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

ASSOCIATION OF UNIT OWNERS OF
THE INN OF THE SEVENTH MOUNTAIN,
an Oregon non-profit corporation,

Plaintiff,

v.

OWEN R. BURRELL; and PARTIES IN
POSSESSION,

Defendants.

Case No. 18CV01384

**WRIT OF EXECUTION IN
FORECLOSURE OF
RESIDENTIAL REAL
PROPERTY**

TO THE SHERIFF OF DESCHUTES COUNTY:

WHEREAS, on April 25, 2018 in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as *Exhibit A* and made part hereof.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of residential real property upon execution (subject to redemption), all of the interest which the defendant Owen R. Burrell ("Burrell") or his predecessors interest had on May 12, 2016, the date the condominium owners' association lien was recorded, and also all of the interest which the defendant Burrell had thereafter, in the real property described in the judgment, described as follows:

A leasehold as created by that, certain instrument recorded February 25, 1970, in Book 168, Page 874, Deed Records, between Condominium Land Co., an Oregon corporation, Lessor, and Condominium Northwest, Inc., an Oregon corporation, Lessee, and amended by the following instruments, recorded August 20, 1971 in Book 178, Page 302, Deed Records; December 16, 1971 in Book 180, Page 991,

1 Deed Records; June 13, 1972 in Book 185, Page 574, Deed Records, July 28,
2 1972 in Book 186, Page 902, Deed Records; March 16, 1973 in Book 193, Page
3 449, Deed Records; June 18, 1985 in Book 97, Page 1824, Official Records;
4 April 27, 1999 in Book 1999, Page 20611, Official Records; and September 13,
5 2003 in Book 2002, Page 50429, Official Records, in and to the Following
6 described property:

7 Unit No. 654-655, as described in that certain Supplemental Declaration of Unit
8 Ownership of THE INN OF THE SEVENTH MOUNTAIN, PHASE III-A,
9 recorded on the 20th day of September 1972, in Book 188, Page 460, Deed
10 Records of Deschutes County, Oregon, appertaining to a tract of land situated in
11 Section 22, Township 18 South, Range 11 East of the Willamette Meridian, in
12 said Deschutes County, Oregon, as described in said Declaration, which
13 Declaration is incorporated herein by reference and made a part hereof, as if fully
14 set forth herein, together with a percentage of the Common Elements in the
15 Association of Unit Owners of the Inn of the Seventh Mountain.

16 The property is commonly known as 18575 SW Century Drive #1233 Bend, OR 97702
17 ("Property").

18 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendant
19 Burrell which accrued from date of judgment to date of sale; and the cost of this writ, making
20 due return within 60 days after you receive this writ. The proceeds from the sale shall be applied
21 in accordance with the judgment.

22 The balance as of June 12, 2018, exclusive of post judgment attorney fees and post
23 judgment dues and assessments is as follows:

24	1. Principal Amount:	\$ 29,126.05
25	2. Amount of Costs and Disbursements:	\$ 700.00
26	3. Pre Judgment Interest:	\$ 931.01
27	4. Amount of Attorney Fees:	\$ 302.75
28	5. Amount of Post-Judgment Interest on the Lien Principal and Prejudgment Interest (through June 12, 2018):	\$ 928.89
	6. Amount of Post-Judgment Interest on Attorney Fees and Costs (through June 12, 2018):	\$ 11.62
	7. Total amount through June 12, 2018: (Per diem thereafter \$20.01)	\$ 32,000.32


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1 The mailing address of the judgment creditor is:

2 Association of Unit Owners of the Inn of the Seventh Mountain
3 c/o Vial Fotheringham LLP
4 Attn: Noam Amir-Brownstein
5 17355 SW Boones Ferry Rd., Suite A
6 Lake Oswego, OR 97035

7
8
9
10 Submitted by:
11 **VIAL FOTHERINGHAM LLP**

12 By: 
13 Noam Amir-Brownstein, OSB# 142726
14 *Of Attorneys for Plaintiff*

Signed: 6/20/2018 08:00 AM


15 Trial Court Administrator Jeffrey E. Hall



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

ASSOCIATION OF UNIT OWNERS OF
THE INN OF THE SEVENTH
MOUNTAIN, an Oregon non-profit
corporation,

Case No. 18CV01384

**GENERAL JUDGMENT OF
FORECLOSURE**

Plaintiff,

v.

OWEN R. BURRELL; and PARTIES IN
POSSESSION,

Defendants.

Based on the Orders of Default against Owen R. Burrell (“Burrell”) and Parties in Possession (“Parties”), and the records and files herein;

**NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AND
DECREED AS TO PLAINTIFF’S CLAIM FOR RELIEF AGAINST DEFENDANTS
OWEN R. BURRELL AND PARTIES IN POSSESSION FOR FORECLOSURE OF THE
CONDOMINIUM ASSOCIATION LIEN:**

1. The real property to which the judgment relates (hereinafter the “Property”) is situated in Deschutes County, Oregon is commonly known as 18575 SW Century Drive #1233 Bend, OR 97702 and is legally described as follows:

A leasehold as created by that, certain instrument recorded February 25, 1970, in Book 168, Page 874, Deed Records, between Condominium Land Co., an Oregon corporation, Lessor, and Condominium Northwest, Inc., an Oregon corporation, Lessee, and amended by the following instruments, recorded August 20, 1971 in Book 178, Page 302, Deed Records; December 16, 1971 in Book 180, Page 991,

PAGE 1 of 5--GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF CONDOMINIUM ASSOCIATION LIEN - P10396-100

Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Ste. A
Lake Oswego, OR 97035/503-684-4111/503-598-7758 FAX
vial@vf-law.com

1 Deed Records; June 13, 1972 in Book 185, Page 574, Deed Records, July 28,
2 1972 in Book 186, Page 902, Deed Records; March 16, 1973 in Book 193, Page
3 449, Deed Records; June 18, 1985 in Book 97, Page 1824, Official Records; April
4 27, 1999 in Book 1999, Page 20611, Official Records; and September 13, 2003 in
5 Book 2002, Page 50429, Official Records, in and to the Following described
6 property:

7 Unit No. 654-655, as described in that certain Supplemental Declaration of Unit
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10 Records of Deschutes County, Oregon, appertaining to a tract of land situated in
11 Section 22, Township 18 South, Range 11 East of the Willamette Meridian, in
12 said Deschutes County, Oregon, as described in said Declaration, which
13 Declaration is incorporated herein by reference and made a part hereof, as if fully
14 set forth herein, together with a percentage of the Common Elements in the
15 Association of Unit Owners of the Inn of the Seventh Mountain.

16 2. Plaintiff's lien recorded on May 12, 2016 as Document No. 2016-018114
17 in the official records of Deschutes, Oregon is a valid and perfected continuing lien
18 against all of the Property for the following amounts:

19 a. Through April 13, 2018, Plaintiff is due and owing the following amounts:

Lien Principle:	\$29,126.05
Pre-judgment Interest:	\$931.01
Total:	\$30,057.06

20 b. Attorney Fees and Costs are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):	\$302.75
Costs:	
Filing Fee:	\$267.00
Process Server Cost:	\$75.00
Recording Fee:	\$53.00

Efiling Cost:	\$5.00
Prevailing Party Fee:	\$300.00
Cost Subtotal:	\$700.00
Total:	\$1,002.75

for a total amount due through April 13, 2018, of \$31,059.81.

3. Post-judgment simple interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the rate of (24%) per annum on the amount of assessment and prejudgment interest, and shall accrue at the rate of nine percent (9%) per annum on attorney fees, costs and disbursements, from date of entry of judgment until paid.

4. Since the amount of the lien referenced herein includes only assessments, attorney fees, and costs incurred through April 13, 2018, and regular assessments, attorney fees and costs increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more supplemental judgment(s) for assessments, attorney fees and costs which accrue through the date of sale but are not included in this judgment.

5. The amounts declared due in paragraphs 2, 3, and 4 of this judgment shall collectively declare the secured amount due under this Judgment of Foreclosure.

6. The lien of the Plaintiff is superior to any interest, lien, or claim of Defendants Burrell and Parties, and shall remain in effect until issuance of a Sheriff's Deed.

7. Plaintiff's lien is foreclosed and all interest which the Defendants Burrell and Parties have on, or before, April 13, 2018 in the real property shall be sold by the

1 Deschutes County Sheriff to satisfy any and all amounts due and owing its Lien as
2 determined herein and in accordance to the process for sale upon execution.

3
4 8. The interest of all remaining Defendants and any successors in interest, in
5 the Property is ordered foreclosed and terminated by Sheriff's sale upon entry of this
6 General Judgment of Foreclosure, expecting only any statutory right of redemption as
7 provided by Oregon Law.

8
9 9. The proceeds of sale shall be applied first to the costs of sale; second to
10 satisfaction of Plaintiff's judgment awarded in this matter; to any assessments of the
11 Plaintiff which shall accrue from April 13, 2018 to the date of sale; with surplus, if any,
12 to the Defendants in the priority as their interest may appear or to the clerk of the court to
13 be distributed to such party of parties as may establish a right thereto.

14
15 10. Plaintiff is entitled to an award of its attorney fees costs and disbursements
16 in an amount to be determined under ORCP 68 for purposes of execution.

17
18 11. Defendants, as well as all persons claiming through or under Defendants
19 as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or
20 claim in the real property described above and every portion thereof, excepting any
21 statutory right of the redemption as Defendants, or any of them may have therein.

22
23 12. Plaintiff may become purchaser at the sale of the Property and may credit
24 bid up to the aggregate amount of its judgment plus interest and any costs of sale
25 advanced by Plaintiff from the date of judgment until sale.

26
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28 **PAGE 4 of 5-GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF CONDOMINIUM
ASSOCIATION LIEN - P10396-100**

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Exhibit A
Page 4 of 5

1 13. The purchaser at the sale is entitled to exclusive and immediate possession
2 of the Property from and after the date of sale and is entitled to such remedies as are
3 available at law or in equity to secure possession.
4

5 14. If before sale, such amount, including sheriff's fees for the execution, is tendered to
6 the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
7 judgment as to the amounts due shall be terminated.

8 15. The General Judgment shall have the same effect as a writ of assistance if
9 Defendant(s), or any of them, or any other party of person shall refuse to surrender
10 possession to the purchaser immediately on the purchaser's demand for possession.
11

12 16. This Court shall retain jurisdiction to enter such additional order,
13 judgment or decree necessary to enforce this judgment or for the purchaser at the
14 foreclosure sale to obtain possession.
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Signed: 4/25/2018 09:51 AM



Circuit Court Judge Raymond D. Crutchley

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20
21 Submitted by:
22 Attorneys for Plaintiff,
23 **VIAL FOTHERINGHAM LLP**

24 By: 
25 Noam Amir-Brownstein, OSB #142726
26 *Of Attorneys for Plaintiff*

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28 PAGE 5 of 5 - GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF CONDOMINIUM
ASSOCIATION LIEN - P10396-100

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