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

WESTERN SUN CAPITAL,)	Case No. 1003487CV
Plaintiff,)	
v.)	WRIT OF EXECUTION
)	
PHYLLIS J. MORRIS,)	
Defendant.)	

To: Sheriff of Klamath County, Oregon:

WHEREAS, in the Circuit Court of Klamath County, Oregon, Plaintiff, Western Sun Capital recovered judgment against Defendant, Phyllis J. Morris on December 21, 2010. On May 16, 2018 Plaintiff was awarded a Supplemental Judgment in addition to the General Judgment for the following sums:

1) General Judgment (entered 12/21/10)			
a.	Principal Amount Due on Judgment		\$ 14,758.04
a.	Interest on Pre-Judgment		\$ 11,805.45
b.	Costs		\$ 508.00
c.	Attorney Fees		\$ 805.00
d.	Less Payment Received		
a.	Pmt. rec'd. 1/20/11	\$ 98.59	
b.	Pmt. rec'd. 6/13/13	<u>\$ 110.19</u>	
c.	Total		<u>-\$ 208.78</u>
	Subtotal		\$ 27,667.71
e.	Additional Costs		
	Issuance Fee	\$ 45.00	
	Sheriff's Fees:	\$ 550.00	
	Sheriff Pub. Fee	\$ 268.04	
	Writ of Execution fees	<u>\$ 0.00</u>	
			\$ 863.04
f.	<u>Interest-Post-Judgment on Principal</u>		

1 - WRIT OF EXECUTION

Jesse.documents.Morris.Phyllis.Writ of execution

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Portland, Oregon 97202
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jessensp@aol.com

1. and Pre-judgment Interest minus payments received
2. From 12/21/2010 to 11/18/2018 on items 1a. and 1b. of
3. Money Judgment at the rate of 26.24% compounded
4. Annually from the date judgment is entered. \$134,731.16
5. **Current Per diem \$96.80**
6. g. Interest Post-Judgment on costs and fees
7. from 12/21/2010 to 11/18/2018 on items 1c. and 1d. of
8. Money Judgment at the rate of 9% per annum
9. from the date judgment is entered.
10. \$508.00 + \$805.00 = \$1,313.00
11. \$1,313.00 x 9% interest = \$118.17
12. \$118.17 ÷ 365 days =
13. **Current per diem \$0.32 (x 2,890 days =** **\$ 924.80**
14. h. Supplemental Judgment (entered 5/16/2018)
15. Attorney's fees \$4,012.00
16. Costs 38.70
17. Total Supplemental Judgment **\$ 4,050.70**
18. i. Post Judgment interest on Supplemental judgment
19. From 5/16/2018 to 11/18/2018
20. (\$4,050.70 x 9% interest =
21. \$364.56 ÷ 365 days =
22. **Current per diem \$0.99 x 186 day(s) =** **\$ 184.14**
23. j. **TOTAL:** **\$168,421.55 as of**
24. **November 18, 2018 with a per diem of \$98.11**
25. **from November 19, 2018 until fully paid.**

26. Total amount due on the general judgment and supplemental judgment as of 11/18/2018 is the amount of \$168,421.55 with a per diem of \$98.11 from 11/19/2018 until paid.

Said general judgment was as entered on 12/21/2010 in the Circuit Court of Klamath County, Oregon, where it and the supplemental judgment remain in force and unsatisfied in whole or in part.

THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are commanded that, out of the real property of the judgment debtor, belonging to the judgment debtor on or after the date the judgment was docketed in your county, excepting such property as the law exempts, that you satisfy the amount of the judgments with interest and costs and disbursements that may

2 - WRIT OF EXECUTION

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1. have accrued, also the costs of this writ, making due return of this writ within sixty days after
2. you receive it.

3. THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are commanded to
4. levy and sell real property of the judgment debtor and deliver proceeds to the court for
5. application against amounts owing on a money award. Judgment debtor's real property is
6. located at 124 Iowa Street, Klamath Falls, Oregon 97601, the legal description of which is as
7. follows:

8. **Lot 2 in Block 14 of NORTH KLAMATH FALLS, according to the official**
9. **plat thereof on file in the office of the County Clerk of Klamath County,**
10. **Oregon**

11. Witness my hand and seal of this court on this 20 day of November 2018.

12. John M Powell, Jct

13. Name and Title:

14. By Amy Hamm
15. Deputy



16. Issued at the request of:

17. Jesse Neal Spencer 11/20/2018
18. Jesse Neal Spencer, OSB No. 813828
19. 3331 S.E. Milwaukie Avenue
20. Portland, OR 97202
21. 503-234-4756
22. jessensp@aol.com

23. **3 - WRIT OF EXECUTION**

24. **Jesse.documents.Morris.Phyllis.Writ of execution**

25. **Jesse Neal Spencer**
26. **Attorney at Law**
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR KLAMATH COUNTY

