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Court clerk has not verified the figures in this will. If you have questions regarding this will, please contact your legal counsel, the leasing agent or company. Debtor may contest this will by filing a claim of exemption.

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

TEE OFF ESTATES HOMEOWNERS ASSOCIATION, an Oregon non-profit corporation,

Plaintiff,

v.

CATHERINE THOMAS, AN INDIVIDUAL;
STATE OF OREGON, DEPARTMENT OF REVENUE; AND PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION,

Defendants.

Case No. 18CV28324

WRIT OF EXECUTION IN FORECLOSURE OF RESIDENTIAL REAL PROPERTY

TO THE SHERIFF OF MULTNOMAH COUNTY:

WHEREAS, on December 21, 2018, in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto and made part hereof.

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 residential real property upon execution (subject to redemption), all of the interest which the defendant Catherine Thomas ("Thomas"), State of Oregon, Department of Revenue ("Oregon"), Parties in Possession or Claiming a Right to Possession ("Parties") or their predecessors interest had on April 11, 2014, the date the homeowners association lien was recorded, and also all of the interest which the Defendants Thomas, Oregon, and Parties had thereafter, in the real property described in the judgment, described as follows:

Unit 3, Building 32, TEE OFF ESTATES CONDOMINIUM, recorded in Plat Book 1202, Page 25, in the City of Gresham, County of Multnomah and State of Oregon, TOGETHER WITH an undivided interest in the general and limited common

1 elements appurtenant thereto, as more fully set forth and described in the
2 Declaration of Unit Ownership recorded August 17, 1971, in Book 807, Page 1263,
3 and any/all supplemental declarations and/or amendments thereto, records of
4 Multnomah County, Oregon, which description is incorporated herein and by
5 reference made a part thereof.

6 The property is commonly known as 1649 NE Kane Drive, Gresham, Oregon 97030
7 ("Property").

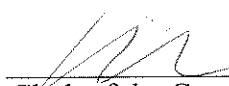
8 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendants
9 Thomas, Oregon, and Parties which accrued from date of judgment to date of sale; and the cost
10 of this writ, making due return within 60 days after you receive this writ. The proceeds from the
11 sale shall be applied in accordance with the judgments.

12 The balance as of February 12, 2019, exclusive of post judgment attorney fees and post
13 judgment dues and assessments is as follows:


14 1. Principal Amount:	\$20,754.57
15 2. Amount of Costs and Disbursements:	\$763.90
16 3. Amount of Attorney Fees:	\$2,249.99
17 4. Amount of Post-Judgment Interest on December 21, 2018 18 Judgment Principal Balance and Judgment Attorney Fees 19 and Costs (through February 12, 2019): (\$5.86 per day – 53 20 days (9% per annum))	\$310.58
21 5. Total amount through February 12, 2019: (Per diem 22 thereafter \$5.86)	\$24,079.04

23 The mailing address of the judgment creditor is:
24 Tee Off Estates Homeowners Association
25 c/o Vial Fotheringham LLP
26 Attn: C. Sarah Lappin
27 17355 SW Boones Ferry Rd., Suite A
28 Lake Oswego, OR 97035

DATED this 28 day of March, 2019.


Clerk of the Court

Submitted by:
VIAL FOTHERINGHAM LLP

By: 
C. Sarah Lappin, OSB# 077070
Of Attorneys for Plaintiff

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

TEE OFF ESTATES HOMEOWNERS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

CATHERINE THOMAS, an individual,
STATE OF OREGON, DEPARTMENT OF
REVENUE; AND PARTIES IN
POSSESSION OR CLAIMING A RIGHT TO
PROPERTY

Defendants.

) Case No. 18CV28324

)
) GENERAL JUDGMENT OF
) FORECLOSURE AS TO
) DEFENDANTS CATHERINE
) THOMAS AND PARTIES IN
) POSSESSION OR CLAIMING A
) RIGHT TO POSSESSION BY
) DEFAULT AND AS TO STATE
) OF OREGON, DEPARTMENT
) OF REVENUE BY
) STIPULATION

) (Ex Parte)

This matter coming regularly before the Court on this day, and it appearing from the record that an Order for Default was entered against Defendants Catherine Thomas and Parties in Possession or Claiming a Right to Possession (collectively "Defendants"):

1. The real property to which this judgment relates is situated in Multnomah County, Oregon and is legally described as:

Unit 3, Building 32, TEE OFF ESTATES CONDOMINIUM, recorded in Plat Book 1202, Page 25, in the City of Gresham, County of Multnomah and State of Oregon, TOGETHER WITH an undivided interest in the general and limited common elements appurtenant thereto, as more fully set forth and described in the Declaration of Unit Ownership recorded August 17, 1971, in Book 807, Page 1263, and any/all supplemental declarations and/or amendments thereto, records of Multnomah County, Oregon, which description is incorporated herein and by reference made a part thereof.

1 And is more commonly known as 1649 Kane Drive, Gresham, Oregon 97030
2 (hereinafter the "Property").

3 STIPULATION

4 1.

