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JACKSON COUNTY
SHERIFF'S OFFICE

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2007-4CB),

Case No. 18CV03418

WRIT OF EXECUTION

Plaintiff,

v.

THE ESTATE OF ANA I. H. DELFOSSE;
THE UNKNOWN HEIRS, DEVISEES AND
ASSIGNS OF ANA I. H. DELFOSSE;
HELLA CZERNER; UNITED STATES OF
AMERICA; STATE OF OREGON
EMPLOYMENT DEPARTMENT;
SOUTHERN OREGON CREDIT SERVICE,
INC.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 484 NEIL CREEK RD,
ASHLAND, OR 97520,

Defendant.

TO THE JACKSON COUNTY SHERIFF:

On November 28, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JACKSON 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: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2007-4CB) c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 484 NEIL CREEK
2 RD, ASHLAND, OR 97520 ("Subject Property"), and legally described as:

3 SEE EXHIBIT "A" ATTACHED

4 The total amount due and owing on the Judgment as of December 10, 2018;

5 Judgment:	Principal	\$565,453.05
6 Pre-Judgment:	Interest(6.500%,\$58.75/day)	\$1,938.75 (10/27/18 through 11/28/18)
7	Attorney Fees	\$3,595.00
8	Costs	\$3,099.96
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(9.00%,\$141.63/day)	\$1,700.46 (11/29/18 through 12/10/18)
11	Attorney Fees	\$305.00
12	Costs	\$0.00

13 **TOTAL: \$576,392.22**

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

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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.
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6



Signed: 12/12/2018 11:37 AM

Andrea Culbertson

Andrea Culbertson - Court Clerk

9 Presented by:

10 ALDRIDGE PITE, LLP

11 By: *Katie Riggs*

12 Katie Riggs, OSB #095861
13 *of Attorneys for Judgment Creditor*
14 (858) 750-7600
15 (503) 222-2260 (facsimile)
16 orecourtnotices@aldridgepite.com
17
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EXHIBIT "A"

BEGINNING AT A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE OF NEIL CREEK COUNTRY ROAD, FROM WHICH THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 42, TOWNSHIP 39 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEARS NORTH 1227.4 FEET AND EAST 1727.68 FEET; THENCE NORTH 16° 52' 39" EAST ALONG SAID RIGHT OF WAY LINE 152.67 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 77° 57' 20" EAST 331.54 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 16° 52' 39" WEST 130.54 FEET, TO A 5/8 INCH IRON PIN; THENCE NORTH 77° 57' 20" WEST 291.90 FEET; THENCE SOUTH 74° 03' WEST 46.98 FEET TO THE POINT OF BEGINNING.

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REGISTER OF ACTIONS
CASE No. 18CV03418

The Bank of New York Mellon vs United States of America, State of Oregon Employment Department, Southern Oregon Credit Service, Inc., All Other Persons or Parties Unknown, The Estate of Ana I. H. Delfosseetal.

§
§
§
§
§

Case Type: **Property - Foreclosure**
Date Filed: **01/29/2018**
Location: **Jackson**

PARTY INFORMATION

Attorneys

Defendant All Other Persons or Parties Unknown
484 Nell Creek Road
Ashland, OR 97520

Defendant Czerner, Hella

Defendant Delfosse, Ana I H
Removed: 03/30/2018
Inactive

Defendant Southern Oregon Credit Service, Inc.

Defendant State of Oregon Employment Department

Defendant The Estate of Ana I. H. Delfosse

Defendant The Unknown Heirs, Devisees, and Assigns of Ana I. H. Delfosse

Defendant United States of America

Plaintiff The Bank of New York Mellon *Formerly Known As* The Bank of New York, As Trustee

Christina M Andreoni
Retained
503 345-9507(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

11/28/2018 **Judgment - General** (Judicial Officer: Hoppe, David G.)
Party(United States of America; State of Oregon Employment Department; Southern Oregon Credit Service, Inc.; All Other Persons or Parties Unknown)
Created: 11/28/2018 11:30 AM

OTHER EVENTS AND HEARINGS

01/29/2018 **Complaint**
Created: 01/29/2018 11:18 AM

01/29/2018 **Service**

Delfosse, Ana I H	Unserviced	
United States of America	Served	02/08/2018
State of Oregon Employment Department	Served	02/06/2018
Southern Oregon Credit Service, Inc.	Served	02/05/2018
All Other Persons or Parties Unknown	Served	06/06/2018

