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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF8 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

KIRK H. STROHMAN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
VIOLET M. SHEPHERD; DEBBIE
MCGARVEY; PAMELA JEAN
THOMPSON; DON DOWELL; STATE OF
OREGON; CAVALRY PORTFOLIO
SERVICES, LLC; JPRD INVESTMENTS,
LLC; AND ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2260 LIBERTY ST NE,
SALEM, OR 97301,

Defendant.

Case No. 17CV30399

WRIT OF EXECUTION

TO THE MARION COUNTY SHERIFF:

On March 16, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation 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: U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION TRUST 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 2260 LIBERTY ST NE, SALEM, OR 97301 ("Subject Property"), and legally described as:

Page 1 – WRIT OF EXECUTION

1 LOT 10, BLOCK 12, RIVERVIEW PARK ADDITION TO SALEM, MARION
2 COUNTY, OREGON.

3 The total amount due and owing on the Judgment as of April 6, 2018;

4 Judgment:	Principal	\$114,340.64
5 Pre-Judgment:	Interest(1.290%, \$2.48/day)	\$260.40 (12/2/17 through 3/16/18)
6	Attorney Fees	\$4,290.00
7	Costs	\$6,036.64
8	Prevailing Party Fee	\$300.00
9 Post-Judgment:	Interest(9.000%, \$30.95/day)	\$619.07 (3/17/18 through 4/6/18)
10	Attorney Fees	\$305.00

11 **TOTAL: \$126,089.78**

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

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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
MARION COUNTY CIRCUIT COURT

Signed: 4/10/2018 11:36 AM

By: 
Court Clerk



Presented by:
ALDRIDGE PITE, LLP

By: 

Katie Riggs, OSB #095861
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**

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF8 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

KIRK H. STROHMAN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
VIOLET M. SHEPHERD; DEBBIE
MCGARVEY; PAMELA JEAN
THOMPSON; DON DOWELL; STATE OF
OREGON; CAVALRY PORTFOLIO
SERVICES, LLC; JPRD INVESTMENTS,
LLC; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2260 LIBERTY ST NE,
SALEM, OR 97301,

Defendants.

Case No. 17CV30399

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND BY
STIPULATION**

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 DEBBIE MCGARVEY;
PAMELA JEAN THOMPSON; DON DOWELL; STATE OF OREGON; CAVALRY
PORTFOLIO SERVICES, LLC; JPRD INVESTMENTS, LLC; and ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
REAL PROPERTY COMMONLY KNOWN AS 2260 LIBERTY ST NE, SALEM, OR 97301,
the Stipulation of Defendant KIRK H. STROHMAN, AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF VIOLET M. SHEPHERD; the records on file herein, and pursuant to the

Page 1 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION

1 Motion for General Judgment and Declaration of Amount Due by Default and by Stipulation by
2 Plaintiff U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF8 MASTER PARTICIPATION
3 TRUST ("Plaintiff"),

4 **IT IS HEREBY ADJUDGED:**

5 1. Plaintiff's security interest in the real property located at 2260 Liberty St NE,
6 Salem, OR 97301 ("Subject Property"), as evidenced by the Deed of Trust recorded December
7 14, 2004 in the official records of Marion County as instrument number REEL 2406 PAGE 480
8 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
9 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
10 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
11 described as follows:

12 LOT 10, BLOCK 12, RIVERVIEW PARK ADDITION TO SALEM, MARION
13 COUNTY, OREGON.

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

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

21 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
22 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
23 68(C), which amount may be added to the outstanding obligation due and owing under the Note
24 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
25 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied

26 Page 2 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION

1 by sale of the Subject Property as directed under this Judgment;

2 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
3 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
4 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
5 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
6 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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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 \$114,340.64.
2. Simple interest at the variable rate currently at 1.29% (\$2.48 *per diem*) after 12/1/2017, through the date of judgment.
3. Attorney fees of \$4,290.00, plus \$305.00, through the date of sale.
4. Costs of \$6,036.64, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total amounts above, #1-5, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 3/16/2018 10:13 AM


Circuit Court Judge Claudia M. Dalton

IT IS SO STIPULATED:

Submitted and stipulated to by:
ALDRIDGE PITE, LLP

Date 1/16/2018

Katie L. Riggs, OSB #095861
kriggs@aldridgepite.com
Of Attorneys for Plaintiff


Date 1/12/18

Kirk H. Strohmman, *Personal Representative For The Estate Of Violet M. Shepherd*
1400 Executive Parkway, Suite 300
Eugene, OR 97401

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

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

1
2 **CERTIFICATE OF READINESS**

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

- 4 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or
5 Judgment, as shown by each opposing party's signature on the document being submitted.
- 6 2. Each opposing party affected by this Order or Judgment has approved the Order or
7 Judgment, as shown by signature on the document being submitted or by written
8 confirmation of approval sent to me.
- 9 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
10 a. No objections have been served on me within that time frame;
11 b. I received objections that I could not resolve with the opposing party despite
12 reasonable efforts to do so. I have filed with the Court a copy of the objections I
13 received and indicated which objections remain unresolved;
14 c. After conferring about objections, [Opposing Party] agreed to independently
15 file any remaining objection with the Court.
- 16 4. The relief sought is against an opposing party who has been found in default.
- 17 5. An order of default is being requested with this proposed judgment.
- 18 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
19 otherwise.
- 20 7. This is a proposed judgment that includes an award of punitive damages and notice
21 has been served on the Director of the Crime Victims' Assistance Section as required by
22 subsection (4) of this rule.

23 Presented By:
24 ALDRIDGE PITE, LLP

25 Date: 1/16/2018

26 Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com
111 SW Columbia Street, Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff

Page 5 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND BY STIPULATION

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