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CURRY COUNTY SHERIFF  
GOLD BEACH, OR

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF CURRY

WILMINGTON TRUST COMPANY, AS  
SUCCESSOR TRUSTEE TO CITIBANK,  
N.A. AS TRUSTEE TO STRUCTURED  
ASSET SECURITIES CORPORATION,  
SERIES 2005-1

Case No. 18CV00619

Plaintiff,

WRIT OF EXECUTION

vs.

RUTH KAY PAOLI, INDIVIDUALLY,  
AND AS CO-TRUSTEE OF THE  
MICHAEL D. PAOLI AND RUTH KAY  
PAOLI TRUST DATED JUNE 21, 2007;  
UNKNOWN SUCCESSOR TRUSTEE OF  
THE MICHAEL D. PAOLI AND RUTH  
KAY PAOLI TRUST DATED JUNE 21,  
2007; UNKNOWN BENEFICIARIES OF  
THE MICHAEL D. PAOLI AND RUTH  
KAY PAOLI TRUST DATED JUNE 21,  
2007; PARTIES IN POSSESSION

Defendants.

TO: CURRY COUNTY SHERIFF

1- WRIT OF EXECUTION  
S&S No. 17-120743

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 WILMINGTON TRUST COMPANY, AS SUCCESSOR TRUSTEE TO CITIBANK,  
2 N.A. AS TRUSTEE TO STRUCTURED ASSET SECURITIES CORPORATION, SERIES  
3 2005-1 is the Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro &  
4 Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253.  
5 Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.  
6  
7  
8  
9  
10

11 Kara L. Breuer/JSSIII 9/13/18  
12

13 Submitted by:  
14 Attorneys for Plaintiff,  
15 SHAPIRO & SUTHERLAND, LLC

16 By:  \_\_\_\_\_

- 17  James A. Craft #090146 [jcraft@logs.com]
  - 18  Kelly D. Sutherland #87357 [ksutherland@logs.com]
  - 19  Cara J. Richter #094855 [crichter@logs.com]
  - 20  Hoiger Uhl #950143 [huhl@logs.com]\*
- 21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
23 (360)260-2253; Fax (360)260-2285

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

Lot 75, ROGUE SHORES SUBDIVISION, Curry County, Oregon.

EXCEPT that portion of said Lot 75 included within the following described lines:

COMMENCING at a 1/4" iron pipe at the Northwest corner of said Lot 75; thence along the North line of said Lot 75, North 85°46'00" East 71.11 feet to the true point of beginning; thence South 45°13'49" East 10.83 feet to a 5/8" iron rebar with yellow plastic cap stamped "Stuntzner Eng"; thence North 89°46'11" East 37.27 feet to the West right of way line of Old Coast Road #555 per Final Order #9068 recorded in Court Book 76, Page 21-26; thence North 01°47'13" East 10.84 feet, more or less to the North line of said Lot 75; thence along the North line of said Lot 75, South 85°46'00" West 45.42 feet to the true point of beginning.

ALSO EXCEPT that portion of said Lot 75 included within the following described lines:

BEGINNING at the Southwest corner of said Lot 75; thence along the South boundary of said Lot, North 86°03' East 84.0 feet; thence South 88°44' West 31.07 feet to a point 0.1 feet South of the corner of a concrete garage wall; thence parallel with said garage wall South 87°33' West 52.62 feet to the West line of Lot 75; thence South 03°05' West 2.65 feet to the point of beginning.

TOGETHER WITH that portion of said Lot 74 included within the following described lines:

BEGINNING at a 1/2" iron pipe at the Southwest corner of said Lot 74; thence along the South line of said Lot 74, North 85°46'00" East 71.11 feet; thence North 45°13'49" West 4.30 feet to a 5/8" iron rebar with yellow plastic cap stamped "Stuntzner Eng"; thence South 89°46'11" West 67.84 feet to a 5/8" iron rebar with yellow plastic cap stamped "Stuntzner Eng"; thence South 00°11'17" West 8.00 feet to the point of beginning.

ALSO TOGETHER WITH that portion of Lot 76 of said Subdivision included within the following described lines:

COMMENCING at the Northwest corner of Lot 76; thence along the North line of said Lot 76, North 86°03' East 84.90 feet to the true point of beginning; thence continuing North 86°03' East 33.06 feet to the right of way of County Road #555; thence along said right of way South 03°25' West 1.55 feet; thence South 86°44' West 32.90 feet to the true point of beginning.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF CURRY

WILMINGTON TRUST COMPANY, AS  
SUCCESSOR TRUSTEE TO CITIBANK, N.A. AS  
TRUSTEE TO STRUCTURED ASSET  
SECURITIES CORPORATION, SERIES 2005-1,

Case No. 18CV00619

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

RUTH KAY PAOLI, INDIVIDUALLY, AND AS  
CO-TRUSTEE OF THE MICHAEL D. PAOLI  
AND RUTH KAY PAOLI TRUST DATED JUNE  
21, 2007; UNKNOWN SUCCESSOR TRUSTEE  
OF THE MICHAEL D. PAOLI AND RUTH KAY  
PAOLI TRUST DATED JUNE 21, 2007;  
UNKNOWN BENEFICIARIES OF THE  
MICHAEL D. PAOLI AND RUTH KAY PAOLI  
TRUST DATED JUNE 21, 2007; PARTIES IN  
POSSESSION,

Defendants.

