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

BAYVIEW LOAN SERVICING, LLC  
Plaintiff,

Case No. 17CV17255

v.

**WRIT OF EXECUTION**

THE ESTATE OF CHERYL L. EVANS; THE  
UNKNOWN HEIRS AND ASSIGNS OF  
CHERYL L. EVANS; THE UNKNOWN  
DEWISEES OF CHERYL L. EVANS;  
CAPITAL CREDIT & COLLECTION  
SERVICE, INC.; SOUTHERN OREGON  
CREDIT; AND ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 297 W PARK ST., GRANTS  
PASS, OR 97527,  
Defendant.

TO THE JOSEPHINE COUNTY SHERIFF:

On February 27, 2018, a General Judgment of Foreclosure and Declaration of Amount  
Due by Default was entered by the JOSEPHINE 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: BAYVIEW LOAN SERVICING, LLC  
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 297 W PARK ST.,  
GRANTS PASS, OR 97527 ("Subject Property"), and legally described as:

A TRACT OF LAND SITUATED IN LOT 9 OF THE RIVER HEIGHTS  
SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST

1 QUARTER OF SECTION 19, TOWNSHIP 36 SOUTH, RANGE 5 WEST, OF THE  
2 WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY  
3 DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 19, THENCE  
5 SOUTH 89°39'00" EAST 255.0 FEET TO A 5/8 INCH DIAMETER IRON ROD ON THE  
6 SOUTHWEST CORNER OF LOT 9 OF SAID RIVER HEIGHTS SUBDIVISION; THENCE  
7 NORTH ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 300.67 FEET TO A  
8 5/8 INCH DIAMETER IRON ROD ON THE SOUTHERLY RIGHT OF WAY LINE OF  
9 WEST PARK STREET; THENCE NORTH 60°32'23" EAST ALONG SAID RIGHT OF WAY  
10 LINE, 22.97 FEET TO A 5/8 INCH DIAMETER IRON ROD AND THE TRUE POINT OF  
11 BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE NORTH  
12 60°32'23" EAST 22.97 FEET; THENCE SOUTH 127.44 FEET; THENCE SOUTH 47°45'  
13 EAST 49.33 FEET; THENCE NORTH 87°30' EAST 123.6 FEET TO A POINT ON THE EAST  
14 LINE OF SAID LOT 9; THENCE SOUTH ALONG SAID EAST LINE 93.0 FEET TO A 5/8  
15 INCH DIAMETER IRON ROD; THENCE NORTH 69°48'00" WEST 101.88 FEET TO A 5/8  
16 INCH DIAMETER IRON ROD; THENCE NORTH 47°45'00" WEST 114.0 FEET TO A 5/8  
17 INCH DIAMETER IRON ROD; THENCE NORTH 125.0 FEET TO THE TRUE POINT OF  
18 BEGINNING.

19 The total amount due and owing on the Judgment as of April 19, 2018;

20	Judgment:	Principal	\$182,186.56
21	Pre-Judgment:	Interest(6.0000%, \$24.17/day)	\$1,426.03 (12/31/17 through 2/27/18)
22		Attorney Fees	\$3,040.00
23		Costs	\$2,612.16
24		Prevailing Party Fee	\$300.00
25	Post-Judgment:	Interest(9.0000%, \$46.89/day)	\$2,391.39 (2/28/18 through 4/19/18)
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Page 2 – WRIT OF EXECUTION

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Attorney Fees \$610.00

**TOTAL: \$192,566.14**

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

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

COURT ADMINISTRATOR FOR  
JOSEPHINE COUNTY CIRCUIT COURT

By: *Sarah M. Jensen*  
Court Clerk  
April 30, 2018  


Presented by:

ALDRIDGE PITE, LLP

By: *[Signature]*

{ Hunter Zook, OSB #095578  
{ Katie Riggs, OSB #095861  
{ Sarah Mathenia, OSB #120681  
{ Shannon K. Calt, OSB #121855  
{ Christina Andreoni, OSB #160875  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
[orecourtnotices@aldridgepite.com](mailto:orecourtnotices@aldridgepite.com)

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

THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2005-16,

Plaintiff,

v.

THE ESTATE OF CHERYL L. EVANS; THE  
UNKNOWN HEIRS AND ASSIGNS OF  
CHERYL L. EVANS; THE UNKNOWN  
DEVISEES OF CHERYL L. EVANS;  
CAPITAL CREDIT & COLLECTION  
SERVICE, INC.; SOUTHERN OREGON  
CREDIT; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 297 W PARK ST., GRANTS  
PASS, OR 97527,

Defendants.

