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

CITIBANK, N.A.,

Plaintiff,

v.

THE ESTATE OF CAROL KUTSCH; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF CAROL KUTSCH; TERRI TURNER; KAREN HALLIWELL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 16065 DICK RD, LAPINE, OR 97739,

Defendant.

Case No. 18CV01706

**WRIT OF EXECUTION**

TO THE DESCHUTES COUNTY SHERIFF:

On November 27, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the DESCHUTES 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: CITIBANK, N.A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 16065 DICK RD, LAPINE, OR 97739 ("Subject Property"), and legally described as:

Lot 7, Block 2, Lynne Acres, recorded April 21, 1967, in Cabinet A, Page 143, Deschutes

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County, Oregon.

The total amount due and owing on the Judgment as of December 11, 2018;

Judgment:	Principal	\$47,514.65
Pre-Judgment:	Interest(6.56%,\$6.87/day)	\$192.36 (10/31/2018 through 11/27/2018)
	Attorney Fees	\$4,175.00
	Costs	\$3,465.62
	Prevailing Party Fee	\$300.00
Post-Judgment:	Interest(9.000%,\$13.79/day)	\$193.15 (11/28/2018 through 12/11/2018)
	Attorney Fees	\$305.00
	Costs	\$0.00

**TOTAL: \$56,145.78**


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

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By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

Signed: 12/19/2018 11:22 AM



Trial Court Administrator Jeffrey E. Hall



Presented by:

ALDRIDGE PITE, LLP



By: \_\_\_\_\_  
Katie Riggs, OSB #095861  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

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

CITIBANK, N.A.,

Plaintiff,

v.

THE ESTATE OF CAROL KUTSCH; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF CAROL KUTSCH; TERRI TURNER; KAREN HALLIWELL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 16065 DICK RD, LAPINE, OR 97739,

Defendants.

Case No. 18CV01706

**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

16 Based upon the Court’s Order of Default against Defendants THE ESTATE OF CAROL  
17 KUTSCH; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF CAROL KUTSCH;  
18 TERRI TURNER; KAREN HALLIWELL; and ALL OTHER PERSONS OR PARTIES  
19 UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL  
20 PROPERTY COMMONLY KNOWN AS 16065 DICK RD, LAPINE, OR 97739, the records on  
21 file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by  
22 Default by Plaintiff CITIBANK, N.A. (“Plaintiff”),

**IT IS HEREBY ADJUDGED:**

24 1. Plaintiff’s security interest in the real property located at 16065 DICK RD,  
25 LAPINE, OR 97739 (“Subject Property”), as evidenced by the Deed of Trust recorded March 22,  
26 2005 in the official records of DESCHUTES County as Instrument Number 2005-16857 (“Deed

1 of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
2 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien  
3 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

4 *See attached – Exhibit 2;*

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

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

12 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
13 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
14 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
15 and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant to the Deed of  
16 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
17 by sale of the Subject Property as directed under this Judgment;

18 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
19 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
20 under the Note and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant  
21 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
22 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

25 7. The Sheriff shall make a return on the writ of execution to the court administrator  
26 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first

1 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
2 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
3 parties as may establish their right thereto. The Defendants and all persons claiming through or  
4 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
5 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
6 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
7 every part of the Subject Property when the time for redemption has elapsed;

8         8. Plaintiff or any other party to this action may become a purchaser at the  
9 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
10 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
11 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
12 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 \$47,514.65.
2. Simple interest at the variable rate currently at 6.56% (\$6.87 *per diem*) after October 30, 2018, through the date of judgment.
3. Attorney fees of \$4,175.00, plus \$305.00, through the date of sale.
4. Costs of \$3,465.62, 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: 11/26/2018 04:44 PM



\_\_\_\_\_  
Circuit Court Judge Bethany P. Flint

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:

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- 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 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 14, 2018

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff



Lot 7, Block 2, Lynne Acres, recorded April 21, 1967, in Cabinet A, Page 143, Deschutes County,  
Oregon.

Exhibit 2  
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