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

LANE COUNTY S.O. CIVIL
06-27-18 875 411

DAVID S. SNYDER, an individual,

Case No. 17CV05002

Plaintiff,

**WRIT OF EXECUTION ON
FORECLOSURE**

v.

1676 RIVERVIEW, LLC, an Oregon
limited liability company; DAVID S.
SEALS, an individual; LAST CHANCE,
LLC, an Oregon limited liability company;
QUINICE N. JENKINS, an individual; ALL
PARTIES UNKNOWN CLAIMING AN
INTEREST IN THE PROPERTY,

Defendants.

TO: Lane County Sheriff:

WHEREAS, on April 9, 2018, in the above entitled court, a general judgment of
foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is
attached hereto and made a part hereof;

The name and address of the judgment creditor is:

David S. Snyder
c/o Evashevski Elliott PC
100 Calapooia Street SW
Albany, Oregon 97321

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
commanded to levy on and sell, in the manner prescribed by law for the sale of real
property; all that real property more particularly described as follows:

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PARCELS 2 AND 3 OF PARTITION PLAT NO. 2006-P2002 FILED JUNE 6, 2006,
RECEPTION NO. 2006-038985 LANE COUNTY DEEDS, AND RECORDS, IN LANE
COUNTY, OREGON.

More commonly known as 1676 and 1698 Riverview Avenue, Eugene, Oregon 97401,
(subject to redemption) all of the interest which Defendants had on March 30, 2015, the date
of the trust deed, and also all of the interest which Defendant had thereafter, in the real
property described in the judgment, and deliver the proceeds to the court for application
against amounts owing on a money award in the sum of \$100,034.25, together with
prejudgment interest upon that sum at the daily rate of \$26.67 from November 26, 2016 to
the date of judgment and post-judgment interest in the sum of \$26.67 per day from the date
of judgment, and the costs of this writ, making due return within 60 days after you receive
this writ. The sheriff shall deliver the proceeds of sale as provided in ORS 18.950.

April 16, 2018

*By: Angela Jones
court clerk*

SUBMITTED BY:
Robert J. Welsh, OSB No. 115493
Evashevski Elliott PC
Of Attorneys for Plaintiff



Page 2 – WRIT OF EXECUTION ON FORECLOSURE

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

DAVID S. SNYDER, an individual,

Plaintiff,

Case No. 17CV05002

v.

1676 RIVERVIEW, LLC, an Oregon
limited liability company; DAVID S.
SEALS, an individual; LAST
CHANCE, LLC, an Oregon limited
liability company; QUINICE N.
JENKINS, an individual; ALL
PARTIES UNKNOWN CLAIMING AN
INTEREST IN THE PROPERTY,

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST
1676 RIVERVIEW, LLC, DAVID
SEALS, ALL PARTIES UNKNOWN
CLAIMING AN INTEREST IN THE
PROPERTY**

Defendants.

This matter came before the Court on Plaintiff's Motion for Judgment by Default against Defendants 1676 Riverview, LLC ("Defendant 1676 Riverview"), David Seals ("Defendant Seals") and All Parties Unknown Claiming an Interest in the Property ("Defendant All Parties Unknown"). The Court previously entered an Order of Default against Defendant 1676 Riverview and Defendant All Parties Unknown on August 31, 2017. The Court previously entered an Order of Default against Defendant David Seals on October 25, 2017. Defendants Quinice N. Jenkins and

1 Last Chance, LLC were dismissed as parties to this matter by Limited Judgment.
2 Based on the records and files herein and in accordance with ORCP 69 D, the Court
3 finding generally in favor of Plaintiff on the allegations in his Complaint and against
4 Defendant 1676 Riverview, Defendant Seals and Defendant All Parties Unknown
5 (hereinafter, collectively referred to as "Defendants"), and the Court being fully
6 advised; now therefore:
7

