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

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,
Plaintiff,

v.

LINDA NELSON, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
REX MONTGOMERY, SR.; REX
MONTGOMERY JR.; CARL
MONTGOMERY; JULIE MOSER;
TIMOTHY MONTGOMERY; PAMELA
CHINANDER; KIMBERLY MOSER;
MEGAN MOSER; BRAYANNA
MONTGOMERY; SECRETARY OF
HOUSING AND URBAN DEVELOPMENT;
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
2847 LAVERNE AVENUE, KLAMATH
FALLS, OR 97603,
Defendant.

Case No. 17CV26876

WRIT OF EXECUTION

TO THE KLAMATH COUNTY SHERIFF:

On January 31, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the KLAMATH 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: NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY 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 2847 LAVERNE
Page 1 – WRIT OF EXECUTION

1 AVENUE, KLAMATH FALLS, OR 97603 (“Subject Property”), and legally described as:

2 THAT PORTION OF THE SW1/4 OF THE NW1/4 OF SECTION 10, TOWNSHIP 39
3 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY,
4 OREGON, DESCRIBED AS FOLLOWS:

5 BEGINNING AT A POINT ON THE NORTH LINE OF LAVERNE STREET, SAID
6 POINT BEING 860.0 FEET DISTANT EAST ALONG THE NORTH LINE OF LAVERNE
7 STREET FROM THE EAST LINE OF WASHBURN WAY, THENCE NORTH PARALLEL
8 TO WASHBURN WAY 227.0 FEET, THENCE EAST PARALLEL TO LAVERNE STREET
9 100.0 FEET, THENCE SOUTH PARALLEL TO WASHBURN WAY 227.0 FEET, THENCE
10 WEST ALONG THE NORTH LINE OF LAVERNE STREET 100.0 FEET TO THE POINT OF
11 BEGINNING.

12 The total amount due and owing on the Judgment as of May 11, 2018;

13 Judgment:	Principal	\$114,526.49
14 Pre-Judgment:	Interest(3.067%, \$6.87/day)	\$0.00 (2/1/18 through 1/31/18)
15	Attorney Fees	\$2,890.00
16	Costs	\$3,127.67
17	Prevailing Party Fee	\$300.00
18 Post-Judgment:	Interest(9.000%, \$29.86/day)	\$2,986.00 (2/1/18 through 5/11/18)
19	Attorney Fees	\$260.00

20 **TOTAL: \$124,090.16**

21 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
22 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
23 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
24 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
25 holder of the certificate of sale.
26

Page 2 – WRIT OF EXECUTION

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.

4 COURT ADMINISTRATOR FOR
5 KLAMATH COUNTY CIRCUIT COURT



6 By: Marcela Flores

7 May 14, 2018

8 Presented by:
9 ALDRIDGE PITE, LLP

10 By: [Signature]

11 } Hunter Zook, OSB #095578
12 } Katie Riggs, OSB #095861
13 } Sarah Mathenia, OSB #120681
14 } Shannon K. Calt, OSB #121855
15 } Christina Andreoni, OSB #160875
16 }
17 } *of Attorneys for Judgment Creditor*
18 } (858) 750-7600
19 } (503) 222-2260 (facsimile)
20 } orecourtnotices@aldridgepite.com

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

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

Plaintiff,

v.

LINDA NELSON, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
REX MONTGOMERY, SR.; REX
MONTGOMERY JR.; CARL
MONTGOMERY; JULIE MOSER;
TIMOTHY MONTGOMERY; PAMELA
CHINANDER; KIMBERLY MOSER;
MEGAN MOSER; BRAYANNA
MONTGOMERY; SECRETARY OF
HOUSING AND URBAN DEVELOPMENT;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
2847 LAVERNE AVENUE, KLAMATH
FALLS, OR 97603,

Defendants.