5 Plaintiff Tee Off Estates Homeowners Association ("Plaintiff"), by and through its
6 attorney, Jordana S. Loughran of Vial Fotheringham LLP, and Defendant of State of Oregon -
7 Department of Revenue ("State of Oregon"), acting through the Oregon Department of Justice,
8 by and through its attorney of record, Assistant Attorney General, Daniel Rice, hereby stipulate
9 to this General Judgment of Foreclosure against the Property.

10 2.

11 Plaintiff and State of Oregon have agreed and stipulated to the following terms set forth
12 in this General Judgment of Foreclosure:

- 13 (a) Plaintiff's interest in the Property is superior to any and all right, title, interest, lien, or
14 claim held in the Property by the State of Oregon;
- 15 (b) The State of Oregon has a valid and subsisting lien against the Property by virtue of
16 Distrain Warrant No. L2120559104, dated July 28, 2016, and recorded in the County
17 Clerk Lien Records for Multnomah County against Catherine Thomas on August 2,
18 2016 as Instrument No. 2016-095184. The balance due on the warrant through
19 August 9, 2018 is \$1,373.76, including interest through August 9, 2018, plus
20 additional interest at the daily rate of \$0.33 thereafter.
- 21 (c) That no money judgment of any kind will be entered against the State of Oregon; and
- 22 (d) That the proceeds of the sale shall be applied first towards the costs and fees of the
23 Sheriff's sale of the Property; then to any assessments of the Plaintiff which accrue
24 from the date of the general judgment to the date of the sale; then to satisfy Plaintiff's
25 lien; any surplus funds that remain are to be paid into the Court's registry and
26 disbursed to the party or parties who establish their right thereto. The State of Oregon
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1 may claim any surplus sale proceeds from the Sheriff's sale consistent with the
2 judgment on its cross-claim below.

3 3.

4 GENERAL JUDGMENT OF FORECLOSURE BY STIPULATION

5 Premised upon the above stipulation between Plaintiff, by and through its attorney,
6 Jordana S. Loughran of Vial Fotheringham LLP, and Defendant State of Oregon, acting through
7 the Oregon Department of Justice, by and through its attorney of record, Assistant Attorney
8 General Daniel Rice, the Court being fully advised; and that the Stipulated General Judgment of
9 Foreclosure may be entered in this matter, it is hereby:

10 ORDERED AND ADJUDGED:

- 11 (a) That Plaintiff's lien for condominium association assessments, of which Notices of
12 Claim of Liens were recorded in the real property records of Multnomah County,
13 Oregon on April 11, 2014 as Instrument Number 2014-033666, is superior to any and
14 all right, title, interest, claim, or lien held in the Property by Defendant State of
15 Oregon arising from the Dstraint Warrant described in paragraph 2(b) above;
- 16 (b) That the interest claimed in the Property by Defendant State of Oregon, by virtue of
17 the Dstraint Warrant, is a valid and subsisting junior lien against the Property;
- 18 (c) That the interest of Defendant State of Oregon in the Property, and all other parties
19 claiming by, through, or under it as purchasers, encumbrances, or otherwise by virtue
20 of the Dstraint Warrant shall, upon execution of a sheriff's sale of the Property
21 following a general judgment of foreclosure be forever barred and foreclosed of all
22 interest, lien, or claim in the Property and every portion thereof excepting any
23 applicable statutory right of redemption as provide for by State or Federal law, and
24 any applicable claim for any surplus sale proceeds from the sheriff's sale of the
25 Property in excess of the amount required to pay sales costs, sheriff's fees, and
26 Plaintiff's General Judgment of Foreclosure;
- 27 (d) That no money judgment shall be entered against Defendant State of Oregon;
- 28

- 1 (e) That the proceeds of the sale shall be applied first towards the costs and fees of the
2 Sheriff's sale of the Property; then to any assessments of the Plaintiff which accrue
3 from the date of the general judgment to the date of sale; then to satisfy Plaintiff's
4 lien; any surplus funds that remain are to be paid into the Court's registry and
5 disbursed to the party or parties who establish their right thereto. The State of Oregon
6 may claim any surplus sale proceeds from the Sheriff's sale of the Property as it is
7 lawfully entitled to in its order of priority as determined by the Court;
- 8 (f) That Defendant State of Oregon may become the purchaser of the property at the
9 sheriff's sale;
- 10 (g) That Plaintiff may become the purchaser of the Property at the Sheriff's sale; and
11 (h) That this General Stipulated Judgment may not become binding on non-stipulating
12 parties.

13 4.

