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

DESCHUTES COUNTY,)	
)	Case No.16CV18433
Plaintiff,)	
)	WRIT OF EXECUTION (Real
v.)	Property)
)	
ALBERT SMITH JR. and HOWARD)	
FISHER,)	
)	
Defendant.)	

TO: SHERIFF OF DESCHUTES COUNTY

On or about October 26, 2016, a general judgment was entered in the register for this case in the above-entitled court, in favor of Plaintiff and against Defendants, providing a money award in the principal amount of \$12,872.00, plus interest at the rate of nine percent per annum from October 26, 2016 until paid (the "Judgment and Money Award"). The Judgment and Money Award created a judgment lien in favor of Plaintiff (the "Judgment Lien"). As of May 4, 2018 the total owing under the Judgment and Money Award is \$14,628.00. Interest continues to accrue thereafter at the rate of \$3.17 per day. A copy of the Judgment and Money Award is attached hereto, as Exhibit "A".

On or about November 14, 2017, an Amended General Judgment by Default was entered in the register for case #17CV00416, foreclosing the Judgment Lien and directing you to sell that real property identified as Bieler Boys Estates, Lot 16, Block 1, Deschutes County, Oregon in order to satisfy the Judgment and Money Award. A copy of the Amended General Judgment by Default is attached hereto, as Exhibit "B".

Now, therefore, in the name of the State of Oregon, you are hereby commanded to sell, pursuant to the terms of the Amended General Judgment by Default and in the manner prescribed by law for the sale of real property (subject to any right of redemption), all of the interest either Defendant has in the real property described as Bieler Boys Estates, Lot 16, Block 1, Deschutes County, Oregon (the "Real Property") to satisfy the principal sum of \$12,872.00, together with accrued interest thereon of \$1,756.18 as of the May 4, 2018, plus interest on the principal sum after May 4, 2018 at the rate of nine percent per annum (\$3.17 per day) until paid, and also to satisfy the costs of and upon this writ and expenses of sale, and make due return hereon within 60 days after you have received this writ. "Instructions to Sheriff" regarding such sale are attached hereto as Exhibit "C".

The mailing address for the judgment creditor is: Deschutes County, Attn: Legal Dept., 1300 NW Wall St., Suite 205, Bend, OR 97703.

DATED:

Signed: 5/4/2018 01:18 PM

COURT ADMINISTRATOR

By:



Trial Court Administrator Jeffrey E. Hall
Submitted by:

/s/ John E. Laherty (OSB #036084)
Attorney for Judgment Creditor
Deschutes County



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

DESCHUTES COUNTY,
a political subdivision of the State of Oregon,

Plaintiff,

v.

**ALBERT SMITH JR. & HOWARD
FISHER,**

Defendants.

Case No.: 17CV00416

**Corrected
AMENDED GENERAL JUDGMENT BY
DEFAULT**

THIS MATTER comes before the Court upon motion of Plaintiff for entry of an Amended General Judgment by Default against defendants Albert Smith, Jr. and Howard Fisher. For good cause shown, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff is awarded judgment against Defendants as follows:

A. Plaintiff has previously obtained a judgment against Defendants in the amount of \$12,872.00 plus post-judgment interest thereon at the rate of 9 percent per annum (the "Judgment"), which Judgment created a lien against certain real property owned by Defendants, to wit: Bieler Boys Estates, Lot 16, Block 1, Deschutes, County, Oregon, commonly known as 16202 Green Forest Road, La Pine, Oregon, (the Property). Said lien is hereby declared to be a valid and existing lien, superior to any interest, lien or claim of either of the Defendants;

B. Plaintiff's lien is foreclosed. The Sheriff of Deschutes County shall sell the Property in the manner prescribed by law, applying the proceeds of sale first towards the costs, disbursements and expenses incurred by Plaintiff in this action, then the costs of sale, then toward satisfaction of the Judgment, with any surplus going to the party or parties who may

establish their right thereto;

C. Immediately upon sale of the Property pursuant to this Judgment, Defendants, and any person claiming through or under a Defendant (whether as a purchaser, encumbrancer or otherwise) are foreclosed of all interest or claim in the Property, without right of redemption;

