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JACKSON COUNTY
SHERIFF'S OFFICE

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

KEYBANK NATIONAL ASSOCIATION, its
successors in interest and/or assigns,

Plaintiff,

vs.

DELPHINE A. PEYTON; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.: 16CV23500

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/14/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

KEYBANK NATIONAL ASSOCIATION
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 \$82,704.15, plus pre-judgment interest at the contract rate of 4%, \$8.70 per diem, from 11/25/2016 through 7/13/2017 in the amount of \$2,009.70, plus post-judgment interest at the statutory rate of 9.0% per annum from 7/14/2017 to 12/7/2018 in the amount of \$10,673.95, continuing with a per diem of \$20.89, currently totaling \$95,387.80.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about March 19, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described as follows:

6 *Attached as Exhibit 1*

7
8 and commonly known as: 531 S 1ST ST, CENTRAL POINT, OR 97502.

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.



Signed: 12/6/2018 11:02 AM

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A handwritten signature in black ink that reads "Andrea Culbertson". The signature is written in a cursive style and is positioned above a horizontal line.

Andrea Culbertson - Court Clerk

Dated: December 5, 2018, and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford

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

Exhibit 1

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 21, OF THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT, THEREOF, NOW OF RECORD; THENCE SOUTH 35 DEGREES 08 MINUTES 00 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF 1ST STREET, AND THE EXTENSION THEREOF, 191.0 FEET, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 35 DEGREES 08 MINUTES 00 SECONDS EAST 64.70 FEET, ALONG SAID STREET LINE EXTENDED; THENCE NORTH 54 DEGREES 52 MINUTES 00 SECONDS EAST, 110.40 FEET, TO THE MOST SOUTHERLY CORNER OF TRACT DESCRIBED IN VOLUME 499, PAGE 299, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE NORTH 35 DEGREES 08 MINUTES 30 SECONDS WEST, 64.63 FEET; THENCE SOUTH 54 DEGREES 54 MINUTES 10 SECONDS WEST, 110.40 FEET, TO THE TRUE POINT OF BEGINNING.

SITUATED IN THE CITY OF CENTRAL POINT, COUNTY OF JACKSON AND STATE OF OREGON.

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

KEYBANK NATIONAL ASSOCIATION, its
successors in interest and/or assigns,

Plaintiff,

v.

DELPHINE A. PEYTON; AND OCCUPANTS
OF THE PREMISES,

Defendants.

Case No. 16CV23500

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

- (1) DELPHINE A. PEYTON; AND
- (2) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff KeyBank National Association, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure and declaratory relief; that defendants Delphine A. Peyton; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Delphine A. Peyton; and Occupants of the Premises failed to appear; and that an Order of Default has been entered against them on Plaintiff's Complaint and, consequently this General Judgment of foreclosure is submitted in accordance with UTCR 5.100 (3)(c).

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2.

Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the Court's register to accomplish the following: to foreclose any and all interest of defendants Delphine A. Peyton; and Occupants of the Premises in the real property subject to this foreclosure action, located at 531 South 1st Street, Central Point, Oregon 97502 (the "Property").

3.

The court being fully advised in the Premise, finding good cause exists so this general judgment of foreclosure and sale may be entered in favor of Plaintiff and against Delphine A. Peyton; and Occupants of the Premises, all of them, it is hereby

ORDERED AND ADJUDGED:

4.

That the Deed of Trust dated March 19, 2007, executed by Delphine A. Peyton for the benefit of Key Bank National Association ("Deed of Trust"), recorded on April 4, 2007 as Instrument No. 2007-016198 in the official records of Jackson County, Oregon, modified by the loan modification agreement dated July 23, 2009, is a valid lien for the amount due and owing as set forth in Paragraph 12 herein, against the Property situated in Jackson County, Oregon, and described as follows

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 21, OF THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT, THEREOF, NOW OF RECORD; THENCE SOUTH 35 DEGREES 08 MINUTES 00 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF 1ST STREET, AND THE EXTENSION THEREOF, 191.0 FEET, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE SOUTH 35 DEGREES 08 MINUTES 00 SECONDS EAST 64.70 FEET, ALONG SAID STREET LINE EXTENDED; THENCE NORTH 54 DEGREES 52 MINUTES 00 SECONDS EAST, 110.40 FEET, TO THE MOST SOUTHERLY CORNER OF TRACT DESCRIBED IN VOLUME 499, PAGE 299, JACKSON COUNTY, OREGON, DEED RECORDS; THENCE NORTH 35 DEGREES 08 MINUTES 30 SECONDS

