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

WELLS FARGO BANK, NA

Plaintiff,

vs.

LORI A. CDEBACA A/K/A LORI ANN C
DE BACA A/K/A LORI C DE BACA;
RODNEY CDEBACA A/K/A RODNEY C
DE BACA; RODNEY C. C DE BACA;
CAVALRY PORTFOLIO SERVICES,
LLC; GENERAL CREDIT SERVICE,
INC.; AND OCCUPANTS OF THE
PREMISES

Defendants.

Case No. 1202123CV

WRIT OF EXECUTION

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on April 3, 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

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to redemption) all of the interest which the defendants had on February 19, 2004, the

1- WRIT OF EXECUTION
S&S No. 11-108141

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 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
2 the real property described in the judgment:

3
4 LOT 19 AND THE WEST 2 FEET OF LOT 20, WEST PARK ADDITION TO THE CITY OF
5 KLAMATH FALLS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE
6 OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

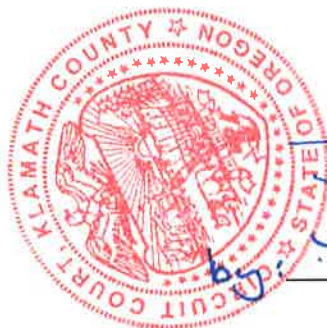
7 and commonly known as 431 Fulton Street, Klamath Falls, OR 97601 to satisfy the sum of
8 \$156,238.49, as of May 16, 2018, together with additional post judgment interest of 9.00% from
9 that date (\$38.12 per day), and costs of this execution, making due return within 60 days after
10 you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 11-108141

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1 WELLS FARGO BANK, NA is the Judgment Creditor, and its address for purpose of
2 this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5



7
8 John m Powell, TKA
9
10 Maui Anderson
11 5.25.18 Clerk

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: _____

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Cara J. Richter #094855 [crichter@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

WELLS FARGO BANK, NA,
Plaintiff,

Case No. 1202123CV

GENERAL JUDGMENT OF
FORECLOSURE

vs.

LORI A. CDEBACA A/K/A LORI ANN C DE
BACA A/K/A LORI C DE BACA; RODNEY
CDEBACA A/K/A RODNEY C DE BACA;
RODNEY C. C DE BACA; CAVALRY
PORTFOLIO SERVICES, LLC; GENERAL
CREDIT SERVICE, INC.; AND OCCUPANTS OF
THE PREMISES,

Defendants.

Default having been entered against Defendant(s), Rodney Cdebaca a/k/a Rodney C. De
Baca a/k/a Rodney C. C. De Baca, General Credit Service, Inc. and Cavalry Portfolio Services,
LLC, and Summary Judgment having been granted against Defendant Lori A. Cdebaca A/K/A
Lori Ann C De Baca A/K/A Lori C De Baca:

//

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 11-108141

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 It is hereby

2 ORDERED AND ADJUDGED:

3 1. The real property to which this judgment relates (hereafter the "Property") is situated in
4 Klamath County, Oregon is commonly known as 431 Fulton Street, Klamath Falls, OR
5 97601 and is legally described as follows:

6
7 Lot 19 and the West 2 feet of Lot 20, West Park Addition to the City of Klamath Falls,
8 according to the Official Plat thereof on file in the office of the County Clerk of
Klamath County, Oregon.

9 2. The Deed of Trust executed and delivered by Defendant, Lori A. Cdebaca and Rodney
10 Cdebaca, as tenants by the entirety ("Borrower") on or about February 19, 2004 and
11 recorded on February 25, 2004 as Book M04, Page 10775 in the official records of Klamath
12 County, Oregon, is a valid and perfected lien against all of the Property for the amount of
13 Plaintiff's judgment as provided herein.

14
15 3. The Plaintiff is the holder of the original note dated February 19, 2004 and made by Lori A.
16 Cdebaca and Rodney Cdebaca in the amount of \$101,820.00. A copy of the Note was
17 attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial
18 interest in the Deed of Trust (together the "Loan").

19
20 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
21 interest in the Property is foreclosed and terminated excepting only any statutory right of
22 redemption as provided by Oregon law.

23 //

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26 2 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 11-108141

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
- 6
- 7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 8 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
9 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
10 County Sheriff's Office in accordance with the process for sale upon execution, and the
11 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
12 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
13 as their interest may appear or to the clerk of the court to be distributed to such party of
14 parties as may establish their right thereto.
- 15
- 16 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 17 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
18 from and after the date of the sale and is entitled to such remedies as are available at law or
19 in equity to secure possession.
- 20
- 21 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
22 any person holding possession under or through such Defendant(s) shall refuse to surrender
23 possession to the purchaser immediately on the purchaser's demand for possession.

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26 3 - GENERAL JUDGMENT OF FORECLOSURE
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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$91,235.38	
3	Prejudgment interest at 6% through January 10, 2018			\$37,541.74
4	(accruing thereafter until entry of judgment)			
5	Late Charges		\$0.00	
6	Other Costs and fees (recoverable)		16,767.27	
7	Property Tax	\$10,473.12		
8	Hazard Insurance	\$4,137.01		
9	PMI/MIP	\$1,831.11		
10	Property Inspections	\$305.00		
11	Credits to Borrower	\$21.03		
12		Subtotal		\$108,002.65
13		Total plus Prejudgment Interest		\$145,502.33

03

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

14	Costs			\$1,302.00
15	Skip Trace Costs		\$50.00	
16	Filing Fee		\$505.00	
17	Clerk Costs		\$105.00	
18	Lis Pendens Recording Fee		\$37.00	
19	Service Costs		\$330.00	
20	Prevailing Party Fee		\$275.00	
21	Attorney fees			\$6,550.00
22	Total			\$7,852.00

23 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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27 4- GENERAL JUDGMENT OF FORECLOSURE
S&S No. 11-108141

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

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

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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26 5 - GENERAL JUDGMENT OF FORECLOSURE
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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

Signed: 4/2/2018 08:17 AM



Circuit Court Judge Andrea Janney

11
12 Submitted by:
13 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

14 By: _____

- 15 James A. Craft #090146 [jcraft@logs.com]
16 Kelly D. Sutherland #87357 [ksutherland@logs.com]
17 Cara J. Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
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3 **Certificate of Readiness under UTCR 5 100**

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

- 5 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
6 shown by each party's signature on the document being submitted.
7 2. Each party affected by this order or judgment has approved the order or judgment, as
8 shown by each party's signature on the document being submitted or by written confirmation of
9 approval sent to me.
10 3. I have served a copy of this order or judgment on each party entitled to service and:
11 a. No objection has been served on me.
12 b. I received objections that I could not resolve with a party despite reasonable efforts to do
13 so. I have filed a copy of the objections I received and indicated which objections remain
14 unresolved.
15 c. After conferring about objections, [role and name of objecting party] agreed to
16 independently file any remaining objection.
17 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
18 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
19 5. This is a proposed judgment that includes an award of punitive damages and notice has
20 been served on the Director of the Crime Victims' Assistance Section as required by subsection
21 (5) of this rule.
22 6. Other: _____

23 Submitted by:

24 Attorneys for Plaintiff,
25 SHAPIRO & SUTHERLAND, LLC

26 By: _____ *[Signature]* 3/22/18

- 27 James A. Craft #090146 [jcraft@logs.com]
28 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 Cara J. Richter #094855 [crichter@logs.com]
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