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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

THE BANK OF NEW YORK MELLON
TRUST COMPANY, NATIONAL
ASSOCIATION FKA THE BANK OF
NEW YORK TRUST COMPANY, N.A.
AS SUCCESSOR TO JPMORGAN
CHASE BANK, AS TRUSTEE FOR
RESIDENTIAL ASSET SECURITIES
CORPORATION, HOME EQUITY
MORTGAGE ASSET-BACKED PASS
THROUGH CERTIFICATES SERIES
2002-KS8

Plaintiff,

vs.

KATHY STEVENSON; JUDITH
SCHWARZ; WESLEY KILGORE; SUSAN
YUHASZ; SHELLY KILGORE;
UNKNOWN HEIRS OF MARY JEAN
WELCH; PARTIES IN POSSESSION

Defendants.

Case No. 17CV33075

WRIT OF EXECUTION

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on March 20, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

1- WRIT OF EXECUTION
S&S No. 16-119711

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on September 19, 2002, the
4 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
5 the real property described in the judgment:

6 DESCRIBED IN THE DEED OF TRUST AS THE FOLLOWING:

7 A PORTION OF THE SE ¼ SE ¼ OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9
8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED
9 AS FOLLOWS:

10 BEGINNING AT A POINT WHICH IS 350 FEET NORTH AND 313 FEET WEST OF THE
11 CORNER COMMON TO SECTIONS 19, 20, 29 AND 30, TOWNSHIP 38 SOUTH, RANGE 9
12 EAST OF THE WILLAMETTE MERIDIAN, THENCE NORTH 140 FEET; THENCE EAST
13 100 FEET; THENCE SOUTH 140 FEET; THENCE WEST 100 FEET TO THE POINT OF
14 BEGINNING

15 MORE ACCURATELY DESCRIBED AS:

16 BEGINNING AT A POINT WHICH IS 350 FEET NORTH AND 313 FEET WEST OF THE
17 CORNER COMMON TO SECTIONS 19, 20, 29 AND 30, TOWNSHIP 38 SOUTH, RANGE 9
18 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON; THENCE
19 NORTH 140 FEET; THENCE EAST 100 FEET; THENCE SOUTH 140 FEET; THENCE
20 WEST 100 FEET TO THE POINT OF BEGINNING

21 and commonly known as 2520 Montelius Street, Klamath Falls, OR 97601 to satisfy the sum of
22 \$105,196.97, as of March 29, 2018, together with additional post judgment interest of 9.00%
23 from that date (\$25.88 per day), and costs of this execution, making due return within 60 days
24 after you receive this writ.

25 //

26 //

27 2- WRIT OF EXECUTION
28 S&S No. 16-119711

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1 The Bank of New York Mellon Trust Company, National Association fka The Bank of
2 New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for
3 Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through
4 Certificates Series 2002-KS8 is the Judgment Creditor, and its address for purpose of this writ
5 only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,
6 WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment
7 Creditor.
8

9
10
11 April 4, 2018

John M Powell
TRIAL COURT ADMINISTRATOR



16 Submitted by:
17 Attorneys for Plaintiff,
18 SHAPIRO & SUTHERLAND, LLC

19 By: [Signature] 3-29-18

20 James A. Craft #090146 [jcraft@logs.com]
21 Kelly D. Sutherland #87357 [ksutherland@logs.com]
22 Cara J. Richter #094855 [crichter@logs.com]
23 Holger Uhl #950143 [huhl@logs.com]*
24 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
25 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
26 (360)260-2253; Fax (360)260-2285

27 3- WRIT OF EXECUTION
28 S&S No. 16-119711

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

THE BANK OF NEW YORK MELLON TRUST
COMPANY, NATIONAL ASSOCIATION FKA
THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, AS TRUSTEE FOR
RESIDENTIAL ASSET SECURITIES
CORPORATION, HOME EQUITY MORTGAGE
ASSET-BACKED PASS THROUGH
CERTIFICATES SERIES 2002-KS8,

Plaintiff,

vs.

KATHY STEVENSON; JUDITH SCHWARZ;
WESLEY KILGORE; SUSAN YUHASZ;
SHELLY KILGORE; UNKNOWN HEIRS OF
MARY JEAN WELCH; PARTIES IN
POSSESSION,

Defendants.

