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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**

CIT BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF BONNIE R. ORTON; THE
UNKNOWN HEIRS, ASSIGNEES AND
DEVISEES OF BONNIE R. ORTON;
CAROL DEE MEEKER; ROSE ANN
BROWN; ANNA MAE FLUD; CINDY LEE
AMATANGELO; JANICE SUE HOPPER;
BENNETT L. ORTON; SECRETARY OF
HOUSING AND URBAN DEVELOPMENT;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
7426 TABLE ROCK TER, MEDFORD, OR
97502,

Defendant.

Case No. 18CV07203

WRIT OF EXECUTION

TO THE JACKSON COUNTY SHERIFF:

On October 30, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JACKSON 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: CIT BANK, N.A. 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 7426 TABLE

1 ROCK TER, MEDFORD, OR 97502 ("Subject Property"), and legally described as:

2 SEE EXHIBIT "A" ATTACHED HERETO

3 The total amount due and owing on the Judgment as of November 16, 2018;

4	Judgment:	Principal	\$209,088.41
5	Pre-Judgment:	Interest(3.340%,\$17.93/day)	\$448.25 (10/6/2018 through 10/30/2018)
6		Attorney Fees	\$3,865.00
7		Costs	\$4,828.22
8		Prevailing Party Fee	\$300.00
9	Post-Judgment:	Interest(9.000%,\$53.88/day)	\$849.86 (10/31/2018 through 11/16/2018)
10		Attorney Fees	\$260.00
11		Costs	\$0.00

12 **TOTAL: \$219,639.74**

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

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1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.
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Signed: 11/30/2018 10:46 AM



Andrea Culbertson

Andrea Culbertson - Court Clerk

9 Presented by:

10 ALDRIDGE PITE, LLP
11

12 By: /s/ Sarah M. Mathenia

- 13 { } Hunter Zook, OSB #095578
- 14 { } Katie Riggs, OSB #095861
- 15 {X} Sarah M. Mathenia, OSB #120681
- 16 { } Shannon K. Calt, OSB #121855
- 17 { } Christina Andreoni, OSB #160875

18 *of Attorneys for Judgment Creditor*
19 (858) 750-7600
20 (503) 222-2260 (facsimile)
21 orecourtnotices@aldridgepite.com
22
23
24
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TRACT A:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, IN TOWNSHIP 36 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 420.0 FEET ALONG THE EAST LINE OF SAID SECTION; THENCE WEST 426.0 FEET; THENCE NORTH 215.0 FEET; THENCE WEST 400.0 FEET; THENCE SOUTH 200.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 15.0 FEET; THENCE EAST 166.0 FEET; THENCE NORTH 15.0 FEET; THENCE WEST 166.0 FEET TO THE TRUE POINT OF BEGINNING.

TRACT B:

THE NORTH 110.0 FEET OF THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, IN TOWNSHIP 36 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; AND RUNNING THENCE WEST 660.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST 206.0 FEET; THENCE NORTH 900.0 FEET; THENCE EAST 206.0 FEET; THENCE SOUTH 900.0 FEET TO THE TRUE POINT OF BEGINNING.

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

CIT BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF BONNIE R. ORTON; THE UNKNOWN HEIRS, ASSIGNEES AND DEVSIEES OF BONNIE R. ORTON; CAROL DEE MEEKER; ROSE ANN BROWN; ANNA MAE FLUD; CINDY LEE AMATANGELO; JANICE SUE HOPPER; BENNETT L. ORTON; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7426 TABLE ROCK TER, MEDFORD, OR 97502,

Defendants.

Case No. 18CV07203

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 THE ESTATE OF BONNIE R. ORTON; THE UNKNOWN HEIRS, ASSIGNEES AND DEVSIEES OF BONNIE R. ORTON; CAROL DEE MEEKER; ROSE ANN BROWN; ANNA MAE FLUD; CINDY LEE AMATANGELO; JANICE SUE HOPPER; BENNETT L. ORTON; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7426 TABLE ROCK TER, MEDFORD, OR 97502, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff CIT BANK, N.A. ("Plaintiff"),

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 7426 TABLE ROCK
3 TER, MEDFORD, OR 97502 ("Subject Property"), as evidenced by the Deed of Trust recorded
4 November 29, 2007 in the official records of JACKSON County as Instrument Number 2007-
5 053694 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
6 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
7 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
8 legally described as follows:

9 *See attached – Exhibit 2;*

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

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

17 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
18 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
19 68(C), which amount may be added to the outstanding obligation due and owing under the Note
20 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
21 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
22 by sale of the Subject Property as directed under this Judgment;

23 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
24 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
25 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
26 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$209,088.41.

2. Simple interest at the variable rate currently at 3.340% (\$17.93 *per diem*) after October 5, 2018, through the date of judgment.

3. Attorney fees of \$3,865.00, plus \$260.00, through the date of sale.

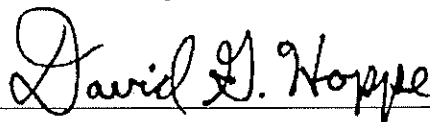
4. Costs of \$4,828.22, plus costs accrued through the date of sale.

5. Prevailing party fee: \$300.00.

6. Post-judgment interest thereafter on the total amounts, Numbers 1 – 5, above, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 10/29/2018 04:22 PM



Circuit Court Judge David G. Hoppe

CERTIFICATE OF READINESS

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 all parties entitled to service and:

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- 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.
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

/s/ Sarah M. Mathenia
Sarah M. Mathenia, OSB #120681
(858) 750-7600
(503) 222-2260 (Facsimile)
smathenia@aldridgepite.com

Date: October 24, 2018

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff

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