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

QUICKEN LOANS INC.,
Plaintiff,

Case No. 17CV46111

v.

WRIT OF EXECUTION

JONATHAN LOUTHAN AS PERSONAL
REPRESENTATIVE FOR THE ESTATE OF
MACEY CLAIRE LOUTHAN; LOREN K.
LOUTHAN; LAURA OLSEN-WAGGONER;
LISA L. LOUTHAN; SOLARCITY
CORPORATION AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 2445 TYNEL CT
NE, KEIZER, OR 97303,
Defendant.

TO THE MARION COUNTY SHERIFF:

On March 8, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default 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: QUICKEN LOANS 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 2445 TYNEL CT~~
NE, KEIZER, OR 97303 ("Subject Property"), and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

1	Judgment:	Principal	\$398,175.98
2	Pre-Judgment:	Interest(3.750%, \$39.16/day)	\$1,370.60 (2/2/18 through 3/8/18)
3		Attorney Fees	\$2,645.00
4		Costs	\$2,532.00
5		Prevailing Party Fee	\$300.00
6	Post-Judgment:	Interest(9.000%, \$99.93/day)	\$1,998.66 (3/9/18 through 3/28/18)
7		Attorney Fees	\$260.00

8 **TOTAL: \$407,282.24**

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.

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

Signed: 3/29/2018 04:37 PM


Noel B. Herlitz, Court Clerk



7 Presented by:
8 ALDRIDGE PITE, LLP

9 By: 
10 { } Hunter Zook, OSB #095578
11 { } Katie Riggs, OSB #095861
12 {X} Sarah Mathenia, OSB #120681
13 { } Shannon K. Calt, OSB #121855
14 { } Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

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

QUICKEN LOANS INC.,

Plaintiff,

v.

JONATHAN LOUTHAN AS PERSONAL
REPRESENTATIVE FOR THE ESTATE OF
MACEY CLAIRE LOUTHAN; LOREN K.
LOUTHAN; LAURA OLSEN-WAGGONER;
LISA L. LOUTHAN; SOLARCITY
CORPORATION and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 2445 TYNEL CT
NE, KEIZER, OR 97303,

Defendants.

Case No. 17CV46111

**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

16 Based upon the Court’s Order of Default against defendants Jonathan Louthan as
17 Personal Representative for The Estate of Macey Claire Louthan; Loren K. Louthan; Laura
18 Olsen-Waggoner; Lisa L. Louthan; Solarcity Corporation and All Other Persons or Parties
19 Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known
20 as 2445 Tynel Ct NE, Keizer, OR 97303, the records on file herein, and pursuant to the Motion
21 for General Judgment and Declaration of Amount Due by Default by Plaintiff Quicken Loans
22 Inc. (“Plaintiff”),

IT IS HEREBY ADJUDGED:

23
24 1. Plaintiff’s security interest in the real property located at 2445 Tynel Ct NE,
25 Keizer, OR 97303 (“Subject Property”), as evidenced by the Deed of Trust recorded March 18,
26 2016 in the official records of Marion County as instrument number 2016 00013778 (“Deed of

1 Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
2 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien
3 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:
4

5 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
6

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

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

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

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

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

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

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

15 DECLARATION OF AMOUNT DUE BY DEFAULT

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

18 1. The total amount of the unpaid principal balance, interest, and other amounts
19 owed is \$398,175.98.

20 2. Simple interest at the variable rate currently at 3.750% (\$39.16 *per diem*) after
21 February 1, 2018 through the date of judgment.

22 3. Attorney fees of \$2,645.00, plus \$260.00, through the date of sale.

23 4. Costs of \$2,532.00 plus costs accrued through the date of sale.

24 5. Prevailing party fee: \$300.00.

25 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
26

1 of interest or 9.000% per annum, whichever is greater, through the date of sale.

2 **IT IS SO ADJUDGED**

Signed: 3/7/2018 01:51 PM

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6 **Circuit Court Judge Sean E. Armstrong**

7 **CERTIFICATE OF READINESS**

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

- 9
10 1. Each party affected by this order or judgment has stipulated to the order or judgment,
as shown by each party's signature on the document being submitted.
- 11 2. Each party affected by this order or judgment has approved the order or judgment, as
12 shown by each party's signature on the document being submitted or by written
confirmation of approval sent to me.
- 13 3. I have served a copy of this order or judgment on all parties entitled to service and:
- 14 a. No objection has been served on me;
- 15 b. I received objections that I could not resolve with a party despite reasonable
efforts to do so. I have filed a copy of the objections I received and indicated
16 which objections remain unresolved.
- 17 c. After conferring about objections, [**role and name of objecting party**]
agreed to independently file any remaining objection.
- 18 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise.
- 19 5. 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
20 subsection (5) of this rule.
- 21 6. Other: _____

22 Presented By:
ALDRIDGE PITE, LLP

23
24 /s/ Sarah M. Mathenia
Sarah Mathenia, OSB #120681
of Attorneys for Plaintiff
25 (858) 750-7600 (503) 222-2260 (facsimile)
26 orecourtnotices@aldridgepite.com

Date: March 2, 2018

EXHIBIT "A"

LOT 47, CLOCK 3, NORTHTREE ESTATES, MARION COUNTY, OREGON.