WESTERN SUN CAPITAL,)	No. 1003487CV
)	
Plaintiff,)	
)	ORDER AUTHORIZING LEVY
v.)	AND SALE OF DEFENDANT'S
)	INTEREST IN RESIDENTIAL
PHYLLIS J. MORRIS,)	PROPERTY AND AUTHORIZING
)	SUPPLEMENTAL JUDGMENT
Defendant.)	FOR SUPPLEMENTAL
)	ATTORNEYS FEES

This matter came before the Honorable Andrea Janney, Circuit Court Judge of the above entitled Court on Monday, April 2, 2018. Plaintiff appeared through its attorney Jesse Neal Spencer, OSB 813828 and defendant appeared unrepresented at the hearing. The Court found that defendant was served with certified true copies of the Amended Notice of Hearing on Sheriff's Sale of Your Property, Amended Motion for Order Authorizing Sale of Residential Property Per ORS 18.906 and Affidavit in Support of Motion for Order Authorizing Sale of Residential Property. The Court having reviewed the Amended Notice of Hearing on Sheriff's Sale of Your Property, Amended Motion for Order Authorizing Sale of Residential Property Per ORS 18.906 and Affidavit in Support of Motion for Order Authorizing Sale of Residential Property, and the Court having had opportunity to inquire of the plaintiff and defendant having been served and having full opportunity to be present, and the Court being advised in the

1 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN
RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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1. premises:

2.

3. THE COURT FINDS AS FOLLOWS:

4.

1.

5. Plaintiff Western Sun Capital, is the holder of a general judgment in the above-entitled
6. action, entered December 21, 2010 and the amount due thereon is the sum of \$33,516.13 as of
7. November 10, 2017 with a per diem of \$4.91 from November 11, 2017 until paid and calculated
8. as follows:

9.

10.	1) General Judgment (entered 12/21/10)	
	a. Principal Amount Due on Judgment	\$ 14,758.04
	b. Interest on Pre-Judgment	\$ 11,805.45
11.	c. Costs	\$ 508.00
12.	d. Attorney Fees	\$ 805.00
	e. Less Payment Received	
13.	a. Pmt. rec'd. 1/20/11	\$ 98.59
14.	b. Pmt. rec'd. 6/13/13	\$ 110.19
	c. Total	\$ -208.78

15. Principal + Pre-Judgment Interest – payments = \$26,354.71
\$26,354.71 + \$508.00 + \$805.00 = \$27,667.71

16. f. Interest Post-Judgment

17. From 12/21/10 to 4/3/18 on items 1a. and 1b. of
18. Money Judgment at the rate of 26.24% compounded
Annually from the date judgment is entered.

19. 12/21/10 to 12/20/11
(\$26,354.71 x 26.24% interest = \$ 6,915.47

20. 12/21/11 to 12/20/12 (\$26,354.71 + \$6,915.47 =
21. \$33,270.18 x 26.24% interest = \$ 8,730.09

22. 12/21/12 to 12/20/13 (\$33,270.18 + \$8,730.09 =
23. \$42,000.27 x 26.24% interest = \$11,020.87

24. 12/21/13 to 12/20/14 (\$42,000.27 + \$11,020.87 =
25. \$53,021.14 x 26.24% interest = \$13,912.74

26. 12/21/14 to 12/20/15 (\$53,021.14 + \$13,912.74 =

2 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN
RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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1. \$66,933.88 x 26.24% interest = \$17,563.45
2.
3. 12/21/15 to 12/20/16 (\$66,933.88 + \$17,563.45 =
\$84,497.33 x 26.24% interest = \$22,172.09
4.
5. 12/21/16 to 12/20/17 (\$84,497.33 + \$22,172.09 =
\$106,669.42 x 26.24% interest = \$27,990.05
6.
7. 12/21/17 to 4/3/18 (106,669.42 + \$27,990.05 =
\$134,659.47 x 26.24% interest =
\$35,334.64 ÷ 365 days =
8. \$96.80 per day x 104 days = \$10,067.20
9. **Total post-judgment interest** **\$118,371.96**

10.
11. g. Interest Post-Judgment on costs and fees
12. from 12/21/10 to 4/3/18 on items 1c. and 1d. of
13. Money Judgment at the rate of 9% per annum
from the date judgment is entered.
14. \$508.00 + \$805.00 = \$1,313.00
\$1,313.00 x 9% interest = \$118.17
15. \$118.17 ÷ 365 days =
\$0.32 x 2,661 days = \$ 851.52

16.
17. h. **Total:** \$146,891.19 as of
18. **April 3, 2018 with a per diem of**
19. **\$97.12 from April 4, 2018 until**
20. **paid.**

21. 2.
22. The judgment does not arise out of an order or decree for child support as described in
23. ORS 18.398.

24. 3.
25. The real property to be sold is located at 118 Iowa Street, Klamath Falls, Oregon 97601
26. hereafter referred to as Lot 3 and 124 Iowa Street, Klamath Falls, Oregon 97601 hereafter

3 **ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN
RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT**

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1. referred to as Lot 2 and more particularly described as follows:

2.

