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CURRY COUNTY SHERIFF  
GOLD BEACH, OR

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

CENLAR FSB,

Case No. 18CV33059

Plaintiff,

**WRIT OF EXECUTION**

v.

DENNIS E. ALLEN; LINDA D. ALLEN;  
FRANK C. ROBERTS; STEPHEN DAVIS  
AS AFFIDAVIT AND CALMING  
SUCCESSOR OF THE ESTATE OF BRUCE  
ALLAN DAVIS; THE UNKNOWN HEIRS,  
ASSIGNS, AND DEVISEES OF THE  
ESTATE OF BRUCE ALLAN DAVIS;  
JOHN CHARLES PRESTON; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 402  
SMITH DRIVE, BROOKINGS, OR 97415,

Defendant.

TO THE CURRY COUNTY SHERIFF:

On November 19, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the CURRY 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: CENLAR FSB 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 402 SMITH DRIVE, BROOKINGS, OR 97415 ("Subject Property"), and legally described as:

1 LOT THIRTEEN (13), FIRST ADDITION TO SPRUCE KNOLL SUBDIVISION,  
2 CITY OF BROOKINGS, COUNTY OF CURRY, STATE OF OREGON.

3 The total amount due and owing on the Judgment as of December 7, 2018;

4 Judgment:	Principal	\$130,613.12
5 Pre-Judgment:	Interest(7.00%, \$16.42/day)	\$0.00 (11/19/2018)
6	Attorney Fees	\$3,457.50
7	Costs	\$3,538.30
8	Prevailing Party Fee	\$300.00
9 Post-Judgment:	Interest(9.000%, \$34.08/day)	\$613.50 (11/20/2018 through 12/7/2018)
10	Attorney Fees	\$317.50
11	Costs	\$0.00

12 **TOTAL: \$138,839.92**

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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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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12-12-2018

Cheryl Kerr  
JSS3

9 Presented by:

10 ALDRIDGE PITE, LLP

11 By: 

12 Katie Riggs, OSB #095861  
13 *of Attorneys for Judgment Creditor*  
14 (858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

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

CENLAR FSB,

Plaintiff,

v.

DENNIS E. ALLEN; LINDA D. ALLEN;  
FRANK C. ROBERTS; STEPHEN DAVIS  
AS AFFIDAVIT AND CALMING  
SUCCESSOR OF THE ESTATE OF BRUCE  
ALLAN DAVIS; THE UNKNOWN HEIRS,  
ASSIGNS, AND DEVISEES OF THE  
ESTATE OF BRUCE ALLAN DAVIS;  
JOHN CHARLES PRESTON; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 402  
SMITH DRIVE, BROOKINGS, OR 97415,

Defendants.

Case No. 18CV33059

**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 DENNIS E. ALLEN;  
LINDA D. ALLEN; FRANK C. ROBERTS; STEPHEN DAVIS AS AFFIDAVIT AND  
CALMING SUCCESSOR OF THE ESTATE OF BRUCE ALLAN DAVIS; THE UNKNOWN  
HEIRS, ASSIGNS, AND DEVISEES OF THE ESTATE OF BRUCE ALLAN DAVIS; JOHN  
CHARLES PRESTON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING  
ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY  
KNOWN AS 402 SMITH DRIVE, BROOKINGS, OR 97415, the records on file herein, and  
pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by  
Plaintiff CENLAR FSB ("Plaintiff"),

1           **IT IS HEREBY ADJUDGED:**

2           1.       Plaintiff's security interest in the real property located at 402 SMITH DRIVE,  
3 BROOKINGS, OR 97415 ("Subject Property"), as evidenced by the Deed of Trust recorded May  
4 1, 2001 in the official records of CURRY County as instrument number 2001-2068 ("Deed of  
5 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
6 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
7 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

8                 Lot Thirteen (13), FIRST ADDITION to SPRUCE KNOLL SUBDIVISION, City of  
9                 Brookings, County of Curry, State of Oregon.

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

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

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

23          5.       Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
24 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
25 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
26 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

13 8. Plaintiff or any other party to this action may become a purchaser at the  
14 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
15 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
16 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
17 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 \$130,613.12.
2. Simple interest at the variable rate currently at 7.00% (\$16.42 *per diem*) after 11/19/2018, through the date of judgment.
3. Attorney fees of \$3,457.50, plus \$317.50, through the date of sale.
4. Costs of \$3,538.30, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total judgment amount above, #1-5, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 11/19/2018 04:20 PM



Circuit Court Judge Cynthia L. Beaman

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

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efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

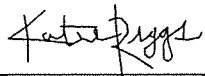
c.  After conferring about objections, [ **role and name of objecting party**] agreed to independently file any remaining objection.

4.  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: 11/13/2018

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kriggs@aldridgepite.com

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Portland, OR 97201

Of Attorneys for Plaintiff  
CENLAR FSB