Case No. 17CV33075

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Wesley Kilgore, Shelly
Kilgore and Unknown Heirs of Mary Jean Welch and Defendant(s), Kathy Stevenson, Judith
Schwarz, Susan Yuhasz, and Parties In Possession, having been dismissed:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119711

SHAPIRO & SUTHERLAND, LLC
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It is hereby

ORDERED AND ADJUDGED:

- 1. The real property to which this judgment relates (hereafter the "Property") is situated in Klamath County, Oregon is commonly known as 2520 Montelius Street, Klamath Falls, OR 97601 and is legally described as follows:

Described in the Deed of Trust as the following:

A portion of the SE ¼ SE ¼ of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point which is 350 feet North and 313 feet West of the corner common to Sections 19, 20, 29 and 30, Township 38 South, Range 9 East of the Willamette Meridian, thence North 140 feet; thence East 100 feet; thence South 140 feet; thence West 100 feet to the point of beginning

More Accurately Described as:

Beginning at a point which is 350 feet North and 313 feet West of the corner common to Sections 19, 20, 29 and 30, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 140 feet; thence East 100 feet; thence South 140 feet; thence West 100 feet to the point of beginning

- 2. The Deed of Trust executed and delivered by Defendant, Francis J. Welch and Mary Jean Welch ("Borrower") on or about September 19, 2002 and recorded on September 24, 2002 as Book M02, Page 54181 in the official records of Klamath County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.

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2 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 16-119711

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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- 1 3. The Plaintiff is the holder of the original note dated September 19, 2002 and made by
2 Francis J Welch and Mary Jean Welch in the amount of \$89,550.00. A copy of the Note
3 was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the
4 beneficial interest in the Deed of Trust (together the "Loan").
5
6 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
7 interest in the Property is foreclosed and terminated excepting only any statutory right of
8 redemption as provided by Oregon law.
9
10 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
11 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
12 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
13 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
14 interests and priorities.
15
16 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
17
18 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
19 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
20 County Sheriff's Office in accordance with the process for sale upon execution, and the
21 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
22 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
23 as their interest may appear or to the clerk of the court to be distributed to such party of
24 parties as may establish their right thereto.
25
26 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

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

4 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 5 any person holding possession under or through such Defendant(s) shall refuse to surrender
 6 possession to the purchaser immediately on the purchaser's demand for possession.
 7

8 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$73,317.45	
Prejudgment interest at 9.5% through December 12, 2017 (accruing thereafter until entry of judgment at \$19.08 per diem)			\$17,175.96
Late Charges		\$0.00	
Other Costs and fees (recoverable)		5,510.43	
	Appraisal/BPO	\$115.00	
	Property Inspections	\$291.05	
	Escrow Advanced	\$6,086.38	
	Subtotal		\$78,827.88
Total plus Prejudgment Interest			\$97,318.19

98

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

Costs			\$2,726.02
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$47.00	
	Service by Publication	\$1,210.52	
	Service Costs	\$662.50	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$5,776.02

1 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
2 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

3 14. This Judgment shall not create a personal lien or liability against Borrower except as is
4 customary or necessary to execute on such Judgment and for purposes of redemption. In no
5 event should it be construed as establishing personal liability for any persons whose debt has
6 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
7 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
8 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
9 entitled to any further judgment, including a judgment for deficiency.

10 15. Execution may issue against the subject property for the aggregate amount found due
11 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
12 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
13 ORS 18.936 or other applicable law.

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21
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23

1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
4

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7 Signed: 3/19/2018 03:37 PM

8
9 
10 **Circuit Court Judge Roxanne Osborne**
11

12
13 **Certificate of Readiness under UTCR 5 100**
14

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

- 16 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
17 shown by each party's signature on the document being submitted.
18 2. Each party affected by this order or judgment has approved the order or judgment, as
19 shown by each party's signature on the document being submitted or by written confirmation of
20 approval sent to me.
21 3. I have served a copy of this order or judgment on each party entitled to service and:
22 a. No objection has been served on me.
23 b. I received objections that I could not resolve with a party despite reasonable efforts to do
24 so. I have filed a copy of the objections I received and indicated which objections remain
25 unresolved.
26 c. After conferring about objections, [role and name of objecting party] agreed to
27 independently file any remaining objection.
28 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119711

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1 5. [] This is a proposed judgment that includes an award of punitive damages and notice has
2 been served on the Director of the Crime Victims' Assistance Section as required by subsection
3 (5) of this rule.

4 6. [] Other: _____

5 Submitted by:
6 Attorneys for Plaintiff,
7 SHAPIRO & SUTHERLAND, LLC

8 By: Eric Marshack

9
10 [] James A. Craft #090146 [jcraft@logs.com]
11 [] Kelly D. Sutherland #87357 [ksutherland@logs.com]
12 [] Cara J. Richter #094855 [crichter@logs.com]
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7 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119711

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