3. Lot 3 in Block 14 of NORTH KLAMATH FALLS, according to the official plat
4. thereof on file in the office of the Clerk of Klamath County, Oregon.

5.

6. Lot 2 in Block 14 of NORTH KLAMATH FALLS, according to the official plat
7. thereof on file in the office of the County Clerk of Klamath County, Oregon.

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The property at Lot 3 is the homestead of defendant Phyllis J. Morris. The property at Lot 2 is NOT the homestead of defendant Phyllis J. Morris. The amount of Phyllis J. Morris' homestead exemption for Lot 3 is \$40,000.00. The judgment was more than \$3,000.00 at the time of its entry. Lot 3 has a fair market value according to Zillow.com of \$95,772.00 as of April 2, 2018 and Lot 2 has a fair market value according to Zillow.com of \$141,003.00 as of April 2, 2018.

5.

Reasonable attorney fees should be awarded herein as attorney fees were allowed on the underlying judgment pursuant to ORS 20.096 and a separate supplemental judgment is authorized to be entered herein.

6.

Defendant Phyllis J. Morris appeared unrepresented at the hearing. Any order authorizing sale shall be mailed to defendant.

BASED UPON THE FOREGOING FACTS, the Court hereby enters its Order as follows:

1.

4 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN
RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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1. IT IS HEREBY ORDERED that defendant Phyllis J. Morris' interest in that certain real
2. property located at 118 Iowa Street, Klamath Falls, OR 97601 and 124 Iowa Street, Klamath
3. Falls, OR 97601 and more particularly described as follows:
4.

5. Lot 3 in Block 14 of NORTH KLAMATH FALLS, according to the official plat
6. thereof on file in the office of the Clerk of Klamath County, Oregon.

7.
8. Lot 2 in Block 14 of NORTH KLAMATH FALLS, according to the official plat
9. thereof on file in the office of the County Clerk of Klamath County, Oregon.

10. shall be sold by the Sheriff of Klamath County, State of Oregon, in the manner provided by
11. law. Said defendant's interest shall be sold to satisfy plaintiff's original judgment entered
12. December 21, 2010 in the principal amount of \$14,758.04 with prejudgment interest of
13. \$11,805.45, minus payments received of \$208.78, then interest thereon at the rate of 26.24%
14. compounded annually from the date judgment is entered until paid, for plaintiffs costs and
15. disbursements in the amount of \$508.00 and attorney fees in the amount of \$805.00 at the
16. rate of 9% simple interest per annum, and if authorized, for plaintiff's further supplemental
17. judgment for additional attorney fees and costs.

18.
19. 2.

20. IT IS FURTHER ORDERED that the Sheriff of Klamath County, State of Oregon
21. may levy upon the real property subject to this action located at 118 Iowa Street, Klamath Falls,
22. OR 97601 and 124 Iowa Street, Klamath Falls, OR 97202 and more particularly described as
23. follows:

24. Lot 3 in Block 14 of NORTH KLAMATH FALLS, according to the official plat
25. thereof on file in the office of the Clerk of Klamath County, Oregon.

26. Lot 2 in Block 14 of NORTH KLAMATH FALLS, according to the official plat

5 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN
RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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1. thereof on file in the office of the County Clerk of Klamath County, Oregon.

2.

3. and sell said real property as authorized by law.

4.

5. 3.

6. Defendant Phyllis J. Morris' homestead exemption is \$40,000.00 for 118 Iowa Street,

7. Klamath Falls, OR 97601 and more particularly described as:

8. Lot 3 in Block 14 of NORTH KLAMATH FALLS, according to the official plat

9. thereof on file in the office of the Clerk of Klamath County, Oregon.

10. Defendant Phyllis J. Morris' homestead exemption is \$0.00 for 124 Iowa Street, Klamath

11. Falls, OR 97601 and more particularly described as:

12. Lot 2 in Block 14 of NORTH KLAMATH FALLS, according to the official plat

13. thereof on file in the office of the County Clerk of Klamath County, Oregon.

14.

15.

Signed: 5/15/2018 03:10 PM

16.



17.

Circuit Court Judge Andrea Janney

18. SUBMITTED BY:

19.  4/19/2018

20. Jesse Neal Spencer, OSB 813828

21. Attorney for Plaintiff

22. 3331 S.E. Milwaukie Avenue

23. Portland, Oregon 97202

24. (503) 234-4756

25.

26.

27.

28.

6 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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CERTIFICATE OF COMPLIANCE WITH UNIFORM TRIAL COURT RULE 5.100

- 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.
 3. I have served a copy of this order or judgment on each party 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. UTCR 8/1/17 5.5
 5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victim's Assistance Section as required by subsection (5) of this rule.
 6. Other: _____

Dated this 15th day of May 2018.



Jesse Neal Spencer, OSB 813828
Attorney for Plaintiff

8 ORDER AUTHORIZING LEVY AND SALE OF DEFENDANT'S INTEREST IN RESIDENTIAL PROPERTY AND AUTHORIZING SUPPLEMENTAL JUDGMENT

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