60° 57 1/2' WEST 440.99 FEET
18 FROM A POINT SOUTH 35° 53' WEST

19 119.91 FEET FROM A POINT NORTH 89° 27' WEST 687.04 FEET FROM THE
20 NORTHEAST CORNER OF SECTION 14, TOWNSHIP 18 SOUTH, RANGE 4 WEST OF
21 THE WILLAMETTE MERIDIAN; THENCE NORTH 145.68 FEET; THENCE EAST 30
22 FEET; THENCE SOUTH 170 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF
23 TRACT NO. 4, SURVEY OF FURROW PROPERTY; THENCE NORTHWESTERLY
24 ALONG THE SOUTH LINE OF SAID TRACT NO. 4 TO THE POINT OF BEGINNING.
25

26 The total amount due and owing on the Judgment as of February 20, 2018;

1	Judgment:	Principal	\$ 345,014.77
2	Pre-Judgment:	Interest (5.62500%, \$41.63 <i>per diem</i>)	\$ 5,994.72 (7/27/17 - 12/18/17)
3		Attorney Fees	\$ 2,790.00
4		Costs	\$ 3,691.20
5		Prevailing Party Fee	\$ 300.00
6	Post-Judgment:	Interest (5.62500%, \$41.63 <i>per diem</i>)	\$ 2,664.32 (12/19/17 - 2/20/18)
7		Attorney Fees	\$610.00

8 **TOTAL: \$361,065.01**

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

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

17 FEB 21 2018

18 By: Angie Jones
19 court clerk

20 Presented by:

21 ALDRIDGE PITE, LLP

22 By: Mathenia
23 { Hunter Zook, OSB #095578
24 { Katie Riggs, OSB #095861
25 { Sarah Mathenia, OSB #120681
26 { Shannon K. Calt, OSB #121855
27 { Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor



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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2005-64CB),

Plaintiff,

v.

ADAM DRAPKIN; WENDY TILLMAN;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., AS
NOMINEE FOR LENDER, AMERICAN
BROKERS CONDUIT; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 30779
BLANTON RD, EUGENE, OR 97405,

Defendants.

Case No. 17CV17165

**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 ADAM DRAPKIN;
WENDY TILLMAN; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS
NOMINEE FOR LENDER, AMERICAN BROKERS CONDUIT; and ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
REAL PROPERTY COMMONLY KNOWN AS 30779 BLANTON RD, EUGENE, OR 97405,
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 FKA THE BANK
OF NEW YORK, AS TRUSTEE (CWALT 2005-64CB) ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 30779 BLANTON RD,

1 EUGENE, OR 97405 ("Subject Property"), as evidenced by the Deed of Trust recorded August
2 22, 2005 in the official records of LANE County as instrument number 2005-065268 ("Deed of
3 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
4 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
5 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

6 BEGINNING AT ON IRON PIPE MARKING THE NORTHEAST, CORNER OF
7 SECTION 14, TOWNSHIP 18 SOUTH, RANGE 4 WEST OF THE WILLAMETTE
8 MERIDIAN; THENCE NORTH 89° 27' WEST 687.04 FEET TO A POINT MARKED
9 BY AN IRON PIPE; THENCE SOUTH 35° 53' FEET 119.91 FEET TO A POINT
10 MARKED BY AN IRON PIPE; THENCE SOUTH 60° 57 1/2' FEET 144.60 FEET TO
11 AN IRON PIPE MARKING THE TRUE POINT OF BEGINNING; THENCE
12 CONTINUE SOUTH 60° 57 1/2' WEST 296.39 FEET TO A POINT MARKED BY AN
13 IRON PIPE; THENCE NORTH 81° 34 1/2' WEST 92.58 FEET TO A POINT MARKED
14 BY AN IRON PIPE; THENCE SOUTH 232.80 FEET TO A POINT MARKED BY ON
15 IRON PIPE; THENCE EAST 350.67 FEET TO A POINT MARKED BY AN IRON
16 PIPE; THENCE NORTH 363.13 FEET TO THE TRUE POINT OF BEGINNING, IN
17 LANE COUNTY, OREGON. TOGETHER WITH AN EASEMENT FOR RIGHT OF
18 WAY AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

19 BEGINNING AT THE SOUTHWEST CORNER AT TRACT NO. 4, SURVEY OF
20 FURROW PROPERTY WHICH POINT IS SOUTH 378.48 FEET FROM A POINT
21 NORTH 81° 34 1/2' WEST 92.58 FEET FROM A POINT SOUTH 60° 57 1/2' WEST
22 440.99 FEET FROM A POINT SOUTH 35° 53' WEST 119.91 FEET FROM A POINT
23 NORTH 89° 27' WEST 687.04 FEET FROM THE NORTHEAST CORNER OF
24 SECTION 14, TOWNSHIP 18 SOUTH, RANGE 4 WEST OF THE WILLAMETTE
25 MERIDIAN; THENCE NORTH 145.68 FEET; THENCE EAST 30 FEET; THENCE
26 SOUTH 170 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF TRACT NO.

1 4, SURVEY OF FURROW PROPERTY; THENCE NORTHWESTERLY ALONG THE
2 SOUTH LINE OF SAID TRACT NO. 4 TO THE POINT OF BEGINNING.

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

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

10 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
11 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
12 68(C), which amount may be added to the outstanding obligation due and owing under the Note
13 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
14 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
15 by sale of the Subject Property as directed under this Judgment;

16 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
17 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
18 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
19 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
20 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

23 7. The Sheriff shall make a return on the writ of execution to the court administrator
24 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
25 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
26 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or

1 parties as may establish their right thereto. The Defendants and all persons claiming through or
2 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
3 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
4 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
5 every part of the Subject Property when the time for redemption has elapsed;

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

11 DECLARATION OF AMOUNT DUE BY DEFAULT

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

14 1. The amount of the judgment is \$345,014.77

15 2. Simple interest at the variable rate currently at 5.62500% (\$41.63 *per diem*) after
16 July 26, 2017, through the date of sale.

17 3. Attorney fees of \$2,790.00, plus \$610.00, through the date of sale.

18 4. Costs of \$3,691.20, plus costs accrued through the date of sale.

19 5. Prevailing party fee: \$300.00.

20 **IT IS SO ADJUDGED**

21
22 Signed: 12/15/2017 02:51 PM

23 

24 _____
25 **Charles D. Carlson, Circuit Court Judge**

26 ///

///

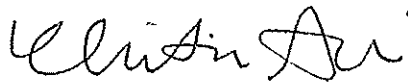
Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

CERTIFICATE OF READINESS

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

1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by 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 objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing 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;
 - c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
4. The relief sought is against an opposing party who has been found in default.
5. An order of default is being requested with this proposed judgment.
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: 10/13/2017

Christina M. Andreoni OSB# 160875
(858) 750-7600
(503) 222-2260 (Facsimile)
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Of Attorneys for Plaintiff