D. Plaintiff or any other party to this action may become a purchaser at the sale of the Property and the purchaser shall be entitled to immediate and exclusive possession of the Property from the date of sale;

E. The purchaser at such auction shall be entitled to exercise such remedies as are available at law to secure possession of the Property, including, without limitation, a writ of assistance, if a Defendant or any other person shall refuse to immediately surrender possession to the purchaser; and

F. If the proceeds of the sale are not sufficient to satisfy the Judgment, Plaintiff shall have a judgment against each Defendant, jointly and severally, for the deficiency and execution shall issue therefor.

Signed: 11/14/2017 03:23 PM



Circuit Court Judge Walter R. Miller

Submitted by :
John E. Laherty OSB#036084
Attorney for Plaintiff Deschutes County

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

DESCHUTES COUNTY,
a political subdivision of the State of Oregon,

Case No.: 16CV18433

Plaintiff,

**ORDER AUTHORIZING SALE OF
RESIDENTIAL PROPERTY**

v.

**ALBERT SMITH JR. and HOWARD
FISHER,**

Defendants.

This matter came before the court on March 7, 2018 and March 26, 2018, for hearing on Deschutes County's Motion for Order Authorizing Sale of Residential Property.

IT IS HEREBY ORDERED that the County's motion is granted. Pursuant to ORS 18.912, the Deschutes County Sheriff's Office is authorized to sell that residential property legally described as Bieler Boys Estates, Lot 16, Block 1, Deschutes, County, Oregon and commonly known as 16202 Green Forest Road, La Pine, Oregon (the "Property") in order to satisfy Plaintiff's money award entered October 26, 2016. The homestead exemption does not apply to the property.

DATED: _____

Signed: 4/26/2018 04:35 PM


Circuit Court Judge Walter R. Miller

Submitted by:
JOHN E. LAHERTY, OSB #036084
Attorney for Plaintiff Deschutes County

1 UTCR 5.100 CERTIFICATE OF READINESS

2 This proposed order or judgment is ready for judicial signature because:

- 3 1. Each party affected by this order or judgment has stipulated to the order or
4 judgment, as shown by each party's signature on the document being submitted.
- 5 2. Each party affected by this order or judgment has approved the order ore
6 judgment, as shown by each party's signature on the document being submitted or
7 by written confirmation of approval sent to me.
- 8 3. I have served a copy of this order or judgment on each party entitled to service
9 and:
10 a. No objection has been served on me.
11 b. I received objections that I could not resolve with a party despite
12 reasonable efforts to do so. I have filed a copy of the objections I received
13 and indicated which objections remain unresolved.
14 c. After conferring about objections, [role and name of opposing party]
15 agreed to independently file any remaining objection.
16 d. Served on a self-represented party not less than 7days prior to the
17 submission to the court and be accompanied by notice of the time period
18 to object.
- 19 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule,
20 or otherwise.
- 21 5. This is a proposed judgment that includes an award of punitive damages and
22 notice has been served on the Director of the Crime Victims' Assistance Section
23 as required by subsection (4) of this rule.
- 24 6. Other

25 DATED: April 26, 2018.

26 /s/ John E. Laherty
JOHN E. LAHERTY, OSB #036084

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date listed below, I caused true and correct copies of the
3 foregoing **ORDER AUTHORIZING SALE OF RESIDENTIAL PROPERTY** to be served
4 upon the following listed parties by first-class U.S. mail, postage prepaid:
5

6 Kevin McCarty
7 Attorney for Defendant Howard Fisher
8 250 NW Franklin Ave., Ste 302
9 Bend OR 97703

10 DATE: April 16, 2018.

11 /s/ John E. Laherty
12 JOHN E. LAHERTY, OSB #036084
13 Deschutes County Assistant Legal Counsel
14 541-330-4645
15 john.laherty@deschutes.org

16 Of Attorneys for Plaintiff Deschutes County
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

DESCHUTES COUNTY,
a political subdivision of the State of Oregon,

Plaintiff,

v.

