

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

QUICKEN LOANS INC.,

Plaintiff,

v.

KRISTIAN M. HILL; AMANDA R.
WYLAND; STATE OF OREGON
DEPARTMENT OF HUMAN RESOURCES
SUPPORT ENFORCEMENT DIVISION;
CARTER -JONES COLLECTION SERVICE,
INC. and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1715 WINONA WAY,
KLAMATH FALLS, OR 97603,

Defendant.

Case No. 18CV37964

WRIT OF EXECUTION

TO THE KLAMATH COUNTY SHERIFF:

On November 30, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the KLAMATH 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.

The real property to be sold at public auction is commonly known as 1715 WINONA WAY, KLAMATH FALLS, OR 97603 ("Subject Property"), and legally described as:

SEE EXHIBIT "A' ATTACHED

1 The total amount due and owing on the Judgment as of December 7, 2018;

2	Judgment:	Principal	\$105,123.26
3	Pre-Judgment:	Interest(4.99%,\$13.88/day)	\$485.80 (10/27/18 through 11/30/18)
4		Attorney Fees	\$2,745.00
5		Costs	\$1,437.47
6		Prevailing Party Fee	\$300.00
7	Post-Judgment:	Interest(9%,\$27.22/day)	\$190.55 (12/1/18 through 12/7/18)
8		Attorney Fees	\$300.00
9		Costs	\$0.00

10 **TOTAL: \$110,587.08**

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

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

19

20

21

22 Presented by:

23 ALDRIDGE PITE, LLP

24

25 By: Kate Riggs

26 Riggs, OSB #095861
of Attorneys for Judgment Creditor
(858) 750-7600 (503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

Page 2 – WRIT OF EXECUTION

12/11/18

John Powell TCA
Amy Hammann
Clerk

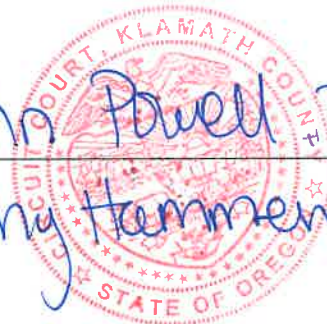


EXHIBIT "A"

LOT 14, BLOCK 2, FIRST ADDITION TO WINEMA GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

QUICKEN LOANS INC.,
Plaintiff,
v.
KRISTIAN M. HILL; AMANDA R.
WYLAND; STATE OF OREGON
DEPARTMENT OF HUMAN RESOURCES
SUPPORT ENFORCEMENT DIVISION;
CARTER -JONES COLLECTION SERVICE,
INC. and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1715 WINONA WAY,
KLAMATH FALLS, OR 97603,
Defendants.

Case No. 18CV37964

**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 KRISTIAN M. HILL;
AMANDA R. WYLAND; STATE OF OREGON DEPARTMENT OF HUMAN RESOURCES
SUPPORT ENFORCEMENT DIVISION; CARTER -JONES COLLECTION SERVICE, INC.
and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE,
LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1715
WINONA WAY, KLAMATH FALLS, OR 97603, the records on file herein, and pursuant to the
Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff
QUICKEN LOANS INC. (“Plaintiff”),

IT IS HEREBY ADJUDGED:

1. Plaintiff’s security interest in the real property located at 1715 WINONA WAY,
KLAMATH FALLS, OR 97603 (“Subject Property”), as evidenced by the Deed of Trust
recorded December 17, 2013 in the official records of KLAMATH County as instrument number

1 2013-013787 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the
2 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 SEE EXHIBIT "A" ATRTACHED HERETO AND MADE A PART HEREOF

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

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

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

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

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

26 7. The Sheriff shall make a return on the writ of execution to the court administrator

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

9 8. Plaintiff or any other party to this action may become a purchaser at the
10 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
11 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
12 successor in interest may apply to this Court for a writ of assistance to gain possession of the
13 subject property if Defendants or any other party or person refuses to surrender possession;

14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- 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: 11/16/2018

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

EXHIBIT "A"

LOT 14, BLOCK 2, FIRST ADDITION TO WINEMA GARDENS, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.