Created: 01/29/2018 11:42 AM

02/19/2018 **Return - Service (Not Served)**
Created: 02/20/2018 2:00 PM

02/19/2018 **Proof of Service - Substitute**
2/8/18- mailed 2/8/18
Created: 02/20/2018 2:00 PM

02/19/2018 **Proof of Service - Substitute**
2/5/18- mailed 2/6/18
Created: 02/20/2018 2:00 PM

02/19/2018 **Return - Service (Not Served)**
Created: 02/20/2018 2:00 PM

02/19/2018 **Summons**
Created: 02/20/2018 2:00 PM

03/14/2018 **Complaint - Amended**
1st Amended
Created: 03/14/2018 3:00 PM

03/14/2018	Service The Estate of Ana I. H. Delfosse The Unknown Heirs, Devisees, and Assligns of Ana I. H. Delfosse Czerner, Hella Created: 03/30/2018 1:44 PM	Served Served Served	04/19/2018 04/19/2018 03/19/2018
03/22/2018	Proof - Service 2/5/18 Created: 03/22/2018 8:46 AM		
03/22/2018	Summons Created: 03/22/2018 8:46 AM		
03/30/2018	Proof - Service 3.19.18 Created: 03/30/2018 1:17 PM		
03/30/2018	Summons Created: 03/30/2018 1:17 PM		
04/06/2018	Motion - Service by Publication Created: 04/06/2018 3:02 PM		
04/06/2018	Declaration Created: 04/06/2018 3:02 PM		
04/06/2018	Order (Judicial Officer: Bloom, Benjamin M) <i>For Service by Publication- as to The Estate of Ana I. H. Delfosse; The Unknown Heirs, Devisees</i> Signed: 04/06/2018 Created: 04/06/2018 4:18 PM		
05/02/2018	Notice - Rule 7 - 91 Day Created: 05/02/2018 11:23 AM		
05/17/2018	Notice - Rule 7 - 63 Day Created: 05/17/2018 9:44 AM		
05/22/2018	Motion - Service by Posting Created: 05/22/2018 9:47 AM		
05/22/2018	Declaration Created: 05/22/2018 9:47 AM		
05/23/2018	Order - Allowing Service By Posting (Judicial Officer: Bloom, Benjamin M) Signed: 05/22/2018 Created: 05/23/2018 9:29 AM		
05/25/2018	Motion - Continuance Created: 05/29/2018 9:34 AM		
05/25/2018	Declaration Created: 05/29/2018 9:34 AM		
05/25/2018	Declaration <i>of service 5.25.18</i> Created: 05/29/2018 9:34 AM		
05/30/2018	Affidavit/Declaration - Publication <i>4/19/18, 4/26/18, 5/3/18, 5/10/18</i> Created: 05/31/2018 9:29 AM		
05/30/2018	Summons Created: 05/31/2018 9:29 AM		
05/31/2018	Order - Rule 7 Appearance Postponement Granted Signed Date: 05/29/2018 Created: 05/31/2018 11:28 AM		
06/21/2018	Proof - Posting Public Notice <i>POsted 6/4/18- mailed 6/6/18</i> Created: 06/21/2018 10:26 AM		
07/30/2018	Motion - Default Order Created: 07/30/2018 3:46 PM		
07/30/2018	Declaration <i>In Support of Motion for Order of Default against All Def</i> Created: 07/30/2018 3:46 PM		
07/30/2018	Affidavit/Declaration - Mailing Created: 07/30/2018 3:46 PM		
07/30/2018	Motion - Continuance Created: 07/30/2018 3:46 PM		
07/30/2018	Declaration <i>In Support of Motion and Order for Continuance</i> Created: 07/30/2018 3:46 PM		
07/31/2018	Order - Default (Judicial Officer: Bloom, Benjamin M) Signed: 07/31/2018 Created: 07/31/2018 3:47 PM		
08/01/2018	Order - Rule 7 Appearance Postponement Granted (Judicial Officer: Bloom, Benjamin M) Signed Date: 07/31/2018 Created: 08/01/2018 11:27 AM		
09/26/2018	Motion - Continuance Created: 09/26/2018 1:05 PM		
09/26/2018	Declaration Created: 09/26/2018 1:05 PM		
09/26/2018	Affidavit/Declaration - Mailing Created: 09/26/2018 1:05 PM		
09/28/2018	Order - Rule 7 Appearance Postponement Granted (Judicial Officer: Hoppe, David G.) Signed Date: 09/28/2018 Created: 09/28/2018 11:28 AM		
11/27/2018	Motion - Judgment Created: 11/28/2018 8:48 AM		
11/27/2018	Declaration <i>in support</i>		

