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

WILMINGTON SAVINGS FUND
SOCIETY, FSB, D/B/A CHRISTIANA
TRUST AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT
OPPORTUNITIES TRUST III

Case No. 18CV18465

Plaintiff,

WRIT OF EXECUTION

vs.

UNKNOWN HEIRS OF PRISCILLA
HORN; RUEBEN V. HORN, JR.;
CHERYLL P. HARRIS; PARTIES IN
POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on November 15, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause.

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1- WRIT OF EXECUTION
S&S No. 17-121988

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on October 22, 2005, the date
4 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
5 property described in the judgment:

6 LOT 2 IN BLOCK 1 OF HOMELAND TRACTS, ACCORDING TO THE OFFICIAL PLAT
7 THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY,
8 OREGON.

9 EXCEPT THE SOUTH 200 FEET OF SAID LOT.

10
11 ALSO EXCEPTING THEREFROM THAT PORTION SOLD TO THE STATE OF OREGON
12 BY AND THROUGH ITS STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY
13 COMMISSION RECORDED FEBRUARY 23, 1967, IN BOOK M67, PAGE 1250,
14 MICROFILM RECORDS OF KLAMATH COUNTY, OREGON.

15 AND EXCEPTING THEREFROM THAT PORTION THEREOF CONVEYED TO THE STATE
16 OF OREGON, BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION BY DEED
17 RECORDED NOVEMBER 15, 2001 IN VOLUME M01, PAGE 58535, MICROFILM
18 RECORDS OF KLAMATH COUNTY, OREGON.

19 and commonly known as 6150 S. 6th Street, Klamath Falls, OR 97603 to satisfy the sum of
20 \$115,696.46, as of December 11, 2018, together with additional post judgment interest of 9.00%
21 from that date (\$28.35 per day), and costs of this execution, making due return within 60 days after
22 you receive this writ.

23 //

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26 2- WRIT OF EXECUTION
S&S No. 17-121988

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Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust as Owner Trustee of the Residential Credit Opportunities Trust III is the Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.

12/14/18
John M. Powell, TCA
Amy Hammen, Clerk



Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: _____

- James A. Craft #090146 [jcraft@logs.com]
 - Kelly D. Sutherland #87357 [ksutherland@logs.com]
 - Gadi Shahak #180865 [gshahak@logs.com]
 - Holger Uhl #950143 [huhl@logs.com]*
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST AS OWNER
TRUSTEE OF THE RESIDENTIAL CREDIT
OPPORTUNITIES TRUST III,

Plaintiff,

vs.

UNKNOWN HEIRS OF PRISCILLA HORN;
RUEBEN V. HORN, JR.; CHERYLL P. HARRIS;
PARTIES IN POSSESSION,

Defendants.

Case No. 18CV18465

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Unknown Heirs of Priscilla Horn,
Rueben V. Horn, Jr. and Cheryll P. Harris. Limited Judgment of Dismissal was entered as to

Defendant, Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-121988

SHAPIRO & SUTHERLAND, LLC
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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Klamath County, Oregon is commonly known as 6150 S. 6th Street, Klamath Falls, OR
3 97603 and is legally described as follows:

4 Lot 2 in Block 1 of HOMELAND TRACTS, according to the official plat thereof on
5 file in the office of the County Clerk of Klamath County, Oregon.

6 EXCEPT the South 200 feet of said lot.

7 ALSO EXCEPTING THEREFROM that portion sold to the State of Oregon by and
8 through its State of Oregon by and through its State Highway Commission recorded
9 February 23, 1967, in Book M67, page 1250, Microfilm Records of Klamath County,
10 Oregon.

11 AND EXCEPTING THEREFROM that portion thereof conveyed to the State of
12 Oregon, by and through the Department of Transportation by Deed recorded
13 November 15, 2001 in Volume M01, page 58535, Microfilm Records of Klamath
14 County, Oregon.

15 2. The Deed of Trust executed and delivered by Defendant, Priscilla L. Horn, Cheryl P. Harris
16 and Rueben V. Horn, Jr. ("Borrower") on or about October 22, 2005 and recorded on
17 October 24, 2005 as Book M05, Page 67281 in the official records of Klamath County,
18 Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's
19 judgment as provided herein.

20 3. The Plaintiff is the holder of the original note dated October 22, 2005 and made by Priscilla
21 L. Horn in the amount of \$93,972.36. A copy of the Note was attached to the complaint as
22 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
23 (together the "Loan").
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- 1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
2 interest in the Property is foreclosed and terminated excepting only any statutory right of
3 redemption as provided by Oregon law.
- 4 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
5 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
6 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
7 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
8 interests and priorities.
- 9 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 10 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
11 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
12 County Sheriff's Office in accordance with the process for sale upon execution, and the
13 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
14 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
15 as their interest may appear or to the clerk of the court to be distributed to such party of
16 parties as may establish their right thereto.
- 17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 18 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
19 from and after the date of the sale and is entitled to such remedies as are available at law or
20 in equity to secure possession.
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1 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 2 any person holding possession under or through such Defendant(s) shall refuse to surrender
 3 possession to the purchaser immediately on the purchaser's demand for possession.

4 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$83,483.84	
Prejudgment interest at 7.93% through October 31, 2018 (accruing thereafter until entry of judgment at \$18.39 per diem)			\$23,649.07
Late Charges		\$300.00	
Other Costs and fees (recoverable)		1,563.71	
	Property Inspections	\$56.00	
	Property Preservation	\$1,350.00	
	Broker Fee	\$77.00	
	Escrow Advance	\$80.71	
Subtotal			\$85,347.55
Total plus Prejudgment Interest			\$108,996.62

15 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$2,655.28
	Title Search Cost	\$432.00	
	Filing Fee	\$560.00	
	Lis Pendens Recording Fee	\$47.00	
	Service by Publication	\$1,096.28	
	Service Costs	\$195.00	
	Death Certificate Fee	\$50.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$5,705.28

26 4 - GENERAL JUDGMENT OF FORECLOSURE AND
 SALE
 S&S No. 17-121988

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1 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
2 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

3 14. This Judgment shall not create a personal lien or liability against Borrower except as is
4 customary or necessary to execute on such Judgment and for purposes of redemption. In no
5 event should it be construed as establishing personal liability for any persons whose debt has
6 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
7 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
8 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
9 entitled to any further judgment, including a judgment for deficiency.

10 15. Execution may issue against the subject property for the aggregate amount found due
11 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
12 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
13 ORS 18.936 or other applicable law.

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.

1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 11/13/2018 10:25 AM

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10 Circuit Court Judge Roxanne Osborne
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15 **Certificate of Readiness under UTCR 5 100**

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

- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
18 shown by each party's signature on the document being submitted.
19 2. Each party affected by this order or judgment has approved the order or judgment, as
20 shown by each party's signature on the document being submitted or by written confirmation of
21 approval sent to me.
22 3. I have served a copy of this order or judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable efforts to do
25 so. I have filed a copy of the objections I received and indicated which objections remain
26 unresolved.
27 c. After conferring about objections, [role and name of objecting party] agreed to
28 independently file any remaining objection.
4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-121988

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1 5. [] This is a proposed judgment that includes an award of punitive damages and notice has
2 been served on the Director of the Crime Victims' Assistance Section as required by subsection
(5) of this rule.

3 6. [] Other: _____

4 Submitted by:
Attorneys for Plaintiff,
5 SHAPIRO & SUTHERLAND, LLC

NOV 09 2018

6 By: _____

- 7 James A. Craft #090146 [jcraft@logs.com]
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25 7 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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