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

QUICKEN LOANS INC.,
Plaintiff,

Case No. 16CV42236

v.

WRIT OF EXECUTION

THE ESTATE OF CINDY A. BORDEN AKA
CINDY ANNETTE BORDEN; THE
UNKNOWN HEIRS AND ASSIGNS OF
CINDY A. BORDEN; THE UNKNOWN
DEVISEES OF CINDY A. BORDEN;
ROBERT TUCKER BORDEN, JR.; NELDA
DRUCELLA BORDEN; OLIVIA BORDEN;
RYAN J. BORDEN; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1538 W 13TH
AVENUE, JUNCTION CITY, OR 97448,
Defendant.

TO THE LANE COUNTY SHERIFF:

On April 20, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE 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: QUICKEN LOANS INC. 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 1538 W 13TH AVENUE, JUNCTION CITY, OR 97448 ("Subject Property"), and legally described as:

LOT 24, BLOCK 1, ROSEWOOD ESTATES PHASE III, AS PLATTED AND

1 RECORDED IN FILE 74, SLIDES 82 AND 83, LANE COUNTY OREGON PLAT RECORDS,
2 IN LANE COUNTY, OREGON.

3 The total amount due and owing on the Judgment as of May 29, 2018;

4	Judgment:	Principal	\$238,014.91
5	Pre-Judgment:	Interest(3.750%, \$13.68/day)	\$2,325.60 (11/2/17 through 4/20/18)
6		Attorney Fees	\$2,062.50
7		Costs	\$2,121.00
8		Prevailing Party Fee	\$300.00
9	Post-Judgment:	Interest(9.000%, \$60.41/day)	\$2,355.99 (4/21/18 through 5/29/18)
10		Attorney Fees	\$205.00

11 **TOTAL: \$247,385.00**

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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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.

COURT ADMINISTRATOR FOR
LANE COUNTY CIRCUIT COURT

June 4, 2018

By: Angie Jones
Court Clerk

Presented by:
ALDRIDGE PITE, LLP

By: Christina Andreoni

Hunter Zook, OSB #095578
Katie Riggs, OSB #095861
Sarah Mathenia, OSB #120681
Shannon K. Calt, OSB #121855
Christina Andreoni, OSB #160875
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 LANE**

QUICKEN LOANS INC.,

Plaintiff,

v.

THE ESTATE OF CINDY A. BORDEN AKA
CINDY ANNETTE BORDEN; THE
UNKNOWN HEIRS AND ASSIGNS OF
CINDY A. BORDEN; THE UNKNOWN
DEVISEES OF CINDY A. BORDEN;
ROBERT TUCKER BORDEN, JR.; NELDA
DRUCELLA BORDEN; OLIVIA BORDEN;
RYAN J. BORDEN; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1538 W 13TH
AVENUE, JUNCTION CITY, OR 97448,

Defendants.

Case No. 16CV42236

**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

Based upon the Court's Order of Default against defendants The Estate of Cindy A. Borden aka Cindy Annette Borden; The Unknown Heirs And Assigns of Cindy A. Borden; The Unknown Devisees of Cindy A. Borden; Robert Tucker Borden, Jr.; Nelda Drucella Borden; Olivia Borden; Ryan J. Borden; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 1538 W 13th Avenue, Junction City, OR 97448, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Quicken Loans Inc. ("Plaintiff"),

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

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1538 W 13th Avenue, Junction City, OR 97448 ("Subject Property"), as evidenced by the Deed of Trust recorded February 4, 2013 in the official records of LANE County as instrument number 2013-007084 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

LOT 24, BLOCK 1, ROSEWOOD ESTATES PHASE III, AS PLATTED AND RECORDED IN FILE 74, SLIDES 82 AND 83, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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

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

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

5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

20 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 23 1. The amount of the judgment is \$238,014.91
24 2. Simple interest at the variable rate currently at 3.750% (\$13.68 *per diem*) from
25 November 2, 2017, through the date of judgment.
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- 3. Attorney fees of \$2,062.50 plus \$205.00, through the date of sale.
- 4. Costs of \$2,121.00, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.
- 6. Post-judgment interest thereafter on the total amount due 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: 4/19/2018 10:30 AM



Charles D. Carlson, Circuit Court Judge

CERTIFICATE OF READINESS

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

- 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by 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 objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
 - c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing party who has been found in default.

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- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP

/s/ Christina Andreoni Date: 4/13/18

Christina M. Andreoni OSB No. 160875
(858) 750-7600
(503) 222-2260 (Facsimile)
candreoni@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff