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

BANK OF AMERICA, N.A. ,

Plaintiff,

v.

THE ESTATE OF NANCY SHARON
ABLOTT; THE UNKNOWN HEIRS,
DEVISEES AND ASSIGNEES OF NANCY
SHARON ABLOTT; LAURA VARY;
PHYLLIS BARBER; SAVANNA ABLOTT;
MIKE ABLOTT; DAVID ABLOTT;
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT; SOUTHERN OREGON
CREDIT SERVICE, INC.; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1861 JAYNES
DRIVE, GRANTS PASS, OR 97527,

Defendant.

Case No. 18CV32470

WRIT OF EXECUTION

TO THE JOSEPHINE COUNTY SHERIFF:

On January 23, 2019, a General Judgment of Foreclosure and Declaration of Amount Due by Default 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: BANK OF AMERICA, 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 1861 JAYNES

1 DRIVE, GRANTS PASS, OR 97527 (“Subject Property”), and legally described as:

2 ALL THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING
3 SOUTHEASTERLY OF THE EASTERLY LINE OF JAYNES DRIVE: BEGINNING AT A
4 POINT ON THE EAST RIGHT OF WAY LINE OF THE MURPHY WILLIAMS MARKET
5 ROAD, WHERE SAID ROAD INTERSECTS THE NORTHERLY LINE OF SHORE STREET,
6 BEING THE NORTHWEST CORNER OF THE VALLEY VIEW TRACTS, AS SITUATED
7 IN SECTION 7, TOWNSHIP 37 SOUTH, RANGE 5 WEST, OF THE WILLAMETTE
8 MERIDIAN, JOSEPHINE COUNTY, OREGON, SAID POINT BEING THE TRUE POINT OF
9 BEGINNING; THENCE NORTH 89°13'00" EAST, 740.7 FEET TO THE EAST LINE OF THE
10 NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;
11 THENCE NORTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE
12 NORTHEAST QUARTER OF SAID SECTION 7, A DISTANCE OF 687.4 FEET; THENCE
13 WEST 815 FEET TO THE EASTERLY LINE OF MURPHY WILLIAMS MARKET ROAD;
14 THENCE SOUTHERLY ALONG THE EAST LINE OF SAID ROAD TO THE POINT OF
15 BEGINNING.

16 The total amount due and owing on the Judgment as of January 28, 2019;

17 Judgment:	Principal	\$182,149.42
18 Pre-Judgment:	Interest(5.56%,\$31.11/day)	\$1,679.94 (12/1/18 through 1/23/19)
19	Attorney Fees	\$3,190.00
20	Costs	\$3,269.67
21	Prevailing Party Fee	\$300.00
22 Post-Judgment:	Interest(9.000%,\$47.18/day)	\$235.93 (1/24/19 through 1/28/19)
23	Attorney Fees	\$780.00
24	Costs	\$0.00

25 **TOTAL: \$191,604.96**

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

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

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14 Presented by:

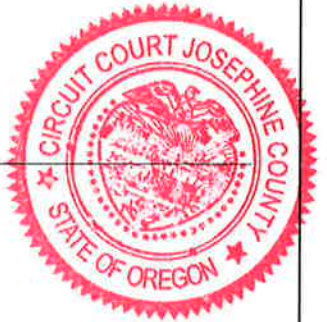
15 ALDRIDGE PITE, LLP

16
17 By: _____

18 *Katie Riggs*
19 Katie Riggs, OSB #095861
20 *of Attorneys for Judgment Creditor*
21 (858) 750-7600
22 (503) 222-2260 (facsimile)
23 orecourtnotices@aldridgepite.com
24
25
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JAN 29 2019

B. Chapman
Court Clerk



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

BANK OF AMERICA, N.A. ,

Plaintiff,

v.

