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

QUICKEN LOANS INC.,
Plaintiff,

Case No. 18CV30350

WRIT OF EXECUTION

v.

THE ESTATE OF RITA J. BROOKS;
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF RITA J. BROOKS; STEVEN
DONALD BROOKS, SUCCESSOR
TRUSTEE OF THE BROOKS 1986 FAMILY
TRUST, DATED AUGUST 11TH, 1986, AS
AMENDED JULY 2ND, 2013; STEVEN
DONALD BROOKS; TERRI LAINE
COLLINS-BAIN; JANA DEANNE GUNN;
GREGORY PAUL BROOKS; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 550
BOLT MOUNTAIN RD, GRANTS PASS,
OREGON 97527,

Defendant.

TO THE JOSEPHINE COUNTY SHERIFF:

On November 14, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JOSEPHINE 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: QUICKEN LOANS INC. 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 550 BOLT
2 MOUNTAIN RD, GRANTS PASS, OREGON 97527 ("Subject Property"), and legally
3 described as:

4 SEE EXHIBIT "A" ATTACHED HERETO AND MADE APART HEREOF

5 The total amount due and owing on the Judgment as of November 16, 20184;

6 Judgment:	Principal	\$237,173.86
7 Pre-Judgment:	Interest(3.75%,\$23.66/day)	\$638.82 (10/19/18 through 11/14/18)
8	Attorney Fees	\$3,407.50
9	Costs	\$3,218.82
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(9%,\$60.42/day)	\$120.85 (11/15/18 through 11/16/18)
12	Attorney Fees	\$317.50
13	Costs	\$0.00

14 **TOTAL: \$245,177.35**

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

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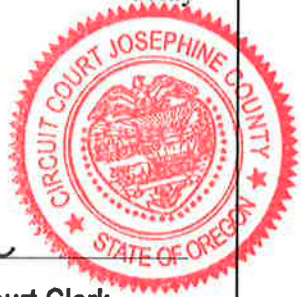
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Page 2 – WRIT OF EXECUTION

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.



4
5
6 *C. Huttman*

NOV 20 2018

Court Clerk

7 Presented by:

8 ALDRIDGE PITE, LLP

9
10 By: *Katie Riggs*

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

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 37 SOUTH, RANGE 6 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED 621.58 FEET SOUTH AND 857.53 FEET EAST FROM THE CENTER QUARTER CORNER OF SAID SECTION 10; THENCE SOUTH $02^{\circ}30'30''$ EAST 0.17 FEET TO A 5/8 INCH IRON ROD (SPERO LS 2309 PER SURVEY 92-89) ON THE SOUTH RIGHT OF WAY LINE OF BOLT MOUNTAIN ROAD FOR THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY NORTH $87^{\circ}29'30''$ EAST 36.54 FEET TO A 5/8 INCH IRON ROD (SPERO LS 2309); THENCE SOUTH $49^{\circ}20'20''$ EAST 686.20 FEET TO A 5/8 INCH IRON ROD (SPERO LS 2309); THENCE SOUTH $40^{\circ}50'00''$ WEST 317.89 FEET TO A 5/8 INCH IRON ROD (PER SURVEY 152-81); THENCE NORTH $49^{\circ}20'20''$ WEST 682.89 FEET TO A 5/8 INCH IRON ROD (SPERO LS 2309); THENCE NORTH $40^{\circ}39'40''$ EAST 292.89 FEET; THENCE NORTH $49^{\circ}20'20''$ WEST 29.00 FEET TO THE TRUE POINT OF BEGINNING.

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

QUICKEN LOANS INC.,

Plaintiff,

v.

THE ESTATE OF RITA J. BROOKS;
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF RITA J. BROOKS; STEVEN
DONALD BROOKS, SUCCESSOR
TRUSTEE OF THE BROOKS 1986 FAMILY
TRUST, DATED AUGUST 11TH, 1986, AS
AMENDED JULY 2ND, 2013; STEVEN
DONALD BROOKS; TERRI LAINE
COLLINS-BAIN; JANA DEANNE GUNN;
GREGORY PAUL BROOKS; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 550
BOLT MOUNTAIN RD, GRANTS PASS,
OREGON 97527,

Defendants.

Case No. 18CV30350

**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

Based upon the Court's Order of Default against defendants THE ESTATE OF RITA J. BROOKS; UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF RITA J. BROOKS; STEVEN DONALD BROOKS, SUCCESSOR TRUSTEE OF THE BROOKS 1986 FAMILY TRUST, DATED AUGUST 11TH, 1986, AS AMENDED JULY 2ND, 2013; STEVEN DONALD BROOKS; TERRI LAINE COLLINS-BAIN; JANA DEANNE GUNN; GREGORY PAUL BROOKS; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN

1 AS 550 BOLT MOUNTAIN RD, GRANTS PASS, OREGON 97527, the records on file herein,
2 and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
3 Plaintiff QUICKEN LOANS INC. ("Plaintiff"),

4 **IT IS HEREBY ADJUDGED:**

5 1. Plaintiff's security interest in the real property located at 550 BOLT MOUNTAIN
6 RD, GRANTS PASS, OREGON 97527 ("Subject Property"), as evidenced by the Deed of Trust
7 recorded September 26, 2013 in the official records of JOSEPHINE County as instrument
8 number 2013-013295 ("Deed of Trust"), is a viable first priority lien, superior to the interests of
9 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
10 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
11 legally described as follows:

12 SEE EXHIBIT "A" ATTACHED HERETO AND MADE APART HEREOF

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

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

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

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

16 8. Plaintiff or any other party to this action may become a purchaser at the
17 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
18 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
19 successor in interest may apply to this Court for a writ of assistance to gain possession of the
20 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 \$237,173.86.
- 2. Simple interest at the variable rate currently at 3.75% (\$23.66 *per diem*) after 10/18/2018, through the date of judgment.
- 3. Attorney fees of \$3,407.50, plus \$317.50, through the date of sale.
- 4. Costs of \$3,218.82, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.
- 6. Post-judgment interest thereafter on the total judgment amount 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: 11/9/2018 02:47 PM



Circuit Court Judge Thomas M. Hull

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

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efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

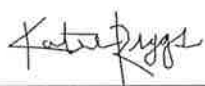
c. After conferring about objections, [**role and name of objecting party**] agreed to independently file any remaining objection.

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



Date: 11/2/2018

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
QUICKEN LOANS INC.

EXHIBIT "A"

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