8 IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

9 1. Plaintiff David S. Snyder be awarded judgment in the sum of
10 \$80,000.00, representing the principle balance that is unpaid, \$480.00 in late fees
11 incurred, together with interest at a rate as provided in the Note from March 30, 2016
12 to November 25, 2016 in the amount of \$3,093.34, with additional pre-judgment
13 interest at the per diem rate of \$26.67 as provided in the Note from November 26,
14 2016 to the date of entry of judgment; plus reasonable attorneys' fees in the amount
15 of \$14,285.00, as itemized in the Plaintiff's statement of attorney's fees, plus
16 allowable costs of \$1,850.91 as itemized in the statement of attorney's fees with cost
17 bill and an additional amount for post-judgment sheriff's fees. Said judgment to bear
18 interest until paid at the statutory rate or at the contract rate, whichever is greater;
19 and
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23 2. Plaintiff's Deed of Trust on that certain real property in Lane County,
24 Oregon, legally described as follows:

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1 PARCELS 2 AND 3 OF PARTITION PLAT NO. 2006-P2002 FILED JUNE 6,
2 2006, RECEPTION NO. 2006-038985 LANE COUNTY DEEDS, AND
3 RECORDS, IN LANE COUNTY, OREGON.

4 and commonly known as 1676 and 1698 Riverview Avenue, Eugene, Oregon 97401,
5 which was recorded on April 5, 2016, as Document No. 2016-015248, in the records
6 of Lane County, Oregon, is adjudged and decreed to be a first and paramount lien
7 upon the above-described real estate and the whole thereof be as security for the
8 payment of the judgment herein set forth, and that said Deed of Trust is foreclosed
9 and the property therein described is hereby ordered sold by the Sheriff of Lane
10 County in the manner provided by law, and the proceeds therefrom shall be applied
11 to the payment of the judgment, interest, attorneys' fees and costs, and such other
12 sums as Plaintiff has advanced prior to judgment, and that such sums shall
13 constitute a first and specific lien and charge upon said real estate, prior and
14 superior to any right, title, estate, lien or interest of the Defendants and of anyone
15 claiming by, through or under them;
16
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18 3. Any and all persons acquiring any right, title, estate, lien or interest in
19 or to the property described above or any part thereof subsequent to April 5, 2016,
20 the date of the Deed of Trust which is foreclosed herein, are forever barred and
21 estopped from claiming or asserting any right, title, lien or interest in or to said
22 property or any part thereof, save and except for the right of redemption as allowed
23 by law; and
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4. Plaintiff is granted the right to become a bidder and purchaser at the sale, and be allowed to bid up to the aggregate amount Plaintiff is owed, plus any additional interest and reasonable costs until sale, and the purchaser shall be entitled to exclusive possession of the property upon completion of sale according to law, and to all right, title and interest in any rents and profits generated or arising from the property during the statutory redemption period; and Plaintiff is entitled to such remedies as are available at law to secure possession, including writ of assistance, if Defendants or any of them or any other party or person shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for possession; and

5. In accordance with ORS 18.950, if any proceeds from the execution sale remain after the payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall pay the remaining proceeds as directed by the court in the order of distribution.

6. If the proceeds of sale are not sufficient to satisfy Plaintiff's judgment awarded herein against Defendants, then any such deficiency may be enforced by execution as provided by law.

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1 **MONEY AWARD**
2 **(See ORS 86.797(3)(a))**

3 Judgment Creditor: David S. Snyder
4 8555 NW Arboretum Rd.
5 Corvallis, Oregon 97330

6 Attorney for Judgment Creditor: Robert J. Welsh
7 Evashevski Elliott PC
8 100 Calapooia Street SW
9 Albany, Oregon 97321