11/27/2018 Created: 11/28/2018 8:48 AM
Affidavit/Declaration Non-Military
 Created: 11/28/2018 8:48 AM
 11/27/2018 Affidavit/Declaration - Mailing
 Created: 11/28/2018 8:48 AM
 11/27/2018 Statement - Attorney Fees
 Created: 11/28/2018 8:48 AM
 11/28/2018 Digitized Judgment Document (Judicial Officer: Hoppe, David G.)
 Signed Date: 11/28/2018
 Created: 11/28/2018 11:30 AM
 11/28/2018 Notice - Judgment Entry
 Created: 11/28/2018 11:30 AM
 11/28/2018 Closed
 Created: 11/28/2018 11:31 AM

FINANCIAL INFORMATION

	Plaintiff The Bank of New York Mellon		
	Total Financial Assessment		560.00
	Total Payments and Credits		560.00
	Balance Due as of 11/29/2018		0.00
01/29/2018	Transaction Assessment		560.00
01/29/2018	xWeb Accessed eFile Receipt # 2018-87355	The Bank of New York Mellon	(560.00)

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2007-4CB),

Plaintiff,

v.

THE ESTATE OF ANA I. H. DELFOSSE;
THE UNKNOWN HEIRS, DEVISEES AND
ASSIGNS OF ANA I. H. DELFOSSE;
HELLA CZERNER; UNITED STATES OF
AMERICA; STATE OF OREGON
EMPLOYMENT DEPARTMENT;
SOUTHERN OREGON CREDIT SERVICE,
INC.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 484 NEIL CREEK RD,
ASHLAND, OR 97520,

Defendants.

Case No. 18CV03418

**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

19 Based upon the Court's Order of Default against Defendants THE ESTATE OF ANA I.
20 H. DELFOSSE; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNS OF ANA I. H.
21 DELFOSSE; HELLA CZERNER; UNITED STATES OF AMERICA; STATE OF OREGON
22 EMPLOYMENT DEPARTMENT; SOUTHERN OREGON CREDIT SERVICE, INC.; and
23 ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN,
24 OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 484 NEIL CREEK
25 RD, ASHLAND, OR 97520, the records on file herein, and pursuant to the Motion for General
26 Judgment and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK

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

1 MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2007-4CB)
2 ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 484 NEIL CREEK RD,
5 ASHLAND, OR 97520 ("Subject Property"), as evidenced by the Deed of Trust recorded
6 January 30, 2007 in the official records of JACKSON County as Instrument Number 2007-
7 004899 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
8 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
9 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
10 legally described as follows:

11 *SEE EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF;*

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

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

19 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
20 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
21 68(C), which amount may be added to the outstanding obligation due and owing under the Note
22 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
23 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
24 by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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;

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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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 \$565,453.05.

2. Simple interest at the variable rate currently at 6.500% (\$58.75 *per diem*) after October 26, 2018, through the date of judgment.

3. Attorney fees of \$3,595.00, plus \$305.00, through the date of sale.

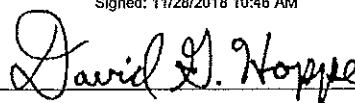
4. Costs of \$3,099.96, plus costs accrued through the date of sale.

5. Prevailing party fee: \$300.00.

6. Post-judgment interest thereafter on the total amounts, Numbers 1 – 5, above, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 11/28/2018 10:46 AM



Circuit Court Judge David G. Hoppe

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.
- 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

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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/ Sarah M. Mathenia
Sarah M. Mathenia, OSB #120681
(858) 750-7600
(503) 222-2260 (Facsimile)
smathenia@aldridgepite.com

Date: November 26, 2018

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
The Bank of New York Mellon fka The Bank of New York, as Trustee (CWALT 2007-4CB)

EXHIBIT "A"

BEGINNING AT A 5/8 INCH IRON PIN ON THE EASTERLY RIGHT OF WAY LINE OF NEIL CREEK COUNT ROAD, FROM WHICH THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 42, TOWNSHIP 39 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, BEARS NORTH 1227.4 FEET AND EAST 1727.68 FEET; THENCE NORTH 16° 52' 39" EAST ALONG SAID RIGHT OF WAY LINE 152.67 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 77° 57' 20" EAST 331.54 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 16° 52' 39" WEST 130.54 FEET, TO A 5/8 INCH IRON PIN; THENCE NORTH 77° 57' 20" WEST 291.90 FEET; THENCE SOUTH 74° 03' WEST 46.98 FEET TO THE POINT OF BEGINNING.