

VERIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 14 DAY OF Dec 20 18
CIRCUIT COURT
CROOK COUNTY,
STATE OF OREGON
BY: *Lorielle Combs*
Lorielle Combs COURT CLERK

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2007-HY8C),

Case No. 18CV06700

WRIT OF EXECUTION

Plaintiff,

v.

ANGIE D. WEATHERMAN; DUSTIN J.
WEATHERMAN; STATE OF OREGON
DEPARTMENT OF REVENUE; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 758
NW EWEN ST, PRINEVILLE, OR 97754,

Defendant.

RECEIVED
JAN - 2 2019
CROOK COUNTY SHERIFF
CIVIL DEPARTMENT

TO THE CROOK COUNTY SHERIFF:

On August 23, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the CROOK 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: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2007-HY8C) 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 758 NW EWEN ST, PRINEVILLE, OR 97754 ("Subject Property"), and legally described as:

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SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The total amount due and owing on the Judgment as of September 13, 2018;

Judgment:	Principal	\$223,273.45
Pre-Judgment:	Interest(4.750%,\$20.50/day)	\$1,722.00 (6/1/2018 through 8/23/2018)
	Attorney Fees	\$3,192.50
	Costs	\$1,291.46
	Prevailing Party Fee	\$300.00
Post-Judgment:	Interest(9.000%,\$56.66/day)	\$1,191.40 (8/24/2018 through 9/10/2018)
	Attorney Fees	\$305.00
	Costs	\$0.00


TOTAL: \$231,275.81

In the name of the State of Oregon, you are hereby directed to proceed to notice for sale and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the 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: 9/17/2016 10:14 AM

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9 **Amy Bonkosky, Trial Court Administrator**

9 Presented by:
10 ALDRIDGE PITE, LLP

11 By: /s/ Sarah M. Mathenia
12 {} Hunter Zook, OSB #095578
13 {} Katie Riggs, OSB #095861
14 {x} Sarah Mathenia, OSB #120681
{} Shannon K. Calt, OSB #121855
{} Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
15 (858) 750-7600
16 (503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

THE SOUTH 20 FEET OF LOT EIGHT (8) AND ALL OF LOT NINE (9) IN BLOCK 8 OF FIFTH ADDITION TO PRINCEVILLE, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED FEBRUARY 9, 1905 IN BOOK 1 OF PLATS AT PAGE 23, RECORDS OF CROOK COUNTY, OREGON.

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2007-HY8C),

Plaintiff,

v.

ANGIE D. WEATHERMAN; DUSTIN J.
WEATHERMAN; STATE OF OREGON
DEPARTMENT OF REVENUE; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 758
NW EWEN ST, PRINEVILLE, OR 97754,

Defendants.

Case No. 18CV06700

**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 ANGIE D. WEATHERMAN; DUSTIN J. WEATHERMAN; STATE OF OREGON DEPARTMENT OF REVENUE; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 758 NW EWEN ST, PRINEVILLE, OR 97754, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2007-HY8C) ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 758 NW EWEN ST,

1 PRINEVILLE, OR 97754 (“Subject Property”), as evidenced by the Deed of Trust recorded
2 February 15, 2008 in the official records of CROOK County as instrument number 2008-226688
3 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All
4 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
5 Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally
6 described as follows:

7 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

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

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

21 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
22 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
23 under the Note and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant
24 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
25 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

26 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by

1 sale of the Subject Property as directed under this Judgment.

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

11 8. Plaintiff or any other party to this action may become a purchaser at the
12 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
13 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
14 successor in interest may apply to this Court for a writ of assistance to gain possession of the
15 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 \$223,273.45.
- 2. Simple interest at the variable rate currently at 4.750% (20.50 *per diem*) after May 31, 2018, through the date of judgment.
- 3. Attorney fees of \$3,192.50, plus 305.00, through the date of sale.
- 4. Costs of \$1,291.46, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.
- 6. Post-judgment interest thereafter on the total amounts #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: 8/23/2018 02:20 PM



Annette C. Hillman, Circuit Court Judge

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

/s/ Sarah M. Mathenia

Date: August 22, 2018

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

of Attorneys for Plaintiff
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