

1 ALBERTAZZI LAW FIRM
2 296 SW Columbia St. Ste. B
3 Bend, OR 97702
4 Telephone: (541) 317-0231

5 Matthew J. Dodson, OSB #181263
6 E-mail: matt@albertazzilaw.com
7 Attorney for Plaintiff

8
9 IN THE CIRCUIT COURT OF THE STATE OF OREGON
10 FOR THE COUNTY OF KLAMATH

11 UNITED STATES OF AMERICA, acting through
12 the Rural Housing Service or successor agency,
13 United States Department of Agriculture,

Case No. 18CV22934

WRIT OF EXECUTION OF REAL
PROPERTY FORECLOSURE

14 Plaintiff,

15 v.

16 UNKNOWN HEIRS AND DEVISEES OF PAUL
17 J. HUTCHINSON; PARTIES IN POSSESSION
18 OR CLAIMING THE RIGHT OF POSSESSION;
19 All other persons or parties unknown claiming any
20 right, title, lien or interest in the Property described
21 in the Complaint herein;

22 Defendants.

23 TO: THE SHERIFF OF KLAMATH COUNTY, OREGON

24 WHEREAS on November 16, 2018, a General Judgment of Foreclosure (“Judgment”) in
25 favor of Plaintiff UNITED STATES OF AMERICA, acting through the Rural Housing Service or
26 successor agency, United States Department of Agriculture, was entered and docketed in the
27 above-entitled matter, a copy of which is attached hereto and made a part hereof;

WHEREAS, the Judgment remains unsatisfied in the following amounts as of
November 26, 2018:

- 1. Principal Amount: \$ 72,205.05

- 1 2. Pre-Judgment Interest: \$ 1,752.95 (4.25% per annum after 04/19/18)
- 2 3. Post-Judgment Interest: \$ 88.73
- 3 4. Prevailing Party Fee: \$ 325
- 4 5. Attorney Fees: \$ 1,897.50
- 5 6. Costs and Disbursements: \$ 1,776.12

7 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
8 commanded to levy on and sell, in the matter prescribed by law for the sale of real property on
9 execution (subject to redemption) all interest of defendants in the following real property
10 ("Property"):

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

12 **The Westerly 120 feet of Lot 11, Block 102, BUENA VISTA ADDITION to the**
13 **City of Klamath Falls, according to the official plat thereof on file in the office of the**
14 **County Clerk of Klamath County, Oregon, more particularly described as follows:**

15 **Beginning at the Northwest corner of Lot 11 in Block 102, BUENA VISTA**
16 **ADDITION to Klamath Falls, as shown by the plat thereof on record in Klamath**
17 **County, Oregon, running thence Easterly along the lot line between Lots 10 and 11, to**
18 **said Block, 120 feet, running thence South parallel with the East line of said Lot 11 to**
19 **the South line of said Lot 11, running thence Westerly along the Southerly line of said**
20 **Lot 11, 120 feet to the Southwest corner of said Lot 11; thence Northerly 60 feet to the**
21 **place of beginning.**

22 Property street address is: 701 California Ave., Klamath Falls, OR 97601

23 and apply the proceeds of the sale in accordance with the law and levy on and sell the Property
24 within 60 days after receiving this writ, make due return within 60 days after you receive this writ.

25 ///

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
27

The Judgment creditor's mailing address is:

USDA
c/o Anthony V. Albertazzi
Albertazzi Law Firm
296 Columbia St. Suite B
Bend, OR 97702



John M. Aswell

KLAMATH COUNTY COURT ADMINSTRATOR

Deborah J. [Signature]
CIRCUIT COURT CLERK

ISSUED AT THE REQUEST OF:
Matthew J. Dodson, OSB #181263
Attorney for Plaintiff

1 ALBERTAZZI LAW FIRM
2 296 SW Columbia St., Ste. B
3 Bend, OR 97702
4 541 317-0231

5 Matthew J. Dodson, OSB #181263
6 Email: matt@albertazzilaw.com
7 Of Attorneys For Plaintiff

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

10	UNITED STATES OF AMERICA, acting through)	Case No. 18CV22934
11	the Rural Housing Service or successor agency,)	
12	United States Department of Agriculture,)	GENERAL JUDGMENT OF
13)	FORECLOSURE
14	Plaintiff,)	
15)	
16	v.)	
17)	
18	UNKNOWN HEIRS AND DEVISEES OF PAUL)	
19	J. HUTCHINSON; PARTIES IN POSSESSION)	
20	OR CLAIMING THE RIGHT OF POSSESSION;)	
21	All other persons or parties unknown claiming any)	
22	right, title, lien or interest in the Property described)	
23	in the Complaint herein;)	
24)	
25	Defendants.)	

