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

DITECH FINANCIAL, LLC f/k/a GREEN
TREE SERVICING L.L.C.

Plaintiff,

v.

MICHAEL LEHMAN; NANCY LEHMAN
AKA NANCY CIRCOLONE;
COUNTRYWIDE HOME LOANS INC;
RICHARD E. FORCUM; THE
PROVIDENCE SUBDIVISION
HOMEOWNERS ASSOCIATION;
CITIBANK (SOUTH DAKOTA) N.A.;
UNIFUND CCR PARTNERS; YOST
FINANCIAL, LLC; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3114 NE
ELIZABETH CT., BEND, OR 97701,

Defendant.

Case No. 14CV0250FC

WRIT OF EXECUTION

TO THE DESCHUTES COUNTY SHERIFF:

On November 5, 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: DITECH FINANCIAL, LLC F/K/A GREEN TREE SERVICING LLC 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 3114 NE
2 ELIZABETH CT., BEND, OR 97701 ("Subject Property"), and legally described as:

3 LOT TWENTY-EIGHT (28), BLOCK FOUR (4), PROVIDENCE PHASE 6,
4 DESCHUTES COUNTY, OREGON.

5 The total amount due and owing on the Judgment as of November 21, 2018;

6 Judgment:	Principal	\$246,730.47
7 Pre-Judgment:	Interest(6.50%,\$24.80/day)	\$2,728.00 (7/19/2018 through 11/5/2018)
8	Attorney Fees	\$8,343.00
9	Costs	\$3,107.27
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(9.000%,\$64.41/day)	\$901.74 (11/6/2018 through 11/21/2018)
12	Attorney Fees	\$305.00
13	Costs	\$0.00

14 **TOTAL: \$262,469.81**

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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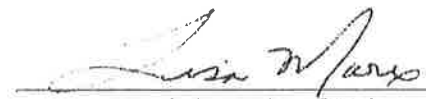

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1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.
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Signed: 12/3/2018 08:02 AM

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Administrative Analyst Lisa Marx
for Jeff Hall, Trial Court Administrator

10 Presented by:
11 ALDRIDGE PITE, LLP
12

13 By: /s/ Sarah M. Mathenia
14 { } Hunter Zook, OSB #095578
15 { } Katie Riggs, OSB #095861
16 {X} Sarah M. Mathenia, OSB #120681
17 { } Shannon K. Calt, OSB #121855
18 { } Christina Andreoni, OSB #160875
19 *of Attorneys for Judgment Creditor*
20 (858) 750-7600
21 (503) 222-2260 (facsimile)
22 orecourtnotices@aldridgepite.com
23
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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES**

DITECH FINANCIAL, LLC f/k/a GREEN
TREE SERVICING LLC,

Plaintiff,

v.

MICHAEL LEHMAN; NANCY LEHMAN
AKA NANCY CIRCOLONE;
COUNTRYWIDE HOME LOANS INC;
RICHARD E. FORCUM; THE
PROVIDENCE SUBDIVISION
HOMEOWNERS ASSOCIATION;
CITIBANK (SOUTH DAKOTA) N.A.;
UNIFUND CCR PARTNERS; YOST
FINANCIAL, LLC; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3114 NE
ELIZABETH CT., BEND, OR 97701,

Defendants.

Case No. 14CV0250FC

ASSIGNMENT OF JUDGMENT

Pursuant to ORS 18.205, the judgment creditor DITECH FINANCIAL, LLC f/k/a
GREEN TREE SERVICING LLC, hereby assigns its entire interest in the general judgment

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1 granted on November 5, 2018 in this matter, to Wilmington Savings Fund Society, FSB, d/b/a
2 Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust.

3 ALDRIDGE PITE, LLP

4 Dated: 11/21/18

5 By: *S Mathenia*
Sarah M. Mathenia, OSB #120681
Of Attorneys for the Judgment Creditor

6 STATE OF OREGON }
7 County of Multnomah }

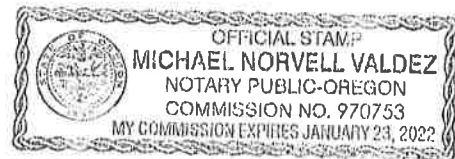
8 The foregoing instrument was acknowledged before me on this 21 day of November, 2018 by
9 Sarah Mathenia of Aldridge Pite, LLP, corporation, on behalf of the corporation.

10 WITNESS my hand and official seal.

Signature *Michael Norvell Valdez* (seal)

11 Notary Public

My Commission Expires: 1-23-2027



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

DITECH FINANCIAL, LLC f/k/a GREEN
TREE SERVICING LLC,

Plaintiff,

v.

MICHAEL LEHMAN; NANCY LEHMAN
AKA NANCY CIRCOLONE;
COUNTRYWIDE HOME LOANS INC;
RICHARD E. FORCUM; THE
PROVIDENCE SUBDIVISION
HOMEOWNERS ASSOCIATION;
CITIBANK (SOUTH DAKOTA) N.A.;
UNIFUND CCR PARTNERS; YOST
FINANCIAL, LLC; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 3114 NE
ELIZABETH CT., BEND, OR 97701,

Defendants.

Case No. 14CV0250FC

**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 Granting Plaintiff's Motion for Summary Judgment
against Defendant NANCY CIRCOLONE FKA NANCY LEHMAN, entered October 1, 2018;
the Stipulated Limited Judgment of Foreclosure Against Defendant COUNTRYWIDE HOME
LOANS INC, entered March 18, 2015; the Limited Judgment of Foreclosure By Default against
Defendants RICHARD E. FORCUM; THE PROVIDENCE SUBDIVISION HOMEOWNERS
ASSOCIATION; CITIBANK (SOUTH DAKOTA) N.A.; UNIFUND CCR PARTNERS; YOST
FINANCIAL, LLC; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING
ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY

1 KNOWN AS 3114 NE ELIZABETH CT., BEND, OR 97701, the records on file herein, and
2 pursuant to the Motion for General Judgment and Declaration of Amount Due by Summary
3 Judgment and Stipulation and Default by Plaintiff DITECH FINANCIAL, LLC f/k/a GREEN
4 TREE SERVICING LLC (“Plaintiff”),

5 **IT IS HEREBY ADJUDGED:**

6 1. Plaintiff’s security interest in the real property located at 3114 NE ELIZABETH
7 CT., BEND, OR 97701 (“Subject Property”), as evidenced by the Deed of Trust recorded
8 December 31, 2003 in the official records of DESCHUTES County as Instrument Number 2003-
9 88460 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the
10 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
11 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
12 legally described as follows:

13 LOT TWENTY-EIGHT (28), BLOCK FOUR (4), PROVIDENCE PHASE 6,
14 DESCHUTES COUNTY, OREGON;

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

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

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

1 by sale of the Subject Property as directed under this Judgment;

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

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

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

18 8. Plaintiff or any other party to this action may become a purchaser at the
19 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
20 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
21 successor in interest may apply to this Court for a writ of assistance to gain possession of the
22 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 \$246,730.47.
2. Simple interest at the variable rate currently at 6.50% (\$24.80 *per diem*) after July 18, 2018, through the date of judgment.
3. Attorney fees of \$8,343.00, plus \$305.00, through the date of sale.
4. Costs of \$3,107.27, 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: 11/2/2018 03:11 PM



Circuit Court Judge Stephen P. Forte

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.

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- 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 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 1, 2018

111 SW Columbia Street, Suite 950
Portland, OR 97201

*Of Attorneys for Plaintiff Ditech Financial, LLC
f/k/a Green Tree Servicing LLC*