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1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120743

*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 Defaults being granted contemporaneously against Defendant(s), Ruth Kay Paoli,  
2 Individually, and as Co-Trustee of the Micheal D. Paoli and Ruth Kay Paoli Trust dated June 21,  
3 2007, Unknown Successor Trustee of the Micheal D. Paoli and Ruth Kay Paoli Trust dated June  
4 21, 2007 and Unknown Beneficiaries of the Micheal D. Paoli and Ruth Kay Paoli Trust dated  
5 June 21, 2007:

6 It is hereby

7 ORDERED AND ADJUDGED:

8  
9 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
10 Curry County, Oregon is commonly known as 30596 Old Coast Road, Gold Beach, OR  
11 97444 and is legally described as follows:

12 See complete Legal Description attached and incorporated hereto as Exhibit 1

13  
14 2. The Deed of Trust executed and delivered by Defendant, Ruth K. Paoli, a married woman  
15 ("Borrower") on or about November 18, 2003 and recorded on December 5, 2003 as  
16 Instrument No. 2003-8997 in the official records of Curry County, Oregon, is a valid and  
17 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided  
18 herein.

19  
20 3. The Plaintiff is the holder of the original note dated November 18, 2003 and made by Ruth  
21 K. Paoli in the amount of \$210,000.00. 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").

24  
25 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 17-120743

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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 Curry County  
12 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of  
13 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded  
14 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest  
15 may appear or to the clerk of the court to be distributed to such party of parties as may  
16 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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10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

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

Principal		\$176,676.25	
Prejudgment interest at 3% through April 19, 2018 (accruing thereafter until entry of judgment at \$14.52 per diem)			\$6,003.35
Late Charges		\$0.00	
Other Costs and fees (recoverable)		4,673.66	
	Property Tax	\$3,434.12	
	Hazard Insurance	\$186.74	
	Property Inspections	\$135.00	
	Property Preservation	\$543.00	
	Misc. Advances	\$374.80	
	Subtotal		\$181,349.91
	Total plus Prejudgment Interest		\$187,353.26

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

Costs			\$3,306.00
	Title Search Cost	\$643.00	
	Skip Trace Costs	\$50.00	
	Filing Fee	\$560.00	
	Lis Pendens Recording Fee	\$67.00	
	Service by Publication	\$1,296.00	
	Service Costs	\$415.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$6,356.00



- 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  
11 15. Execution may issue against the subject property for the aggregate amount found due  
12 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
13 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
14 ORS 18.936 or other applicable law.
- 15  
16 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
17 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
18 judgment as to the amounts due shall be terminated.
- 19  
20 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
21 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
22 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
23 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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6

7 Signed: 6/12/2018 03:36 PM

8  
9 

10 Circuit Court Judge Cynthia L. Beaman

11  
12 **Certificate of Readiness under UTCR 5 100**

13  
14 This proposed order or judgment is ready for judicial signature because:

- 15 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
16 shown by each party's signature on the document being submitted.  
17 2.  Each party affected by this order or judgment has approved the order or judgment, as  
18 shown by each party's signature on the document being submitted or by written confirmation of  
19 approval sent to me.  
20 3.  I have served a copy of this order or judgment on each party entitled to service and:  
21 a.  No objection has been served on me.  
22 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
23 so. I have filed a copy of the objections I received and indicated which objections remain  
24 unresolved.  
25 c.  After conferring about objections, [role and name of objecting party] agreed to  
26 independently file any remaining objection.

27 //

28 //

6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120743


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1 4. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

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

6 6. [ ] Other: \_\_\_\_\_

7 Submitted by:  
8 Attorneys for Plaintiff,  
9 SHAPIRO & SUTHERLAND, LLC

10 By:  \_\_\_\_\_ JUN 08 2018

- 11  James A. Craft #090146 [jcraft@logs.com]  
12  Kelly D. Sutherland #87357 [ksutherland@logs.com]  
13  Cara J. Richter #094855 [crichter@logs.com]  
14  Holger Uhl #950143 [huhl@logs.com]\*  
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ALSO TOGETHER WITH that portion of Lot 76 of said Subdivision included within the following described lines:

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