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

JIM E. LISKA and SHIRLEY L. LISKA,

Plaintiffs,

v.

TRAVIS MATTHIES, KRISTIN B. WENCL
and LARRY G. KLAHN, and all other
persons or parties unknown claiming any
right, title, lien, or interest in the property
described in this complaint herein,

Defendants.

Case No. 18CV33123

WRIT OF EXECUTION
(Pursuant to ORS 18.860 & 18.862)

Fee Authority ORS 21.235(2)

TO THE SHERIFF OF KLAMATH COUNTY:

1. On December 17, 2018, in the Circuit Court of the State of Oregon for Klamath County, a General Judgment of foreclosure and money award was entered in this case in favor of Plaintiffs and against Defendants. As part of the judgment, the rights and interests of the parties were declared by the court. As part of the judgment, a money award was entered against Defendants as follows:

1.1 For unpaid principal in the sum of \$39,450.52 (which includes prejudgment interest from September 12, 2017 through December 7, 2018);

1.2 For unpaid prejudgment interest from December 8, 2018, until December 17, 2018 in the sum of \$97.06;

1.3 For unpaid property taxes in the sum of \$2,367.24;

1.4 For the real property guarantee in the sum of \$240.00;

1 1.5 For Plaintiffs' reasonable attorney fees, cost and disbursements as
2 determined by ORCP 68 in the amount of \$10,095.50.

3 1.6 Post-judgment interest at the rate of 9% per annum on the sum of
4 \$47,702.74 paragraphs 1.1, 1.3, 1.4 and 1.5 from December 18, 2018 until paid.

5 1.6.1 The total amount of post judgment interest is \$244.33 as of January
6 5, 2019, the date the request for issuance of this writ was mailed or delivered to the
7 court administrator.

8 1.6.2 Interest continues to accrue at \$12.86 per day after January 5,
9 2019.

10 2. A copy of the General Judgment and Supplemental Judgment and Money
11 Award are attached as Exhibit 1 and incorporated by reference.

12 3. In addition, the General Judgment foreclosed the lien of Plaintiffs' trust
13 deed against the real property (described on Exhibit 3 of Plaintiffs' Complaint and
14 attached hereto for reference as Exhibit 2) (Property) and declared Plaintiffs' trust deed
15 prior in time and right to defendants' interests.

16 4. The purchaser at the Sheriffs sale takes subject to the redemption rights of
17 defendants and any unpaid real property taxes.

18 5. The lien of the trust deed is foreclosed and the Property shall be sold by the
19 Sheriff of Klamath County in the manner provided by law.

20 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
21 commanded to sell the Property in the manner prescribed by law, making due return
22 within 60 days after your receive this writ.

23 6. The physical address for the Property is: 4331 Stebbins Avenue, Klamath
24 Falls, Oregon 97601.

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Proceeds from Sale of Property

7. The Proceeds of the Sheriffs Sale shall be applied in accordance with the following priority:

7.1 First, toward the costs of the sale of the Property by the Sheriff;

7.2 Second, toward all post judgment interest accrued on the money award as set forth in paragraph 1.6 above;

7.3 Third, toward the award for Plaintiffs' costs, disbursements, and reasonable attorney fees as set forth in paragraph 1.5 above;

7.4 Fourth, toward the amount awarded Plaintiffs for prejudgment interest against Defendants provided for in paragraphs 1.2 above.

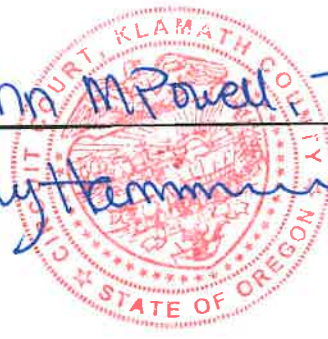
7.5 Fifth, toward the amount awarded Plaintiffs as principal against Defendants in paragraph 1.1-1.4. above.

7.6 Sixth, any surplus to the Clerk of the Court for disbursement in accordance with the further order of the Court in the manner provided for by law.

80. The mailing address for the judgment creditor is:

James R. Dole
Watkinson Laird Rubenstein, P.C.
1246 N.E. Seventh Street, Suite B
Grants Pass, OR 97526

1/4/2019 John M. Powell TCA
Amy Hammon, Clerk



Submitted by:
James R. Dole
OSB 892272
Of Attorneys for Plaintiff

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

JIM E. LISKA and SHIRLEY L. LISKA,

Plaintiffs,

v.

TRAVIS MATTHIES, KRISTIN B. WENCL
and LARRY G. KLAHN, and all other
persons or parties unknown claiming any
right, title, lien, or interest in the property
described in this complaint herein,

Defendants.

Case No. 18CV33123

GENERAL JUDGMENT

THIS MATTER having come before the court on Plaintiffs' Complaint – Action on Note, Foreclosure of Trust Deed and Money Damages – and the court having reviewed its file and being fully advised;

NOW, THEREFORE, Plaintiffs are granted judgment against Defendants as follows:

1. Money judgment is entered in favor of Jim E. Liska and Shirley L. Liska and against Defendant Travis Matthies on the First Claim of Plaintiffs' complaint in the principal sum of \$35,000.00 plus interest accruing at the rate of tenper cent (10%) per annum, in the amount of \$9.58 per day, plus monthly installments in the amount of \$291.67 per month, plus unpaid interest from September 12, 2017 through July 31, 2018 in the sum of \$3,214.70, plus Plaintiffs' attorney fees and costs in the manner provided by ORCP 68.

