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

UNITED STATES OF AMERICA, acting  
through the Rural Housing Service or  
successor agency, UNITED STATES  
DEPARTMENT OF AGRICULTURE,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
RAFAEL RUIZ, deceased; UNKNOWN  
HEIRS AND DEVISEES OF EUSTOLIA,  
deceased; all other persons or parties unknown  
claiming any right, title, lien, or interest in the  
Property described in the Complaint herein,  
CITY OF JEFFERSON; and OREGON  
DEPARTMENT OF HUMAN SERVICES.

Defendants.

) Case No. 17CV47876

) **WRIT OF EXECUTION**  
) **(Foreclosure of Real Property)**

**TO: SHERIFF OF MARION COUNTY.**

On or about March 26, 2018, a General Judgment of Foreclosure and Money Award was entered in the register for this case in the above-entitled court, in favor of the Plaintiff United States of America, acting through the Rural Housing Service or successor agency, United States Department of Agriculture, and against the Defendants Unknown Heirs and Devisees of Rafael Ruiz and Eustolia Ruiz, if any, and all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the Complaint, providing a Money Award in the principal amount of \$101,113.97, plus interest at the rate of nine (9) percent per annum, in attorney fees, in costs and disbursements and in prevailing party fee, and continuing to accrue interest at the rate of \$24.93 per

1 diem from March 26, 2018 until paid.

2 On March 26, 2018, a Supplemental General Judgment and Money Award was entered in  
3 the above-entitled court register in favor of the Plaintiff and against above-referenced Defendants in  
4 the amount of \$6,103.20, plus interest at the rate of 9% per annum on the principal balance, attorney  
5 fees, costs, disbursements and prevailing party fee, and continuing to accrue interest at \$1.50 per  
6 diem from March 26, 2018, until paid.

7  
8 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are, hereby  
9 commanded to sell, in the manner prescribed by law for the sale of real property described as 591  
10 Elm Street, Jefferson, OR 97352 and particularly as follows: Lot 5, COLCORD ACRES  
11 SUBDIVISION, Marion County, Oregon, to satisfy the sum of \$107,217.17, plus interest at the rate  
12 of nine (9) percent per annum and continuing to accrue interest at \$26.44 per diem until paid, which  
13 are the amounts owing on the Money Awards on the date this Writ is issued, making due return  
14 within 60 days after you receive this writ.

15 The mailing address of the judgment creditor is:

16 United States Department of Agriculture  
17 31978 North Lake Creek Drive  
Tangent, OR 97389

18 The mailing address of the judgment creditor's attorney is:

19 Alan N. Stewart  
20 Merrill O'Sullivan LLP  
21 805 SW Industrial Way, Ste. 5  
Bend, OR 97702

22 The last known mailing address of the judgment debtor is:

23 Unknown Heirs and devisees of Rafael Ruiz and Eustolia Ruiz,  
24 deceased, and all other persons or  
25 parties unknown claiming any right, title, lien,  
or interest in the Property described in the Complaint

1                                   591 Elm Street  
2                                   Jefferson, OR 97352

3                                   The proceeds of the sale shall be applied first toward the costs of sale, including payment of  
4 any outstanding property taxes owed to Marion County, then toward the satisfaction of the debt of  
5 the judgment creditor at the following address:

6                                   United States Department of Agriculture  
7                                   c/o Alan N. Stewart  
8                                   Merrill O'Sullivan LLP  
9                                   805 SW Industrial Way, Ste. 5  
10                                   Bend, OR 97702

Signed: 4/2/2018 02:53 PM

  
Noel B. Herlitz, Court Clerk



11  
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14                                   Submitted By:

15                                   Alan N. Stewart  
16                                   Merrill O'Sullivan LLP  
17                                   805 SW Industrial Way, Ste. 5  
18                                   Bend, OR 97702

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MERRILL O'SULLIVAN, LLP  
805 SW INDUSTRIAL WAY, SUITE 5  
BEND, OR 97702  
(541) 389-1770

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

UNITED STATES OF AMERICA, acting  
through the Rural Housing Service or  
successor agency, UNITED STATES  
DEPARTMENT OF AGRICULTURE,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
RAFAEL RUIZ, deceased; UNKNOWN  
HEIRS AND DEVISEES OF EUSTOLIA,  
deceased; all other persons or parties unknown  
claiming any right, title, lien, or interest in the  
Property described in the Complaint herein,  
CITY OF JEFFERSON; and OREGON  
DEPARTMENT OF HUMAN SERVICES.

