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

FLAGSTAR BANK, FSB,
Plaintiff,
v.
JAMES W. BETTS II AKA JAMES
WESTLY BETTS JR. II; RAY KLIEN INC.;
STATE OF OREGON DEPARTMENT OF
CONSUMER & BUSINESS SERVICES AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 482
POWDERHORN CT SE, SALEM, OR 97317,
Defendant.

Case No. 17CV42374

WRIT OF EXECUTION

TO THE MARION COUNTY SHERIFF:

On February 27, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MARION 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: FLAGSTAR BANK, FSB 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 482 POWDERHORN CT SE, SALEM, OR 97317 ("Subject Property"), and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The total amount due and owing on the Judgment as of March 16, 2018;

Judgment:	Principal	\$175,194.96
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1	Pre-Judgment:	Interest(3.875%, \$17.72/day)	\$761.96 (1/16/18 through 2/27/18)
2		Attorney Fees	\$2,890.00
3		Costs	\$1,587.36
4		Prevailing Party Fee	\$300.00
5	Post-Judgment:	Interest(9.000%, \$44.62/day)	\$758.54 (2/28/18 through 3/16/18)
6		Attorney Fees	\$260.00

7 **TOTAL: \$181,752.82**

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

13 By the signature of the attorney for the judgment creditor, the person that requested
 14 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
 15 making a return on the writ to a date up to 150 days after receipt.

16 COURT ADMINISTRATOR FOR
 17 MARION COUNTY CIRCUIT COURT

Signed: 4/4/2018 01:38 PM

18 By: Noel B. Herlitz
 19 Noel B. Herlitz, Court Clerk



20 Presented by:
 21 ALDRIDGE PITE, LLP

22 By: Christina Andreoni
 23 { } Hunter Zook, OSB #095578
 24 { } Katie Riggs, OSB #095861
 { } Sarah Mathenia, OSB #120681
 { } Shannon K. Calt, OSB #121855
 {x} Christina Andreoni, OSB #160875

25 of Attorneys for Judgment Creditor
 (858) 750-7600
 26 (503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

Page 2 – WRIT OF EXECUTION

EXHIBIT "A"

**LOT 18, BLOCK 2, WAGON ROAD VILLAGE, IN THE CITY OF SALEM, MARION
COUNTY, OREGON.**

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

FLAGSTAR BANK, FSB,

Plaintiff,

v.

JAMES W. BETTS II AKA JAMES
WESTLY BETTS JR. II; RAY KLIEN INC.;
STATE OF OREGON DEPARTMENT OF
CONSUMER & BUSINESS SERVICES and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 482
POWDERHORN CT SE, SALEM, OR 97317,

Defendants.

Case No. 17CV42374

**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

16 Based upon the Court’s Order of Default against defendants JAMES W. BETTS II AKA
17 JAMES WESTLY BETTS JR. II; RAY KLIEN INC.; STATE OF OREGON DEPARTMENT
18 OF CONSUMER & BUSINESS SERVICES and ALL OTHER PERSONS OR PARTIES
19 UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL
20 PROPERTY COMMONLY KNOWN AS 482 POWDERHORN CT SE, SALEM, OR 97317,
21 the records on file herein, and pursuant to the Motion for General Judgment and Declaration of
22 Amount Due by Default by Plaintiff FLAGSTAR BANK, FSB (“Plaintiff”),

IT IS HEREBY ADJUDGED:

24 1. Plaintiff’s security interest in the real property located at 482 POWDERHORN
25 CT SE, SALEM, OR 97317 (“Subject Property”), as evidenced by the Deed of Trust recorded
26 February 28, 2017 in the official records of MARION County as instrument number Reel: 3917

1 Page: 412 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the
2 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 LOT 18, BLOCK 2, WAGON ROAD VILLIAGE, IN THE CITY OF SALEM,
6 MARION COUNTY, OREGON.

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

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

14 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
15 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
16 68(C), which amount may be added to the outstanding obligation due and owing under the Note
17 and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant to the Deed of
18 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
19 by sale of the Subject Property as directed under this Judgment;

20 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
21 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
22 under the Note and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant
23 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
24 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$175,194.96.
2. Simple interest at the variable rate currently at 3.875% (\$17.72 *per diem*) after January 15th, 2018, through the date of judgment.
3. Attorney fees of \$2,890.00, plus \$260.00, through the date of sale.
4. Costs of \$1,587.36, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total amounts 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: 2/27/2018 08:39 AM



Circuit Court Judge Audrey J. Broyles

CERTIFICATE OF READINESS

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

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

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- 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/ Christina Andreoni

Date: 2/23/18

- { } Hunter Zook, OSB #095578
- { } Katie Riggs, OSB #095861
- { } Sarah Mathenia, OSB #120681
- { } Shannon K. Calt, OSB #121855
- {X} Christina Andreoni, OSB #160875
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