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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

ROBERT C. HIMES; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No.: 15CV34887

WRIT OF EXECUTION IN
FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 14, 2016. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OCWEN LOAN SERVICING, LLC
c/o Jeremy Clifford
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$135,811.14, plus pre judgment interest at the per diem of \$18.85 from March 31, 2016 to June 13, 2016 in the amount of \$1,413.60, plus post judgment

1 interest at the statutory rate of 9.0% per annum from June 14, 2016 to December 6, 2018 in the
2 amount of \$30,621.80, and continuing with a per diem of \$33.84, currently totaling \$167,846.54.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about September 22, 2009, the date of the Deed of Trust, and also the interest that the Defendant
7 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R489616
8 and commonly known as: 17925 Freight Road Ln, Klamath Falls, OR 97601.

9 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
10 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
11 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
12 You are to make the return within 60 days after you receive this Writ. Should the sale be
13 continued, the writ may be automatically extended for 30 days.



John M. Powell (TCA)
by Marcela Flores
Clerk December 5, 2018

18 Dated: December 4, 2018 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Jeremy Clifford

21 _ John Thomas OSB No. 024691
22 x Jeremy Clifford OSB No. 142987
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 jclifford@mccarthyholthus.com
28 Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 8 IN BLOCK 25 OF TRACT NO. 1005, FOURTH ADDITION TO KLAMATH RIVER ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

End of Legal Description

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CIRCUIT COURT OF OREGON FOR KLAMATH COUNTY

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

ROBERT C. HIMES; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 15CV34887

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the plaintiff, OCWEN LOAN SERVICING, LLC, appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-27696-JUD-OR1421346

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 476-8640

1
2 1. Plaintiff, OCWEN LOAN SERVICING, LLC be awarded judgment in the sum of
3 \$123,368.99, together with interest at a rate as provided in the Note from May 1, 2015 through March
4 30, 2016 in the amount of \$6,200.99 with additional pre-judgment interest at the per diem rate of \$18.84
5 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
6 \$2,600.00, plus other recoverable amounts of \$1,871.66 which includes the amounts itemized in the
7 declaration of the lender in support of motion for judgment plus allowable costs of \$1,769.50 as itemized
8 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
9 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.
10

11 2. Plaintiff's Deed of Trust on real property in Klamath County, Oregon, legally
12 described as follows:
13

14 LOT 8 IN BLOCK 25 OF TRACT NO. 1005, FOURTH ADDITION TO
15 KLAMATH RIVER ACRES, ACCORDING TO THE OFFICIAL PLAT THEREOF
16 ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY,
OREGON.

17 which was recorded on September 28, 2009, under Auditor's File No. 2009-012799, records of
18 Klamath County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
19 described real estate and the whole thereof as security for the payment of the judgment herein set
20 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
21 sold by the Sheriff of Klamath County in the manner provided for by law, and the proceeds therefrom
22 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other
23 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and
24 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
25 interest of the defendant ROBERT C. HIMES and of any one claiming by, through or under them;
26
27 and
28

1
2 3. ROBERT C. HIMES subsequent to September 22, 2009, the date of the Deed of Trust
3 which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title,
4 lien or interest in or to said property or any part thereof, save and except for the right of redemption
5 as allowed by law; and

6
7 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
8 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
9 law, and to all right, title and interest in any rents and profits generated or arising from the property
10 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
11 secure possession, including writ of assistance, if defendants or any of them or any other party or person
12 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
13 possession; and

14
15 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
16 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
17 pay the remaining proceeds as directed by the court in the order of distribution.
18

19
20 **DECLARATION DETERMINING AMOUNT OF DEBT**
21 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

22 Judgment Creditor: OCWEN LOAN SERVICING, LLC
23 c/o Robinson Tait, P.S.
24 710 Second Ave., Suite 710
25 Seattle, WA 98104
26 (206) 676-9640

27 Attorney for Judgment Creditor: CRAIG PETERSON
28 Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

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The name of any person or public body,
other than the Judgment Creditor's
Attorney, who is entitled to any
portion of the judgment:

None

Principal Balance: \$123,368.99

Simple Interest on the Principal Balance
from May 1, 2015 to March 30, 2016: \$6,200.99

Other Amounts Due Under Terms of Loan: \$1,871.66

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,600.00
Total Costs: \$1,769.50

Total Attorney Fees and Costs: \$4,369.50

TOTAL DEBT OWED \$135,811.14

Pre-Judgment: Additional pre-judgment interest accrues from March 31, 2016, to the date of
entry of judgment at the per diem rate of \$18.84, in accordance with the Note.

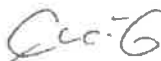
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2 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
3 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
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Signed: 6/10/2016 02:33 PM



Circuit Court Judge Cameron F. Wogan

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12 Submitted by:



13
14
15 Craig Peterson, OSB #120365
16 Email: cpeterson@robinsontait.com
17 [] Brandon Smith, OSB #124584
18 Email: bsmith@robinsontait.com
19 [] Jaimie Fender, OSB #120832
20 Email: jfender@robinsontait.com
21 [] Kimberly Hood, OSB # 123008
22 Email: KHood@robinsontait.com
23 [] Michael Althouse, OSB # 150793
24 Email: malthouse@robinsontait.com
25 Robinson Tait, P.S.
26 Attorneys for Plaintiff
27 Tel: (206) 676-9640
28 Fax: (206) 676-9659

CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a party who has been found in default.
5. An order of default is being requested with this proposed judgment.
6. Service is not required pursuant to subsection (1)(c) of UTCR 5.100, or by statute, rule, or otherwise.
7. 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 (1)(d) of UTCR 5.100.

Date:

6-9-16



Attorney, OSB

120365