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

1900 CAPITAL TRUST I, BY U.S. BANK
TRUST NATIONAL ASSOCIATION, NOT
IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS CERTIFICATE TRUSTEE,

Plaintiff,

vs.

THE ESTATE OF PATRICIA A. BRUCE;
UNKNOWN HEIRS AND DEVISEES OF
PATRICIA A. BRUCE; STATE OF
OREGON; PATRICIA WALKER;
COURTNEY SIMPSON; AMBER BRUCE;
MICHAEL MCCLINTON; DEPARTMENT
OF HUMAN SERVICES & OREGON
HEALTH AUTHORITY; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
DESCRIBED AS 2257 VINE AVENUE,
KLAMATH FALLS, OREGON 97601,

Defendants.

Case No.: 18CV01177

WRIT OF EXECUTION IN
FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 9/12/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 1900 CAPITAL TRUST I, BY U.S. BANK TRUST NATIONAL ASSOCIATION, NOT
2 IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE
3 c/o Jeremy Clifford
4 Attorney for Plaintiff

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McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$95,219.22, plus post judgment interest at the statutory rate of 9.0%, per annum from 9/12/2018 to 1/25/2019 in the amount of \$3,169.63, and continuing with a per diem of \$23.48, currently totaling \$98,388.85.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about September 11, 2007, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows:

SEE ATTACHED EXHIBIT A

and commonly known as: 2257 Vine Ave, Klamath Falls, OR 97601 and having APN/parcel number R480599.

Sale of the property is to satisfy the sum listed above, plus the costs incurred in performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under the writ and delay making a return on the writ to no later than 150 days from receipt of the writ. You are to make the return within 60 days after you receive this Writ. Should the sale be continued, the writ may be automatically extended for 30 days.

Date:



Jan. 25, 2019

John m. Powell, TCA
by: Maurice Anderson
Clerk

1 Dated: January 23, 2019, and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 John Thomas OSB No. 024691

5 x Jeremy Clifford OSB No. 142987

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

8 Phone: (971) 201-3200

9 Fax: (971) 201-3202

10 jclifford@mccarthyholthus.com

11 Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 480 IN BLOCK 114, MILLS ADDITION TO THE CITY OF KLAMATH FALLS,
ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE
COUNTY CLERK, KLAMATH COUNTY, OREGON.

End of Legal Description

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

1900 CAPITAL TRUST I, BY U.S. BANK
TRUST NATIONAL ASSOCIATION, NOT
IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS CERTIFICATE TRUSTEE,

Plaintiff,

vs.

THE ESTATE OF PATRICIA A. BRUCE;
UNKNOWN HEIRS and DEVISEES OF
PATRICIA A. BRUCE; STATE OF
OREGON; PATRICIA WALKER;
COURTNEY SIMPSON; AMBER BRUCE;
MICHAEL MCCLINTON; DEPARTMENT
OF HUMAN SERVICES & OREGON
HEALTH AUTHORITY; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN OR
INTEREST IN THE REAL PROPERTY
DESCRIBED AS 2257 VINE AVENUE,
KLAMATH FALLS, OREGON 97601.

Defendants.

CASE NO. 18CV01177

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff, 1900
2 Capital Trust I, by U.S. Bank Trust National Association, not in its individual capacity but solely
3 as Certificate Trustee ("Plaintiff") and against defendants The Estate of Patricia A. Bruce
4 ("Estate"); Unknown Heirs and Devisees of Patricia A. Bruce ("Heirs"); State of Oregon ("OR
5 State"); Patricia Walker ("Patricia"); Courtney Simpson ("Courtney"), Amber Bruce ("Amber"),
6 Michael McClinton ("Michael"), Department of Human Services & Oregon Health Authority
7 ("DHSOHA"), and All Other Persons or Parties Unknown claiming any right, title, lien or interest
8 in the real property ("AOP", together with Estate, Heirs, OR State, Patricia, Courtney, Amber,
9 Michael, and DHSOHA, collectively "Defendants"), and that Plaintiff has filed a Statement for
10 Attorney Fees, Costs, and Disbursements,