Case No. 17CV17255

**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

20 Based upon the Court's Order of Default against Defendants THE ESTATE OF  
21 CHERYL L. EVANS; THE UNKNOWN HEIRS AND ASSIGNS OF CHERYL L. EVANS;  
22 THE UNKNOWN DEVISEES OF CHERYL L. EVANS; CAPITAL CREDIT &  
23 COLLECTION SERVICE, INC.; SOUTHERN OREGON CREDIT; and ALL OTHER  
24 PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR  
25 INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 297 W PARK ST.,  
26 GRANTS PASS, OR 97527, the records on file herein, and pursuant to the Motion for General  
Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 Judgment and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK  
2 MELLON, F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
3 CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES,  
4 SERIES 2005-16 ("Plaintiff"),

5 **IT IS HEREBY ADJUDGED:**

6 1. Plaintiff's security interest in the real property located at 297 W PARK ST.,  
7 GRANTS PASS, OR 97527 ("Subject Property"), as evidenced by the Deed of Trust recorded  
8 November 10, 2005 in the official records of JOSEPHINE County as Instrument Number 2005-  
9 026441 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
10 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
11 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
12 legally described as follows:

13 A TRACT OF LAND SITUATED IN LOT 9 OF THE RIVER HEIGHTS  
14 SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE  
15 NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 36 SOUTH, RANGE 5  
16 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON,  
17 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18 COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 19, THENCE  
19 SOUTH 89°39'00" EAST 255.0 FEET TO A 5/8 INCH DIAMETER IRON ROD ON  
20 THE SOUTHWEST CORNER OF LOT 9 OF SAID RIVER HEIGHTS SUBDIVISION;  
21 THENCE NORTH ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF  
22 300.67 FEET TO A 5/8 INCH DIAMETER IRON ROD ON THE SOUTHERLY  
23 RIGHT OF WAY LINE OF WEST PARK STREET; THENCE NORTH 60°32'23"  
24 EAST ALONG SAID RIGHT OF WAY LINE, 22.97 FEET TO A 5/8 INCH  
25 DIAMETER IRON ROD AND THE TRUE POINT OF BEGINNING; THENCE  
26 CONTINUE ALONG SAID RIGHT OF WAY LINE NORTH 60°32'23" EAST 22.97

1 FEET; THENCE SOUTH 127.44 FEET; THENCE SOUTH 47°45' EAST 49.33 FEET;  
2 THENCE NORTH 87°30' EAST 123.6 FEET TO A POINT ON THE EAST LINE OF  
3 SAID LOT 9; THENCE SOUTH ALONG SAID EAST LINE 93.0 FEET TO A 5/8  
4 INCH DIAMETER IRON ROD; THENCE NORTH 69°48'00" WEST 101.88 FEET TO  
5 A 5/8 INCH DIAMETER IRON ROD; THENCE NORTH 47°45'00" WEST 114.0 FEET  
6 TO A 5/8 INCH DIAMETER IRON ROD; THENCE NORTH 125.0 FEET TO THE  
7 TRUE POINT OF BEGINNING.

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

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

15 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
16 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
17 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
18 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
19 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
20 by sale of the Subject Property as directed under this Judgment;

21 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
22 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
23 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
24 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
25 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

26 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by

1 sale of the Subject Property as directed under this Judgment.

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

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

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

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

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DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$182,186.56.
2. Simple interest at the variable rate currently at 6.00000% (\$24.17 *per diem*) after December 30, 2017, through the date of sale.
3. Attorney fees of \$3,040.00, plus \$610.00, through the date of sale.
4. Costs of \$2,612.16, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 2/26/2018 01:26 PM



**Circuit Court Judge Thomas M. Hull**

CERTIFICATE OF READINESS

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

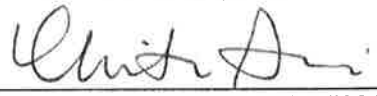
1.  Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2.  Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.



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- 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: 1/11/18

- { } Hunter Zook, OSB #095578
  - { } Katie Riggs, OSB #095861
  - { } Sarah Mathenia, OSB #120681
  - { } Shannon K. Calt, OSB #121855
  - {✓} Christina Andreoni, OSB #160875
- Of Attorneys for Plaintiff*  
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