26 This matter came before the court on the *Motion for Entry of General Judgment of*
27 *Foreclosure* filed by Plaintiff UNITED STATES OF AMERICA, acting through the Rural
28 Housing Service or successor agency, United States Department of Agriculture (“Plaintiff”).

Based upon the Orders of Default against Defendants UNKNOWN HEIRS AND
DEVISEES OF PAUL J. HUTCHINSON; PARTIES IN POSSESSION OR CLAIMING THE
RIGHT OF POSSESSION; All other persons or parties unknown claiming any right, title, lien
or interest in the Property described in the Complaint herein; the records on file herein; and
declarations submitted in support of this Judgment; and it further appearing that Defendants are
not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the
military service of the United States,

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
27
28

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 701 California Avenue, Klamath Falls, OR 97601 ("Subject Property"), as evidenced by the Deed of Trust recorded August 31, 2011, in the official records of Klamath County as Instrument Number 2011-009963 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the note(s) referenced in the Complaint herein ("Note") and Deed of Trust. The Subject Property is legally described as follows:

The Westerly 120 feet of Lot 11, Block 102, BUENA VISTA ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Lot 11 in Block 102, BUENA VISTA ADDITION to Klamath Falls, as shown by the plat thereof on record in Klamath County, Oregon, running thence Easterly along the lot line between Lots 10 and 11, to said Block, 120 feet, running thence South parallel with the East line of said Lot 11 to the South line of said Lot 11, running thence Westerly along the Southerly line of said Lot 11, 120 feet to the Southwest corner of said Lot 11; thence Northerly 60 feet to the place of beginning.

2. Plaintiff is the owner and holder of the beneficial interest in the Note and Deed of Trust.

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

4. Plaintiff is owed money under the Note and Deed of Trust. The amount owed to Plaintiff is referred to as "Amount Due" in this judgment and is further specified in the section "DECLARATION OF AMOUNT DUE BY DEFAULT" below.

5. The Amount Due to Plaintiff, is to be satisfied by sale of the Subject Property as directed under this Judgment.

1 6. Plaintiff is owed reasonable attorney fees as set forth herein pursuant to the Note
2 and Deed of Trust and ORCP Rule 68(C), which amount may be added to the Amount Due and
3 recovered from the proceeds of the sheriff's sale. Pursuant to the Note and Deed of Trust, these
4 fees continue to accrue to the date of the execution sale.

5 7. Plaintiff is owed costs of suit as set forth herein pursuant to the Note and Deed
6 of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the Amount Due
7 and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these
8 costs continue to accrue to the date of the execution sale.

9 8. Pursuant to ORS 82.010(2) post-judgment interest shall accrue on the Amount
10 Due from the date of entry of this judgment through the sale of the Subject Property at the rate
11 of 9% per annum.

12 9. Plaintiff is owed the prevailing party fee of \$325, and this amount to be satisfied
13 by sale of the Subject Property as directed under this Judgment.

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

23 11. Plaintiff or any other party to this action may become a purchaser at the
24 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
25 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
26 successor in interest may apply to this Court for a writ of assistance to gain possession of the
27 Subject Property if Defendants or any other party or person refuses to surrender possession.
28

1 12. In the event the proceeds of the Sheriff's sale are insufficient to pay the Amount
2 Due, Plaintiff shall not be entitled to any further or other judgment, including a judgment for
3 the deficiency.

4 13. This is a Judgment of Foreclosure and does not constitute a money award
5 against any defendant.

6 DECLARATION OF AMOUNT DUE BY DEFAULT

7 14. The Amount Due by default is the sum of the following:

- 8 a. The amount of the judgment is \$ 72,205.05;
- 9 b. Simple interest at 4.25% (\$ 6.4118 per diem) after 04/19/2018 through the date of
10 entry of this Judgment;
- 11 c. Attorney fees of \$ 1,897.50 through the date of entry of this Judgment;
- 12 d. Costs chargeable under the Note and Deed of Trust of \$ 1,776.12, plus costs
13 accrued through the date of sale;
- 14 e. Interest at 9% per annum on items (a) through (d) above beginning on the date of
15 entry of this Judgment and continuing through the date of sale; and
- 16 e. Prevailing party fee of \$ 325.

17
18 **IT IS SO ADJUDGED**

Signed: 11/16/2018 10:16 AM



Circuit Court Judge Dan Bunch

19
20
21 **Certificate of Readiness under UTCR 5.100**

22 I certify this proposed judgment is ready for judicial signature because the relief sought is
23 against opposing parties who have been found in default.

24
25 Dated this 15 day of November, 2018



Matthew J. Dodson, OSB #181263
Of Attorneys For Plaintiff