Defendants.

Case No. 17CV47876

**GENERAL JUDGMENT OF  
FORECLOSURE AND MONEY  
AWARD AGAINST DEFENDANT  
UNKNOWN HEIRS AND DEVISEES  
OF RAFAEL RUIZ, DECEASED,  
AND ESTOLIA RUIZ, DECEASED,  
ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING  
ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE PROPERTY  
DESCRIBED IN THE COMPLAINT  
HEREIN**

Plaintiff's Motion for Order of Default against Defendant was submitted to the Court and an Order granting the Motion has been entered herein.

NOW, BASED THEREON AND THE RECORDS AND FILES HEREIN, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff shall have a general judgment against Defendant Unknown Heirs and Devisees of Rafael Ruiz and Eustolia Ruiz, if any, and all other persons or parties unknown claiming any right, title, lien, or interest in the property described in the Complaint (hereinafter "Defendant") as follows:

1. Plaintiff shall have judgment against Defendant as follows:

MERRILL O'SULLIVAN, LLP  
805 SW INDUSTRIAL WAY, SUITE 5  
BEND, OR 97702  
(541) 389-1770

1 (a) \$101,113.97, together with interest at the rate of 9% per annum, from  
2 September 11, 2017, until paid; and

3 (b) Foreclosure report fees, necessary costs, disbursements and Plaintiff USDA's  
4 reasonable attorney fees. The costs, disbursements and attorney fees shall be determined by the  
5 court pursuant to the provisions of ORCP 68 and shall be awarded by way of a Supplemental  
6 Judgment.

7 2. The Plaintiff's lien is hereby foreclosed and the above property shall be sold by the  
8 Sheriff of Marion County in the manner prescribed by law, applying the proceeds of the sale first  
9 towards the cost of the sale, then toward the satisfaction of Plaintiff's judgment and any surplus to  
10 the party or parties who may establish their right thereto.

11 3. Defendant and all persons claiming through or under defendants either as purchasers,  
12 encumbrances, or otherwise, is hereby foreclosed of all interest or claim in the real property except  
13 any statutory right of redemption as defendants, or any of them, may have in the real property.

14 4. Plaintiff or any other party to this action may become a purchaser at the sale of the  
15 real property and that the purchaser be entitled to immediate exclusive possession of the real  
16 property from the date of sale until being entitled to such remedies as are available at law to secure  
17 possession, including a Writ of Assistance if defendants or any other party or person shall refuse to  
18 immediately surrender possession to purchaser.

19  
20 **MONEY AWARD**

- 21 1. Judgment Creditor: United States of America, acting through the Rural  
22 Housing Service or successor agency, United States  
23 Department of Agriculture  
24 31978 North Lake Creek  
25 Tangent, OR 97389
2. Judgment Creditor's Attorney: Alan N. Stewart  
Merrill O'Sullivan LLP  
805 SW Industrial Way, Ste. 5

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

UNITED STATES OF AMERICA, acting through the Rural Housing Service or successor agency, UNITED STATES DEPARTMENT OF AGRICULTURE, Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF RAFAEL RUIZ, deceased; UNKNOWN HEIRS AND DEVISEES OF EUSTOLIA, deceased; all other persons or parties unknown claiming any right, title, lien, or interest in the Property described in the Complaint herein, CITY OF JEFFERSON; and OREGON DEPARTMENT OF HUMAN SERVICES.

Defendants.

Case No. 17CV47876

CERTIFICATE OF READINESS UNDER UTCR 5.100

I certify this proposed judgment/order is ready for judicial signature because (check all that apply):

- Service is not required under UTCR 5.100 (1)(c) because the other party has been found in default or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted ex parte as allowed by statute or rule; or this judgment/order is being submitted in open court with all parties present.
Each party affected by this judgment/order has stipulated to or approved the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.
I have served (complete service section below) a copy of this judgment/order and the Notice of Proposed Judgment/order to all parties entitled to service. And:
No objection has been served on me within the 7-day time frame.
I received objections that I could not resolve with the other 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.
After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100 (if applicable)

I certify that on (date) : I emailed a true and complete copy of this proposed Judgment/order to (name) at (address)

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
I paid or will pay money to Alan N. Stewart for assistance in preparing

this form.