Case No. 17CV26876

**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

20 Based upon the Court's Order of Default against Defendants LINDA NELSON, AS
21 PERSONAL REPRESENTATIVE OF THE ESTATE OF REX MONTGOMERY, SR.; REX
22 MONTGOMERY JR.; CARL MONTGOMERY; JULIE MOSER; TIMOTHY
23 MONTGOMERY; PAMELA CHINANDER; KIMBERLY MOSER; MEGAN MOSER;
24 BRAYANNA MONTGOMERY; SECRETARY OF HOUSING AND URBAN
25 DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY
26 RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN

1 AS 2847 LAVERNE AVENUE, KLAMATH FALLS, OR 97603, the records on file herein, and
2 pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
3 Plaintiff NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY
4 (“Plaintiff”),

5 **IT IS HEREBY ADJUDGED:**

6 1. Plaintiff’s security interest in the real property located at 2847 LAVERNE
7 AVENUE, KLAMATH FALLS, OR 97603 (“Subject Property”), as evidenced by the Deed of
8 Trust recorded June 30, 2009 in the official records of KLAMATH County as Instrument
9 Number 2009-008975 (“Deed of Trust”), is a viable first priority lien, superior to the interests of
10 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
11 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
12 legally described as follows:

13 THAT PORTION OF THE SW1/4 OF THE NW1/4 OF SECTION 10, TOWNSHIP 39
14 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH
15 COUNTY, OREGON, DESCRIBED AS FOLLOWS:

16 BEGINNING AT A POINT ON THE NORTH LINE OF LAVERNE STREET, SAID
17 POINT BEING 860.0 FEET DISTANT EAST ALONG THE NORTH LINE OF
18 LAVERNE STREET FROM THE EAST LINE OF WASHBURN WAY, THENCE
19 NORTH PARALLEL TO WASHBURN WAY 227.0 FEET, THENCE EAST
20 PARALLEL TO LAVERNE STREET 100.0 FEET, THENCE SOUTH PARALLEL TO
21 WASHBURN WAY 227.0 FEET, THENCE WEST ALONG THE NORTH LINE OF
22 LAVERNE STREET 100.0 FEET TO THE POINT OF BEGINNING.

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

26 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount

1 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
2 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

3 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

4 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
5 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
6 68(C), which amount may be added to the outstanding obligation due and owing under the Note
7 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
8 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
9 by sale of the Subject Property as directed under this Judgment;

10 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
11 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
12 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
13 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
14 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

26 8. Plaintiff or any other party to this action may become a purchaser at the

1 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
2 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
3 successor in interest may apply to this Court for a writ of assistance to gain possession of the
4 subject property if Defendants or any other party or person refuses to surrender possession;

5 DECLARATION OF AMOUNT DUE BY DEFAULT

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

8
9 1. The total amount of the unpaid principal balance, interest, and other amounts
10 owed is \$114,526.49.

11 2. Simple interest at the variable rate currently at 3.067% (\$6.87 *per diem*) after
12 January 31, 2018, through the date of judgment.

13 3. Attorney fees of \$2,890.00, plus \$260.00, through the date of sale.

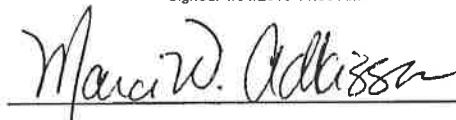
14 4. Costs of \$3,127.67, plus costs accrued through the date of sale.

15 5. Prevailing party fee: \$300.00.

16 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
17 of interest or 9.000% per annum, whichever is greater, through the date of sale.

18 **IT IS SO ADJUDGED**

Signed: 1/31/2018 11:06 AM

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22 **Circuit Court Judge Marci W. Adkisson**

23 CERTIFICATE OF READINESS

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

- 25 1. Each party affected by this order or judgment has stipulated to the order or judgment,
26 as shown by each party's signature on the document being submitted.

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

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- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me;
 - 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 which objections remain unresolved.
 - c. After conferring about objections, [**role and name of objecting party**] agreed to independently file any remaining objection.
- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 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 subsection (5) of this rule.
- 6. Other: _____

Presented By:
ALDRIDGE PITE, LLP

S. Mathenia

 Hunter Zook, OSB #095578
 Katie Riggs, OSB #095861
 Sarah Mathenia, OSB #120681
 Shannon K. Calt, OSB #121855
 Christina Andreoni, OSB #160875
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Date: 1/30/18