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GENERAL JUDGMENT – Page 1

1 2. Judgment is entered in favor of Jim E. Liska and Shirley L. Liska, and against
2 Defendants Travis Matthies, Kristin B. Wencil, and Larry G. Klahn, on the Second Claim
3 of Plaintiffs' complaint declaring that the Trust Deed executed on September 6, 2016,
4 and recorded in the real property records of Klamath County, Oregon, on September 14,
5 2016, as Document No. 2016-009741, is a valid and subsisting lien against the Property
6 described therein and foreclosing the lien thereof and directing that the Property be sold
7 by the Sheriff of Klamath County in the manner provided by law, with the proceeds
8 thereof, after costs of sale, being applied to the satisfaction of Defendants' obligations to
9 Plaintiffs. If the proceeds of sale are not sufficient to satisfy plaintiff's judgment awarded
10 herein against defendant Markey, then any such deficiency may be enforced by execution
11 as provided by law.

12 3. Judgment is entered declaring the lien of the Trust Deed to be superior to any
13 interest, lien, or claim of the defendants, or any of them.

14 4. The defendants, and each of them, and all persons claiming through or under
15 defendants as purchasers, encumbrancers or otherwise, are forever foreclosed of all
16 interest, lien, or claim in the real property described above and every portion thereof
17 excepting only any statutory right of redemption as defendants, or any of them may have
18 therein.

19 5. Plaintiffs or any other party to this suit may become the purchasers at the sale
20 of the property. The purchaser is entitled to exclusive possession of the real property
21 from and after the date of sale and is entitled to such remedies as are available at law to
22 secure possession, including a writ of assistance, if the defendants, or any of them, or
23 any other party or person shall refuse to surrender possession to the purchaser
24 immediately on the purchaser's demand for possession.

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MONEY AWARD

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1. Name and address for judgment creditor:

Jim E. Liska and Shirley L. Liska
2661 Fish Hatchery Road
Grants Pass, OR 97527

2. Name, address, and telephone number of attorney for judgment creditor:

James R. Dole, OSB No. 892272
Watkinson Laird Rubenstein
1246 N.E. Seventh Street, Suite B
Grants Pass, OR 97526
541-295-3218

3. Name and address for judgment debtor:

Travis Matthies
P.O. Box 805
Gold Hill, OR 97525

DOB: Unknown
SSN: Unknown
Oregon Driver's License No.: Unknown

4. Name, address, and telephone number for attorney for judgment debtor: None

5. Name of any person or public body, as defined in ORS 174.109, that is known by the judgment creditor to be entitled to any portion of the money award: Unknown

6. Principal Amount of Judgment: \$42,057.76

7. Attorney Fees: \$9,226.50

8. Costs and Disbursements: \$869.00

9. Prejudgment interest at the rate of ten percent (10%) per annum on principal amount of judgment from December 8, 2018, until date of entry of judgment.

10. (a) Postjudgment interest at the rate of nine percent (9%) per annum on the principal amount of judgment from date of entry of judgment until paid.

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(b) Postjudgment interest at the rate of nine percent (9%) per annum to accrue on attorney fees and costs and disbursements from date of entry of judgment until paid.

Signed: 12/17/2018 11:39 AM

Roxanne Osborne
Circuit Court Judge Roxanne Osborne

Submitted by:
James R. Dole
OSB No. 892272
Of Attorneys for Plaintiff

WATKINSON LAIRD
RUBENSTEIN, P.C.
1246 NE 7TH STREET,
SUITE B
GRANTS PASS,
OREGON 97526
PHONE 541-295-3218
FAX 541-295-3224

CERTIFICATE OF SERVICE

I certify that on December 7, 2018, I served or caused to be served proposed GENERAL JUDGMENT by mailing to said parties a true copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said parties at the last known address and deposited in the post office on said day at Grants Pass, Oregon, to the parties stated below:

Travis Matthies
4331 Stebbins Avenue
Klamath Falls, OR 97601

WATKINSON LAIRD RUBENSTEIN, P.C.

By: /s/ James R. Dole
James R. Dole, OSB No. 892272
mailto:jdole@wrlaw.com
Of Attorneys for Plaintiffs

UTCR 5.100 / CERTIFICATE OF READINESS

Pursuant to UTCR 5.100, I certify that this proposed GENERAL JUDGMENT under Case No. 18CV33123 is ready for judicial signature because a copy of this order has been served on all parties entitled to service and provided written notice of the 7-day objection period set out in subsection (2)(a)(ii) of this rule and no objection has been served on me within that time frame.

WATKINSON LAIRD RUBENSTEIN, P.C.

By /s/ James R. Dole
James R. Dole, OSB No. 892272
Of Attorney for Plaintiffs
jdole@wrlaw.com

Date: December 17, 2018

LEGAL DESCRIPTION: Real property in the County of Klamath, State of Oregon, described as follows:

Lots 8, 9, 10, Block 4, FAIRHAVEN HEIGHTS, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.