14 **GENERAL JUDGMENT OF FORECLOSURE BY DEFAULT**

15 IT APPEARING that Defendants Catherine Thomas and Parties in Possession or
16 Claiming a Right to Property (collectively "Defendants") were duly served with Summons and
17 Complaint more than 30 days ago, and that Defendants were not at the time of service, nor are
18 Defendants now, in the military service of the United States, nor minors, incompetents or
19 incapacitated persons; and the Court having entered an Order of Default against Defendants and
20 finding generally in favor of Plaintiff the Tee Off Estates Homeowners Association and against
21 Defendants; and the Court being fully advised in the premises;

22 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff
23 has judgment against Defendants Catherine Thomas and Parties in Possession or Claiming a
24 Right to Possession as follows:

- 25 1. Based on the motion of Plaintiff, the affidavit of Jordana S. Loughran and the
26 records and files herein;

1 2. Plaintiff's Claim of Lien ("Lien"), recorded on April 11, 2014, in the real
2 property records of Multnomah County, Oregon as Instrument No. 2014-033666, is a valid and
3 subsisting lien against all of the property for the amount of Plaintiff's judgment as provided
4 herein. Plaintiff's lien is a continuing lien and the amount increases as additional unpaid
5 assessments accrue;
6

7 3. The interest of each of the Defendants subject to this judgment and any successor
8 in interest in the property is foreclosed and terminated excepting only any statutory right of
9 redemption as provided by Oregon law;
10

11 4. The Plaintiff's Lien is superior to any interest, lien, or claim of the remaining
12 Defendants, and shall remain in effect until issuance of a Sheriff's Deed;

13 5. The Property is hereby ordered to be sold by the Multnomah County Sheriff's
14 Office in accordance with the process for sale upon execution;
15

16 6. Plaintiff, or any junior lien holders, may become purchaser at the sale of the
17 property;
18

19 7. The purchaser at the sale is entitled to exclusive and immediate possession of the
20 Property from and after the date of the sale and is entitled to such remedies as are available at
21 law or in equity to secure possession;

22 8. The purchaser at the sale may apply to the Court for a writ of assistance if any
23 Defendant or any person holding possession under or through such Defendants shall refuse to
24 surrender possession to the purchaser immediately on the purchaser's demand for possession;

25 9. The proceeds of sale shall be applied first toward the costs of the sale; then to
26 any assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment
27

1 to the date of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the
2 surplus, if any, first to the State of Oregon, Department of Revenue in satisfaction of its junior
3 lien and then to the party or parties who may establish their right thereto;

4
5 10. Since the amount of the lien referenced herein includes only assessments,
6 attorney fees, and costs incurred to the date of judgment, and regular assessments, fees and costs
7 increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more
8 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale
9 but are not included in this judgment;

10
11 11. Plaintiff is now due and owing the following amounts:

Lien Principle:	\$20,754.57
Pre-judgment Interest:	\$0.00
Total:	\$20,754.57

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15 12. Continuing assessments and late fees now due and owing to Plaintiff:

Assessments and Late fees from filing date of Complaint to November 14, 2018:	\$624.00
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18 13. Attorney Fees and Costs are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):		\$2,249.99
Costs:		\$763.90
Postage and Shipping:	\$0.90	
E-file Costs:	\$5.00	
Filing Fees:	\$267.00	
Recording Costs:	\$76.00	
Prevailing Party Fee:	\$325.00	
Process Service Fees:	\$90.00	
Subtotal:		\$3,013.89
Total:		\$3,013.89

1 14. Post-judgment simple interest on the aggregate of all amounts declared due
2 above shall accrue from the date of judgment at the rate of nine percent (9%) until paid.

3 15. The amounts declared due in paragraphs 11, 12, and 13 of this judgment shall
4 collectively declare the secured amount due under this Judgment of Foreclosure.
5

6 16. Defendant State of Oregon, Department of Revenue is granted judgment on its
7 cross-claim against the other defendants for foreclosure of Distrain Warrant No. L2120559104,
8 recorded in Multnomah County as Instrument No. 2016-095184. The State's lien is foreclosed
9 pursuant to ORS 88.050. The amount owed on the lien as of August 9, 2018 is \$1,373.76, plus
10 interest at the rate of \$0.33 per day after that. After payment of all sums owed to Plaintiff under
11 this judgment or any supplemental judgment, all foreclosure sale proceeds shall be paid to
12 Defendant State of Oregon, Department of Revenue in satisfaction of its lien, and the state shall
13 have priority over the other defendants.
14

15 17. If before sale such amount, including sheriff's fees for the execution, is tendered
16 to the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
17 judgment as to the amounts due shall be terminated.
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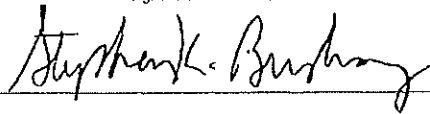
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1 18. The court shall retain jurisdiction to enter such additional order, judgment or
2 decree necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 12/20/2018 08:32 AM



Circuit Court Judge Stephen Bushong
proxy signed by BC

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9 Stipulated to, and submitted by:

10 VIAL FOTHERINGHAM LLP

11
12 By: 

13 Jordana S. Loughran, OSB# 173987
14 (503) 684-4111
15 17355 SW Boones Ferry Rd, Ste. A
16 Lake Oswego, OR 97035
17 jsl@vf-law.com
18 *Attorney for Plaintiff*

ELLEN F. ROSENBLUM
ATTORNEY GENERAL

19 By: 

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21 Assistant Attorney General, Oregon
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24 Salem OR 97301
25 daniel.rice@doj.state.or.us
26 *Attorney for Defendant State of Oregon,*
27 *Department of Revenue*