11 **IT IS HEREBY ORDERED AND ADJUDGED:**

12 **1.**

13 Plaintiff is awarded judgment against Defendants and all persons claiming through or
14 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
15 interest, lien or claim in the real property described above and every portion thereof excepting
16 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

17 **2.**

18 Writ of execution upon this General Judgment of Foreclosure shall issue.

19 **3.**

20 The Deed of Trust executed by Borrower and recorded on September 12, 2007, in the
21 Klamath County Recorder's Office as Instrument number 2007-016046, is a valid mortgage lien
22 for the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property,
23 located in Klamath County, Oregon commonly referred to as 2257 Vine Avenue, Klamath Falls,
24 OR 97601, with a legal description as follows:

25 LOT 480 IN BLOCK 114, MILLS ADDITION TO THE CITY OF KLAMATH FALLS,
26 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF

1 THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

2 APN: R480599.

3 4.

4 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
5 property, and all other interest in the property gained by him thereafter, or so much interest as
6 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Klamath
7 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

8 5.

9 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
10 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
11 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
12 may establish their right thereto.

13 6.

14 Defendants and all persons claiming through or under Defendants, as purchasers,
15 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
16 property described above and every portion thereof excepting only any satisfactory right of
17 redemption as Defendants may have.

18 7.

19 Plaintiff or any other party to this suit or third party purchase may become the purchaser
20 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
21 property from and after the date of sale and is entitled to such remedies as are available at law to
22 secure possession, including writ of assistance, if the Defendants and any other party or person
23 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
24 possession.

25 **SECURED DEBT**

26 1. Judgment Creditor: 1900 Capital Trust I, by U.S. Bank Trust National

Association, not in its individual capacity but solely
as Certificate Trustee
c/o Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920

2. Judgment Creditor's Attorney: Amy F. Harrington
Janaya L. Carter
Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920

3. Person or public body entitled to any portion of money award herein: None

4. Total Amount of Secured Debt:

| <u>LENDERS' PRINCIPAL AND INTEREST</u> | |
|---|---------------------|
| Principal Balance | \$ 78,219.34 |
| Accrued interest on the principal balance through 9/30/18 | \$ 7,030.53 |
| Accrued fees on the principal balance through 9/30/18 | \$ 4,024.37 |
| Additional pre-judgment interest to accrue from 10/1/18 to the date this judgment is entered, at the note rate of 6.99% (\$22.78 per diem) | |
| Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre- judgment interest accruing from 10/1/18 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale. | |
| Total Principal and Interest Through 9/30/18 at the rate of 3.92% per annum (\$7.84 per diem). | \$ 89,274.24 |
| <u>ATTORNEYS' FEES AND COSTS</u> | |
| Attorney Fees | \$ 3,460.00 |
| Attorney Costs | \$ 2,184.98 |
| Total Attorney Fees and Costs | \$ 5,644.98 |
| Prevailing Party Fee | \$ 300.00 |
| TOTAL SECURED DEBT (JUDGMENT) | \$ 95,219.22 |

1 Interest will continue to accrue on the judgment amount at the rate of Said Judgment is
2 meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment
3 against the Borrowers.
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Signed: 9/11/2018 09:55 AM

Circuit Court Judge Dan Bunch

UTCR 5.100(2) CERTIFICATE OF READINESS

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

1. Each party affected by this order of 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 of 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 of 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 have received and indicated which objections remained unresolved.
 - c. After conferring about objections [role and name of objecting party] agreed to independently file any remaining objection.
4. The relief sought is against an opposing party who has been found 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
- 3 otherwise.
- 4 7. This is a proposed judgment that includes an award of punitive damages and notice as
- 5 been served on the Director of the Crime Victims' Assistance Section as required by
- 6 subsection (5) of the rule.
- 7
- 8 8. Other: _____

9 Submitted By:

10 /s/ Janaya L. Carter 9/7/18

11 Janaya L. Carter, OSB No. 032830
12 Attorneys for Plaintiff

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