Date: March 22, 2018

Plaintiff Defendant, Signature

Alan N. Stewart, OSB 121451

Contact Address 805 SW Industrial Way, Ste. #5 Bend, OR 97702, 541-389-1770

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

UNITED STATES OF AMERICA, acting  
through the Rural Housing Service or  
successor agency, UNITED STATES  
DEPARTMENT OF AGRICULTURE,  
  
Plaintiff,

) Case No. 17CV47876

) **SUPPLEMENTAL JUDGMENT AND  
MONEY AWARD FOR COSTS AND  
DISBURSEMENTS**

v.

UNKNOWN HEIRS AND DEVISEES OF  
RAFAEL RUIZ, deceased; UNKNOWN  
HEIRS AND DEVISEES OF EUSTOLIA,  
deceased; all other persons or parties unknown  
claiming any right, title, lien, or interest in the  
Property described in the Complaint herein,  
CITY OF JEFFERSON; and OREGON  
DEPARTMENT OF HUMAN SERVICES.  
  
Defendants.

Plaintiff has submitted a statement for costs and disbursements pursuant to ORCP 68.  
Since there is no objection period necessary to the statement as all Defendants are found in  
Default, the Court finds that Plaintiff's costs and disbursements are reasonably necessary;  
therefore

IT IS ORDERED AND ADJUDGED that Plaintiff is hereby awarded a money judgment  
against Defendants Unknown Heirs and Devisees of Rafael Ruiz and Eustolia Ruiz, if any, and  
all other persons or parties unknown claiming any right, title, lien, or interest in the property  
described in the Complaint for Plaintiff's attorney fees, costs and disbursements. If the proceeds  
of the sale of this property as authorized by the General Judgment and Money Award entered

MERRILL O'SULLIVAN, LLP  
805 SW INDUSTRIAL WAY, SUITE 5  
BEND, OR 97702  
(541) 389-1770

1 herewith in this matter are not sufficient to satisfy Plaintiff's Supplemental Judgment and Money  
2 Award herein, Plaintiff shall not have a judgment against Defendants Unknown Heirs and  
3 Devisees of Rafael Ruiz and Eustolia Ruiz, if any, and all other persons or parties unknown  
4 claiming any right, title, lien, or interest in the property described in the Complaint for the  
5 deficiency.

6 MONEY AWARD

- 7 1. Judgment Creditor: United States of America, acting through the Rural  
8 Housing Service or successor agency, United States  
9 Department of Agriculture  
10 31978 North Lake Creek  
Tangent, OR 97389
- 11 2. Judgment Creditor's Attorney: Alan N. Stewart  
12 Merrill O'Sullivan LLP  
13 805 SW Industrial Way, Ste. 5  
Bend, OR 97702
- 14 3. Judgment Debtor(s): Unknown Heirs and Devisees of Rafael Ruiz and  
15 Eustolia Ruiz, deceased, and all other persons or  
16 parties unknown claiming any right, title, lien, or  
17 interest in the Property described in the Complaint  
591 Elm Street  
Jefferson, OR 97352
- 18 Year of Birth: Unknown  
19 Tax ID No. or final  
four digits of SSN: Unknown  
20 License No. (final four  
digits): Unknown
- 21 4. Judgment Debtor's Attorneys: None
- 22 5. Attorney Fees: \$1,350.00
- 23 7. Costs and Disbursements: \$4,453.20
- 24 8. Prevailing Party Fee: \$300.00
- 25 9. Post-Judgment Interest: At the rate of 9% per annum on the principal



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balance, attorney fees, costs, disbursements and prevailing party fee until paid.

10. The name of any person or public body, other than the judgment creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the money award.

None.

Signed: 3/26/2018 10:03 AM



**Circuit Court Judge Courtland Geyer**

*Submitted by:  
Alan N. Stewart, OSB #121451  
Merrill O'Sullivan LLP  
Of Attorneys for Plaintiff*

MERRILL O'SULLIVAN, LLP  
805 SW INDUSTRIAL WAY, SUITE 5  
BEND, OR 97702  
(541) 389-1770

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

UNITED STATES OF AMERICA, acting through the Rural Housing Service or successor agency, UNITED STATES DEPARTMENT OF AGRICULTURE, Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF RAFAEL RUIZ, deceased; UNKNOWN HEIRS AND DEVISEES OF EUSTOLIA, deceased; all other persons or parties unknown claiming any right, title, lien, or interest in the Property described in the Complaint herein, CITY OF JEFFERSON; and OREGON DEPARTMENT OF HUMAN SERVICES.

Defendants.

Case No. 17CV47876

CERTIFICATE OF READINESS UNDER UTCR 5.100

I certify this proposed judgment/order is ready for judicial signature because (check all that apply):

[X] Service is not required under UTCR 5.100 (1)(c) because the other party has been found in default or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted ex parte as allowed by statute or rule; or this judgment/order is being submitted in open court with all parties present.