THE ESTATE OF NANCY SHARON
ABLOTT; THE UNKNOWN HEIRS,
DEVISEES AND ASSIGNEES OF NANCY
SHARON ABLOTT; LAURA VARY;
PHYLLIS BARBER; SAVANNA ABLOTT;
MIKE ABLOTT; DAVID ABLOTT;
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT; SOUTHERN OREGON
CREDIT SERVICE, INC.; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1861 JAYNES
DRIVE, GRANTS PASS, OR 97527,

Defendants.

Case No. 18CV32470

**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 NANCY SHARON ABLOTT; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF NANCY SHARON ABLOTT; LAURA VARY; PHYLLIS BARBER; SAVANNA ABLOTT; MIKE ABLOTT; DAVID ABLOTT; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; SOUTHERN OREGON CREDIT SERVICE, INC.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1861 JAYNES DRIVE, GRANTS PASS, OR 97527, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of

1 Amount Due by Default by Plaintiff BANK OF AMERICA, N.A. ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 1861 JAYNES DRIVE,
4 GRANTS PASS, OR 97527 ("Subject Property"), as evidenced by the Deed of Trust recorded
5 February 11, 2010 in the official records of JOSEPHINE County as instrument number 2010-
6 001893 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
7 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
8 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
9 legally described as follows:

10 ALL THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING
11 SOUTHEASTERLY OF THE EASTERLY LINE OF JAYNES DRIVE: BEGINNING
12 AT A POINT ON THE EAST RIGHT OF WAY LINE OF THE MURPHY WILLIAMS
13 MARKET ROAD, WHERE SAID ROAD INTERSECTS THE NORTHERLY LINE OF
14 SHORE STREET, BEING THE NORTHWEST CORNER OF THE VALLEY VIEW
15 TRACTS, AS SITUATED IN SECTION 7, TOWNSHIP 37 SOUTH, RANGE 5 WEST,
16 OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, SAID
17 POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 89°13'00"
18 EAST, 740.7 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE
19 NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH ALONG THE
20 EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
21 OF SAID SECTION 7, A DISTANCE OF 687.4 FEET; THENCE WEST 815 FEET TO
22 THE EASTERLY LINE OF MURPHY WILLIAMS MARKET ROAD; THENCE
23 SOUTHERLY ALONG THE EAST LINE OF SAID ROAD TO THE POINT OF
24 BEGINNING.

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

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 in the manner provided by law;

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

6 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
7 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
8 68(C), which amount may be added to the outstanding obligation due and owing under the Note
9 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
10 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
11 by sale of the Subject Property as directed under this Judgment;

12 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
13 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
14 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
15 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
16 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

19 7. The Sheriff shall make a return on the writ of execution to the court administrator
20 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
21 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
22 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
23 parties as may establish their right thereto. The Defendants and all persons claiming through or
24 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
25 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
26 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and

1 every part of the Subject Property when the time for redemption has elapsed;

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

7 DECLARATION OF AMOUNT DUE BY DEFAULT

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

10 1. The total amount of the unpaid principal balance, interest, and other amounts
11 owed is \$182,149.42.

12 2. Simple interest at the variable rate currently at 5.56% (\$31.11 *per diem*) after
13 11/30/2018, through the date of judgment.

14 3. Attorney fees of \$3,190.00, plus \$780.00, through the date of sale.

15 4. Costs of \$3,269.67, plus costs accrued through the date of sale.

16 5. Prevailing party fee: \$300.00.

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

19 **IT IS SO ADJUDGED**

Signed: 1/22/2019 04:34 PM

20
21 

22 Circuit Court Judge Matthew G. Gall

23
24 **CERTIFICATE OF READINESS**

25 This proposed Order or Judgment is ready for judicial signature because:

26 1. Each party affected by this order or judgment has stipulated to the order or judgment,

Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

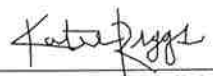
Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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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.
 - c. After conferring about objections, [**role and name of objecting party**] agreed to independently file any remaining objection.
- 4. x 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: 1/11/2019

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