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

CITIMORTGAGE, INC.,

Plaintiff,

v.

KRISTIN CARTER AKA KRISTIN FAY
CARTER; THOMAS CARTER AKA
THOMAS KIP CARTER; ANTHONY
BOWERS; JESSICA BOWERS; STATE OF
OREGON; RIVERWALK HOLDINGS LTD;
LVNV FUNDING LLC; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 960 KING
MOUNTAIN TRL, WOLF CREEK, OR
97497-9770,

Defendant.

Case No. 17CV46327

WRIT OF EXECUTION

TO THE JOSEPHINE COUNTY SHERIFF:

On December 31, 2018, a General Judgment of Foreclosure and Declaration of Amount Due was entered by the JOSEPHINE 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: CITIMORTGAGE, INC. 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 960 KING MOUNTAIN TRL, WOLF CREEK, OR 97497-9770 ("Subject Property"), and legally described

1 as:

2 SEE ATTACHED

3 The total amount due and owing on the Judgment as of January 15, 2019;

4	Judgment:	Principal	\$190,773.93
5	Pre-Judgment:	Interest(8%,\$23.29/day)	\$1,048.05 (11/16/18 through 12/31/18)
6		Attorney Fees	\$6,617.50
7		Costs	\$2,687.38
8		Prevailing Party Fee	\$300.00
9	Post-Judgment:	Interest(9%,\$49.74/day)	\$746.13 (1/1/19 through 1/15/19)
10		Attorney Fees	\$305.00
11		Costs	\$0.00

12 **TOTAL: \$202,477.99**

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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Page 2 – WRIT OF EXECUTION

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By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

COURT ADMINISTRATOR FOR
NAME COUNTY CIRCUIT COURT

By: B. Chapman

JAN 16 2019

Court Clerk



Presented by:

ALDRIDGE PITE, LLP
Katie Riggs

By: _____
Katie Riggs, OSB #095861
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

PARCEL I:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE SOUTH 89°47'10" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR 245.0 FEET; THENCE NORTH 1°03'40" WEST PARALLEL TO THE WEST LINE OF SAID GOVERNMENT SUBDIVISION FOR 512.30 FEET TO A 5/8 INCH DIAMETER IRON ROD; THENCE 76°30'45" WEST FOR 250.82 FEET TO THE WEST LINE OF SAID GOVERNMENT SUBDIVISION; THENCE SOUTH 1°03'40" EAST ALONG SAID GOVERNMENT SUBDIVISION FOR 452.87 FEET TO THE POINT OF BEGINNING, ALSO; BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTHWEST QUARTER, 152 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, WHICH BEARS WEST 277 FEET FROM THE POINT OF BEGINNING; THENCE EAST ALONG SAID SOUTH LINE, 277 FEET TO THE POINT OF BEGINNING.

PARCEL II:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, LESS AND EXCEPT; BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER 152 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, WHICH BEARS WEST 277 FEET FROM THE POINT OF BEGINNING; THENCE EAST ALONG SAID SOUTH LINE, 277 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT CREATED BY INSTRUMENT RECORDED IN VOLUME 316, PAGE 880, RECORDS OF JOSEPHINE COUNTY, OREGON & 279/714; TOGETHER WITH A NON-EXCLUSIVE PRIVATE EASEMENT 60 FEET IN WIDTH ON THE PRESENTLY EXISTING ROAD CREATED BY INSTRUMENT RECORDED 4-8-78 IN VOLUME 316, PAGE 880 RECORDS OF JOSEPHINE COUNTY, OREGON.

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

CITIMORTGAGE, INC.,

Plaintiff,

v.

KRISTIN CARTER aka KRISTIN FAY
CARTER; THOMAS CARTER aka
THOMAS KIP CARTER; ANTHONY
BOWERS; JESSICA BOWERS; STATE OF
OREGON; RIVERWALK HOLDINGS LTD;
LVNV FUNDING LLC; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 960 KING
MOUNTAIN TRL, WOLF CREEK, OR
97497-9770

Defendants.

Case No. 17CV46327

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE**

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 THOMAS CARTER aka
THOMAS KIP CARTER; ANTHONY BOWERS; JESSICA BOWERS; STATE OF OREGON;
RIVERWALK HOLDINGS LTD; LVNV FUNDING LLC; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
REAL PROPERTY COMMONLY KNOWN AS 960 KING MOUNTAIN TRL, WOLF
CREEK, OR 97497-9770, the Stipulated Limited Judgment of Foreclosure against defendant
KRISTIN CARTER aka KRISTIN FAY CARTER, the records on file herein, and pursuant to
the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff
CITIMORTGAGE, INC. (“Plaintiff”),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 960 KING MOUNTAIN TRL, WOLF CREEK, OR 97497-9770 ("Subject Property"), as evidenced by the Deed of Trust recorded March 10, 1997 in the official records of JOSEPHINE County as instrument number 97-3913 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

SEE ATTACHED

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

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

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

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

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

14 8. Plaintiff or any other party to this action may become a purchaser at the
15 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
16 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
17 successor in interest may apply to this Court for a writ of assistance to gain possession of the
18 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 \$190,773.93.

2. Simple interest at the variable rate currently at 8% (\$23.29 *per diem*) after 11/16/2018, through the date of judgment.

3. Attorney fees of \$6,617.50, plus \$305.00, through the date of sale.

4. Costs of \$2,687.38, plus costs accrued through the date of sale.

5. Prevailing party fee: \$300.00.

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

IT IS SO ADJUDGED

Signed: 12/31/2018 12:20 PM



Circuit Court Judge Thomas M. Hull

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:
 - 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.

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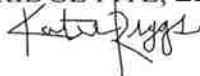
c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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



Date: 12/13/2018

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
CITIMORTGAGE, INC.

PARCEL I:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5; THENCE SOUTH 89°47'10" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER FOR 245.0 FEET; THENCE NORTH 1°03'40" WEST PARALLEL TO THE WEST LINE OF SAID GOVERNMENT SUBDIVISION FOR 512.30 FEET TO A 5/8 INCH DIAMETER IRON ROD; THENCE 76°30'45" WEST FOR 250.82 FEET TO THE WEST LINE OF SAID GOVERNMENT SUBDIVISION; THENCE SOUTH 1°03'40" EAST ALONG SAID GOVERNMENT SUBDIVISION FOR 452.87 FEET TO THE POINT OF BEGINNING, ALSO; BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SOUTHWEST QUARTER, 152 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, WHICH BEARS WEST 277 FEET FROM THE POINT OF BEGINNING; THENCE EAST ALONG SAID SOUTH LINE, 277 FEET TO THE POINT OF BEGINNING.

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