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

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST,

Plaintiff,

v.

THE ESTATE OF RODGER IAN TAYLOR;
THE UNKNOWN HEIRS, DEVISEES AND
ASSIGNEES OF RODGER IAN TAYLOR;
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 23531
HIGHWAY 62, SHADY COVE, OREGON
97539,

Defendant.

Case No. 18CV42229

WRIT OF EXECUTION

TO THE JACKSON COUNTY SHERIFF:

On March 20, 2019, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JACKSON 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 NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS MANAGEMENT SERIES I TRUST c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 23531 HIGHWAY
2 62, SHADY COVE, OREGON 97539 ("Subject Property"), and legally described as:

3 COMMENCING AT THE CORNER COMMON TO SECTIONS 3, 4, 9 AND 10 IN
4 TOWNSHIP 34 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN
5 JACKSON COUNTY, OREGON, THENCE NORTH 761.29 FEET, THENCE EAST 2188.61
6 FEET TO A 3/4" IRON PIN LOCATED ON THE WESTERLY RIGHT OF WAY LINE OF
7 OREGON STATE HIGHWAY 62 (CRATER LAKE HIGHWAY), FOR THE TRUE POINT
8 OF BEGINNING; THENCE SOUTH 89°45' WEST 107.36 FEET; THENCE SOUTH 8°42'
9 EAST 305.71 FEET; THENCE NORTH 89°45' EAST 85.14 FEET TO A 3/4" IRON PIN
10 WITNESS CORNER; THENCE CONTINUE NORTH 89°45' EAST A MORE OR LESS
11 DISTANCE OF 5 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID HIGHWAY;
12 THENCE NORTHERLY, ALONG SAID HIGHWAY LINE, TO THE TRUE POINT OF
13 BEGINNING.

14 The total amount due and owing on the Judgment as of April 3, 2019;

15 Judgment:	Principal	\$259,642.59
16 Pre-Judgment:	Interest(3.810%,\$24.63/day)	\$ (3/15/2019 through 3/20/2019)
17	Attorney Fees	\$2,375.00
18	Costs	\$3,832.71
19	Prevailing Party Fee	\$325.00
20 Post-Judgment:	Interest(9%,\$[65.72/day)	\$ (3/21/2019 through 4/3/2019)
21	Attorney Fees	\$260.00
22	Costs	\$0.00

23 **TOTAL: \$267,478.62**

24 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
25 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
26 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.

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

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST,

Plaintiff,

v.

THE ESTATE OF RODGER IAN TAYLOR;
THE UNKNOWN HEIRS, DEVISEES AND
ASSIGNEES OF RODGER IAN TAYLOR;
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 23531
HIGHWAY 62, SHADY COVE, OREGON
97539,

Defendants.

Case No. 18CV42229

**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
RODGER IAN TAYLOR; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF
RODGER IAN TAYLOR; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and
ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN,
OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 23531 HIGHWAY
62, SHADY COVE, OREGON 97539, the records on file herein, and pursuant to the Motion for
General Judgment and Declaration of Amount Due by Default by Plaintiff BANK OF NEW
YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS
MANAGEMENT SERIES I TRUST ("Plaintiff"),

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 23531 HIGHWAY 62,
3 SHADY COVE, OREGON 97539 ("Subject Property"), as evidenced by the Deed of Trust
4 recorded April 28, 2008 in the official records of JACKSON County as Instrument Number
5 2008-015780 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
6 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
7 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
8 legally described as follows:

9 COMMENCING AT THE CORNER COMMON TO SECTIONS 3, 4, 9 AND 10 IN
10 TOWNSHIP 34 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN
11 JACKSON COUNTY, OREGON, THENCE NORTH 761.29 FEET, THENCE EAST
12 2188.61 FEET TO A 3/4" IRON PIN LOCATED ON THE WESTERLY RIGHT OF
13 WAY LINE OF OREGON STATE HIGHWAY 62 (CRATER LAKE HIGHWAY), FOR
14 THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°45' WEST 107.36 FEET;
15 THENCE SOUTH 8°42' EAST 305.71 FEET; THENCE NORTH 89°45' EAST 85.14
16 FEET TO A 3/4" IRON PIN WITNESS CORNER; THENCE CONTINUE NORTH
17 89°45' EAST A MORE OR LESS DISTANCE OF 5 FEET TO THE WESTERLY
18 RIGHT OF WAY LINE OF SAID HIGHWAY; THENCE NORTHERLY, ALONG
19 SAID HIGHWAY LINE, TO THE TRUE POINT OF BEGINNING.

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

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

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

1 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
2 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
3 68(C), which amount may be added to the outstanding obligation due and owing under the Note
4 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
5 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
6 by sale of the Subject Property as directed under this Judgment;

7 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
8 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
9 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
10 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
11 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

12 6. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by
13 sale of the Subject Property, as directed under this Judgment.

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

23 8. Plaintiff or any other party to this action may become a purchaser at the
24 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
25 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
26 successor in interest may apply to this Court for a writ of assistance to gain possession of the

1 subject property if Defendants or any other party or person refuses to surrender possession;

2 DECLARATION OF AMOUNT DUE BY DEFAULT

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

5 1. The total amount of the unpaid principal balance, interest, and other amounts
6 owed is \$259,642.59.

7 2. Simple interest at the variable rate currently at 3.810% (\$24.63 *per diem*) after
8 March 15, 2019, through the date of judgment.

9 3. Attorney fees of \$2,375.00, plus \$260.00, through the date of sale.


10 4. Costs of \$3,832.71, plus costs accrued through the date of sale.

11 5. Prevailing party fee: \$325.00.

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

14 **IT IS SO ADJUDGED**

15 Signed: 3/20/2019 07:55 AM

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19 Circuit Court Judge – Judge Timothy C. Gerking

20 CERTIFICATE OF READINESS

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

22 1. Each party affected by this order or judgment has stipulated to the order or judgment,
23 as shown by each party's signature on the document being submitted.

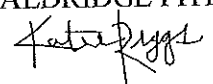
24 2. Each party affected by this order or judgment has approved the order or judgment, as
25 shown by each party's signature on the document being submitted or by written
26 confirmation of approval sent to me.

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

- 1 3. I have served a copy of this order or judgment on all parties entitled to service and:
- 2 a. No objection has been served on me;
- 3 b. I received objections that I could not resolve with a party despite reasonable
- 4 efforts to do so. I have filed a copy of the objections I received and indicated
- 5 which objections remain unresolved.
- 6 c. After conferring about objections, [**role and name of objecting party**]
- 7 agreed to independently file any remaining objection.
- 8 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 9 otherwise.
- 10 5. This is a proposed judgment that includes an award of punitive damages and notice
- 11 has been served on the Director of the Crime Victims' Assistance Section as required by
- 12 subsection (5) of this rule.
- 13 6. Other: _____

12 Presented By:
13 ALDRIDGE PITE, LLP

14 

Date: 3/19/2019

15 Katie L. Riggs (OSB # 095861)
16 (858) 750-7600
17 (619) 326-2430
18 kriggs@aldridgepite.com

19 111 SW Columbia Street, Suite 950
20 Portland, OR 97201

21 Of Attorneys for Plaintiff
22 BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR
23 MORTGAGE ASSETS MANAGEMENT SERIES I TRUST
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