**ALBERT SMITH JR. & HOWARD
FISHER,**

Defendants.

Case No.: 16CV18433

**GENERAL JUDGMENT BY DEFAULT
AND MONEY AWARD**

THIS MATTER having come before the Court on Plaintiff's Motion for Entry of General Judgment By Default and Money Award. Defendants having failed to appear in person or through counsel within the time permitted by law, their default having previously been taken, and for good cause show,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Defendants, and all others acting under the direction of, in concert with, or with permission of either of them, are permanently enjoined from maintaining or allowing RV's on that real property and improvements legally described as Lot 16, Block 1, Bieler Boys Estates, Deschutes County, Oregon, which property is commonly known as 16202 Green Forest Road, La Pine, Oregon ("the Property") for primary dwelling or accessory purposes in violation of Title 18 of the Deschutes County Code;

2. Defendants, and all others acting under the direction of, in concert with, or with permission of either of them, are permanently enjoined from residing upon the Property at any

Page 1 of 4 -- **GENERAL JUDGMENT BY DEFAULT AND MONEY AWARD**

1 time unless the Property is served by a properly functioning septic system that has been approved
2 by State and County environmental health officials;

3
4 3. Defendants, and all others acting under the direction of, in concert with, or with
5 permission of either of them, are permanently enjoined from allowing a public health hazard to
6 exist on the Property in the future;

7 4. Defendants, and all others acting under the direction of, in concert with, or with
8 permission of either of them, are permanently enjoined from using or allowing any building,
9 structure or improvement located on the Property in a manner that violates Deschutes County
10 Code;

11 5. Deschutes County, its agents and contractors are authorized to take reasonable
12 measures to enforce this judgment including, without limitation, authority to enter upon the
13 Property at reasonable times and upon at least 24 hours advance notice to Defendants, to confirm
14 Defendants' compliance with the terms of the judgment;

15 6. Deschutes County is awarded its reasonable costs incurred in curing the health
16 hazard previously existing on the Property, in the amount of \$12,872.00.

17 7. Deschutes County is awarded its reasonable costs and disbursements incurred in
18 this action.

19 8. Each Defendant is jointly and severally liable for complying with the terms of this
20 judgment.

21
22 **MONEY AWARD**

23 **Judgment Creditor:** Deschutes County, a political subdivision of the State
24 of Oregon
25 c/o John E. Laherty, Deschutes County Assistant
26 Legal Counsel
1300 NW Wall Street, Suite 205
Bend, OR 97703

1 **Attorney for Judgment Creditor**

John Laherty
Deschutes County Assistant Legal Counsel
1300 NW Wall Street, Suite 205
Bend, OR 97703

4 **Judgment Debtors:**

Albert Smith, Jr.
16202 Green Forest Road
La Pine, Oregon 97739

Albert L. Smith, Jr.
PO Box 1183
LaPine, OR 97739

Howard Fisher
16202 Green Forest Road
La Pine, Oregon 97739

Howard Fisher
PO Box 1183
LaPine, OR 97739

13 **Attorney(s) For Judgment Debtors**

N/A

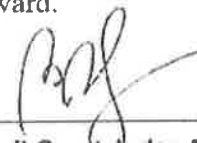
14 **Amount of Award**

\$12,872.00

15 **Interest:**

Post-Judgment interest at the rate of 9% per annum
simple interest on costs and disbursement

16 No other person or public body is entitled to any portion of this money award. Signed: 10/26/2016 09:03 AM



19 **Circuit Court Judge Beth M. Bagley**

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CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I caused true and correct copies of the foregoing **[Proposed] GENERAL JUDGMENT BY DEFAULT AND MONEY AWARD** to be served upon the following listed party(ies) by first-class U.S. mail, postage prepaid:

Albert L. Smith, Jr.
PO Box 1183
LaPine, OR 97739

Howard Fisher
PO Box 1183
LaPine, OR 97739

DATED: October 18, 2016.

/s/ John E. Laherty
JOHN E. LAHERTY, OSB #036084
Deschutes County Assistant Legal Counsel
Of Attorneys for Plaintiff