1 WEST, 64.63 FEET; THENCE SOUTH 54 DEGREES 54 MINUTES 10
2 SECONDS WEST, 110.40 FEET, TO THE TRUE POINT OF BEGINNING.

3 SITUATED IN THE CITY OF CENTRAL POINT, COUNTY OF JACKSON
4 AND STATE OF OREGON.

5

6 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants
7 Delphine A. Peyton; and Occupants of the Premises in the Property, and that said Deed of Trust is
8 hereby foreclosed by this Court on the Property.

9

10 That defendants Delphine A. Peyton; and Occupants of the Premises, each of them, and all
11 parties claiming by, through, or under them as purchasers, encumbrances, or otherwise, are forever
12 barred and foreclosed of all interests, liens, or claims in the Property, and every portion thereof,
13 excepting only the statutory right of redemption provided by the laws of the State of Oregon.

14

15 That defendants Delphine A. Peyton; and Occupants of the Premises, all of them, are not
16 entitled to a homestead exemption as against Plaintiff's Deed of Trust.

17

18 8.
19 That all of the right, title and interest which Delphine A. Peyton had on March 19, 2007, the
20 date of the Deed of Trust, and all of the right, title and interest defendants Delphine A. Peyton; and
21 Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered
22 to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of
23 sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 12 ; and the
24 surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their
25 right thereto.
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9.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 12 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

10.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, should defendants Delphine A. Peyton; and Occupants of the Premises refuse to surrender possession of the Property immediately upon the purchaser's demand for possession.

11.

That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$3,050.00 and its litigation costs in the amount of \$1,231.00, shall be, and is hereby declared additional amounts secured by and hereinafter shall be made part of the amount of the debt secured by Plaintiff's Deed of Trust.

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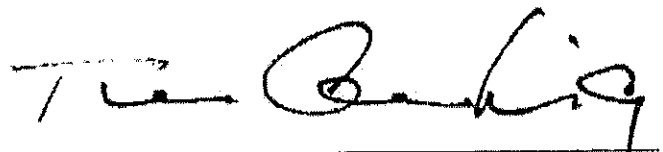
1 Post-Judgment interest thereafter on the Total
2 Amount Due at the contract rate of interest as defined
3 by the loan modification, or 9.000% per annum,
4 whichever is greater.

Total Amount Due

\$86,985.15

Signed: 7/13/2017 01:32 PM

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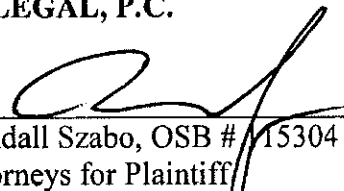


Circuit Court Judge Timothy C. Gerking

Presented by:

RCO LEGAL, P.C.

By


Randall Szabo, OSB # 15304

DATED

7/12/17

Attorneys for Plaintiff

511 SW 10th Ave., Ste. 400

Portland, OR 97205

Telephone (503) 977-7840 Facsimile (503) 977-7963

rszabo@rcolegal.com

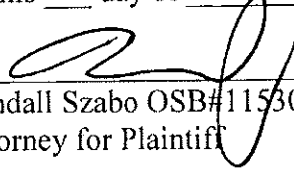
CERTIFICATE OF UTCR 5.100 COMPLIANCE

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

- A. The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B. The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C. The judgment or order is exempt from UTCR 5.100(1) because:
 - a. The judgment or order is a proposed order or judgment presented in open court with the parties present.
 - b. The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.
 - c. The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.
 - d. The proposed judgment is subject to UTCR 10.0099
 - e. The proposed judgment or order is an uncontested probate and protective proceeding.
 - f. This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.
- D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:
 - 1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
 - 2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by 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 all parties entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with the opposing 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 opposing party] agreed to independently file any remaining objection.
 - 4. The relief sought is against an opposing party who has been found to be in default.

- 1 5. [] An order of default is being requested with this proposed judgment.
- 2 6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise
- 3 noted.
- 4 7. [] This is a proposed judgment that includes an award of punitive damages and notice has been
- 5 served on the Director of the Crime Victims' Assistance Section as required by subsection
- 6 (4) of this rule.

Dated this 12 day of July, 2017

By, 
Randall Szabo OSB#115304
Attorney for Plaintiff

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