[ ] Each party affected by this judgment/order has stipulated to or approved the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.

[ ] I have served (complete service section below) a copy of this judgment/order and the Notice of Proposed Judgment/order to all parties entitled to service. And:

- [ ] No objection has been served on me within the 7-day time frame.
[ ] I received objections that I could not resolve with the other 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.
[ ] After conferring about objections, the other party agreed to file any remaining objection with the court.

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I certify that on (date) : I emailed a true and complete copy of this proposed Judgment/order to (name) at (address)

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- [ ] I selected this document for myself and I completed it without paid assistance.
[ ] I paid or will pay money to Alan N. Stewart for assistance in preparing

this form.

Date: March 22, 2018

[ ] Plaintiff [ ] Defendant, Signature

Alan N. Stewart, OSB 121451

Contact Address 805 SW Industrial Way, Ste. #5 Bend, OR 97702, 541-389-1770

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

UNITED STATES OF AMERICA, acting  
through the Rural Housing Service or  
successor agency, UNITED STATES  
DEPARTMENT OF AGRICULTURE,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
RAFAEL RUIZ, deceased; UNKNOWN  
HEIRS AND DEVISEES OF EUSTOLIA,  
deceased; all other persons or parties unknown  
claiming any right, title, lien, or interest in the  
Property described in the Complaint herein,  
CITY OF JEFFERSON; and OREGON  
DEPARTMENT OF HUMAN SERVICES.

Defendants.

Case No. 17CV47876

**LIMITED JUDGMENT WITHOUT  
MONEY AWARD, COSTS OR  
ATTORNEY FEES AGAINST  
DEFENDANT OREGON  
DEPARTMENT OF HUMAN  
SERVICES**

BASED upon the Order of Default Judgment and the records and files herein;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Plaintiff's Trust Deed identified in the Complaint is a valid lien against the property described below and the lien is superior to any interest, lien or claim of Defendant Oregon Department of Human Services herein to the real property situated in Marion County, Oregon as follows:

Lot 5, COLCORD ACRES SUBDIVISION, Marion County, Oregon.

MERRILL O'SULLIVAN, LLP  
805 SW INDUSTRIAL WAY, SUITE 5  
BEND, OR 97702  
(541) 388-1770

1           2.       The Plaintiff's lien is hereby foreclosed and the above property shall be sold by the  
2 Sheriff of Marion County in the manner prescribed by law, applying the proceeds of the sale first  
3 towards the cost of the sale, then toward the satisfaction of Plaintiff's judgment and any surplus to  
4 the party or parties who may establish their right thereto.

5           3.       Defendant Oregon Department of Human Services, and all persons claiming through  
6 or under defendants either as purchasers, encumbrances, or otherwise, is hereby foreclosed of all  
7 interest or claim in the real property except any statutory right of redemption as defendants, or any  
8 of them, may have in the real property.  
9

10          4.       Plaintiff or any other party to this action may become a purchaser at the sale of the  
11 real property and that the purchaser be entitled to immediate exclusive possession of the real  
12 property from the date of sale until being entitled to such remedies as are available at law to secure  
13 possession, including a Writ of Assistance if any other party or person shall refuse to immediately  
14 surrender possession to purchaser.  
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Signed: 3/26/2018 10:04 AM



**Circuit Court Judge Courtland Geyer**

22       *Submitted by:*  
23       Alan N. Stewart, OSB No. 121451  
24       Merrill O'Sullivan, LLP  
25       805 SW Industrial Way, Ste. 5  
          Bend, OR 97702  
          Attorney for Plaintiff

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

UNITED STATES OF AMERICA, acting through the Rural Housing Service or successor agency, UNITED STATES DEPARTMENT OF AGRICULTURE, Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF RAFAEL RUIZ, deceased; UNKNOWN HEIRS AND DEVISEES OF EUSTOLIA, deceased; all other persons or parties unknown claiming any right, title, lien, or interest in the Property described in the Complaint herein, CITY OF JEFFERSON; and OREGON DEPARTMENT OF HUMAN SERVICES.

Defendants.

Case No. 17CV47876

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this form.

Date: March 22, 2018

[ ] Plaintiff [ ] Defendant, Signature

Alan N. Stewart, OSB 121451

Contact Address 805 SW Industrial Way, Ste. #5 Bend, OR 97702, 541-389-1770