10 Judgment Debtor 1676 Riverview, LLC
11 1676 Riverview Street
12 Eugene, Oregon 97403

13 Judgment Debtor David Seals
14 (Address Unknown)

15 Judgment Debtors' Attorney: N/A

16 Date of Birth: N/A

17 SSN: N/A

18 Driver's License Number: N/A

19 Principal Balance: \$80,000.00

20 Interest on the Principal Balance
21 from March 30, 2016 to
22 November 25, 2016: \$3,093.34

23 Other Amounts Due Under Terms
24 of the Note (Late Fees): \$480.00

25 Attorneys' Fees and Costs: \$16,135.91
26 Attorneys' Fees: \$14,285.00
Total Costs: \$ 1,850.91

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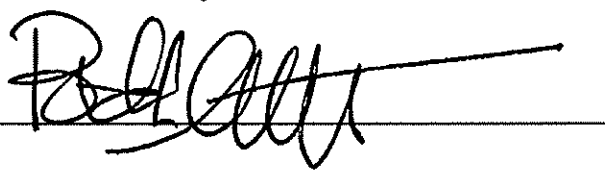
Prevailing Party Fee \$325.00

TOTAL: \$100,034.25

Pre-Judgment: Additional pre-judgment interest accrues from November 26, 2016 to the date of entry of judgment at the per diem rate of \$26.67, in accordance with the Note.

Post-Judgment: Interest accrues on the total of the amounts listed above in accordance with the contract rate in the Note or \$26.67 per day.

Signed: 4/9/2018 03:56 PM



E. Bradley Litchfield, Pro Tem Judge

SUBMITTED BY:
Robert J. Welsh, OSB No. 115493
rob@e2-law.com
Of Attorneys for Plaintiff
Trial Attorney

CERTIFICATE OF SERVICE

I certify that on April 2, 2018, I served a true copy of the foregoing **GENERAL JUDGMENT OF FORECLOSURE AGAINST 1676 RIVERVIEW, LLC, DAVID SEALS, ALL PARTIES UNKNOWN CLAIMING AN INTERST IN THE PROEPRTY** upon:

Lawrence M. Vergun
The Vergun Law Firm
10260 SW Greenburg Road, Ste. 400
Portland, Oregon 97223

***Of Attorneys for Defendants Quinice
N. Jenkins and Last Chance, LLC***

by the following indicated method(s):

by causing to be mailed to said attorney a true copy thereof contained in a sealed envelope, with postage prepaid, addressed to said attorney at their last known address and deposited in the United States mail at Corvallis, Oregon.

by E-Service through the Oregon Judicial Department eFiling System--File & Serve.

by causing hand-delivery by leaving a true copy thereof at said attorney's office with their clerk therein, or with a person apparently in charge thereof, at the office address noted above.

by personally handing said attorney a true copy thereof.

by causing a true copy thereof to be sent via facsimile to said attorney's last known facsimile number as indicated above. Proof of such transmission is attached hereto.

DATED: April 2, 2018.

EVASHEVSKI ELLIOTT PC

s/ Robert J. Welsh

By: _____
Robert J. Welsh, OSB No. 115493
Of Attorneys for Respondent

CERTIFICATE OF READINESS UTCR 5.100

This proposed **order/judgment** is ready for judicial signature because (**choose one**):

(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:

No objection has been served on me.

I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

The relief sought is against an opposing party who has been found in default.

An order of default is being requested with this proposed judgment.

Service is not required pursuant to UTCR 5.100(3), or by statute, rule or otherwise.

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 UTCR 5.100.

DATED: April 2, 2018.

EVASHEVSKI ELLIOTT PC

s/ Robert J. Welsh

By: _____

Robert J. Welsh, OSB No. 115493
Of Attorneys for Plaintiff

CERTIFICATE OF READINESS UTCR 5.100

This proposed **order/judgment** is ready for judicial signature because (choose one):

- (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:
- No objection has been served on me.
- I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
- After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Service is not required pursuant to UTCR 5.100(3), or by statute, rule or otherwise.
- 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 UTCR 5.100.

DATED: April 13, 2018.

EVASHEVSKI ELLIOTT PC

s/ Robert J. Welsh

By: _____
Robert J. Welsh, OSB No. 115493
Of Attorneys for Plaintiff

CERTIFICATE OF READINESS