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APR - 3 2019

JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

MERILEE A. CATT, an individual; JULIE C.
STOHLER AKA JULIE CHERIE
STOHLER, an individual; CROOKED
RIVER RANCH CLUB AND
MAINTENANCE ASSOCIATION, an
association; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 17CV54573

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF JEFFERSON COUNTY, OREGON:

1.

WHEREAS, on December 11, 2018, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") and a Supplemental Judgment entered on January 17, 2019 and docketed
in the above-entitled and numbered proceeding

1 **Additional Pre-Judgment Interest:**

2 Accrued Interest from October 27,
3 2018, the day after the date set forth in
4 the Judgment through December 11,
5 2018, the date of entry of the Judgment,
6 at 5.375%, per annum (\$32.57 per
7 diem): \$1,465.65

8
9 ***Total Judgment Entered Including***
10 ***Additional Pre-Judgment***

11 ***Interest:*** \$311,434.25

12 3.

13 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$311,434.25 at
14 the legal rate of interest of 9% per annum, \$76.79 per diem, from December 12, 2018 to the date the
15 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
16 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

17 4.

18 The real property subject to this writ of execution is commonly known as 10421 SOUTH
19 WEST SHAD ROAD, TERREBONNE, OR 97760 ("Property") and described in Exhibit "1"
20 attached hereto.

21 5.

22 The Judgment Creditor's name and address is:

23 U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST
24 c/o Caliber Home Loans
25 13801 Wireless Way
26 Oklahoma City, Oklahoma 73134-2500

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The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.

Signed: 2/6/2019 03:19 PM

Amy Bonkosky
Amy Bonkosky, Trial Court Administrator



Submitted by:

[Handwritten signature]

Dated: 2/5/19

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

EXHIBIT 1

Legal Description

Lot 105, CROOKED RIVER RANCH No. 12, Jefferson County, Oregon.

RECEIVED

APR - 3 2019

JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

FILED TRUE COPY OF THE ORIGINAL
FILED IN THE COURT OF JEFFERSON COUNTY,
STATE OF OREGON
FEB 20 19

James M. Cisneros
JAMES M. CISNEROS, CLERK

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST ,

CASE NUMBER: 17CV54573

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

vs.

MERILEE A. CATT, an individual; JULIE C.
STOHLER AKA JULIE CHERIE STOHLER,
an individual; CROOKED RIVER RANCH
CLUB AND MAINTENANCE
ASSOCIATION, an association; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

1. MERILEE A. CATT
2. CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION
3. JULIE C. STOHLER AKA JULIE CHERIE STOHLER.

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants MERILEE A. CATT and CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an order of default has been entered against them on

1 Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing
2 Plaintiff's deed of trust against the property commonly known as 10421 SOUTH WEST SHAD
3 ROAD, TERREBONNE, OR 97760 ("Property") and extinguishing any and all interest of the
4 Defendants in the Property.

5 2.

6 Defendant JULIE C. STOHLER AKA JULIE CHERIE STOHLER stipulates to the form and
7 content of this General Judgment as evidenced by the signature of her attorney below.

8 3.

9 The Court being fully advised; it is hereby

10 ORDERED AND ADJUDGED that:

11 4.

12 Plaintiff is the holder of that certain promissory note ("Note"), dated December 13, 2013, in
13 the amount of \$221,200.00, and executed by decedent, JAMES MORRIS MILLER.

14 5.

15 The Note is secured by that certain deed of trust ("Deed of Trust") dated December 13, 2013
16 and executed by JAMES MORRIS MILLER AKA JIM MORRIS MILLER and JULIE C.
17 STOHLER AKA JULIE CHERIE STOHLER. The Deed of Trust was recorded on January 10, 2014
18 under the recording number 2014-0100 of the Official Records of Jefferson County, Oregon, against
19 the Property, which is legally described in Exhibit "1" attached hereto ("Property") and constitutes a
20 valid lien against the Property.

21 6.

22 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
23 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

24 7.

25 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
26 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
27 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
28 may be entitled under Oregon law.

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8.

A judgment of foreclosure in the amount of \$299,262.10 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

9.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff’s Amount Owed herein; and the surplus, if any to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

10.

Plaintiff is entitled to recover its reasonable attorney’s fees and all reasonable and necessary costs and expenses incurred to enforcing the Note and Deed of Trust.

11.

Any increased interest or any such additional amounts as Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute liens on the Property, together with insurance and repairs necessary to prevent the impairment of the Property, together with interest thereon from the date of payment may also be added to the Amount Owed and paid from the proceeds from the sale of the Property.

12.

Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and every portion thereof, excepting only any statutory right of redemption provided by the laws of the State of Oregon.

13.

Defendants are not entitled to a homestead exemption in the Property.

14.

Plaintiff may become purchaser at the Sheriff’s Sale of the Property and may bid up to the aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

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7. Attorney's Fees and Costs:

An award of attorney's fees and costs shall be awarded pursuant to the process set out in ORCP 68C.

Signed: 12/11/2018 12:05 PM



Annette C. Hillman, Circuit Court Judge

Submitted by:

s/ Steve Bonfiglio
Steve Bonfiglio, OSB 051220
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400 / Fax: (949) 252-1032
Email: sbonfiglio@mclaw.org

Dated: December 10, 2018

s/ Andrew E. Teitelman
Andrew E. Teitelman, OSB #075484
Counsel for Defendant Stohler.
Law Office of Andrew E. Teitelman, PC
11630 SE 40th Avenue, Suite C
Milwaukie, OR 97222
Tel: (503) 659-1978 / Fax: 503) 200-1211
Email: ANDREW@TEITELMANLAW.COM

Dated: December 10, 2018

CERTIFICATE OF READINESS

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

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: December 10, 2018

By: 

Betsy Chavarria
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)

EXHIBIT 1

Legal Description

Lot 105, CROOKED RIVER RANCH No. 12, Jefferson County, Oregon.

RECEIVED

APR - 3 2019

JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

RECEIVED THE COPY OF THE ORIGINAL
DATED THIS 7th DAY OF APR 20 19
CLERK OF COURT
JEFFERSON COUNTY
STATE OF OREGON

By: *Jessie M. Rasmussen*
Jessie M. Rasmussen
CLERK OF COURT



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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

MERILEE A. CATT, an individual; JULIE C.
STOHLER AKA JULIE CHERIE STOHLER,
an individual; CROOKED RIVER RANCH
CLUB AND MAINTENANCE
ASSOCIATION, an association; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: 17CV54573

**SUPPLEMENTAL JUDGMENT OF
ATTORNEYS FEES AND COSTS - ORCP
68**

Based on Plaintiff's Statement of Attorneys' Fees and Costs, and no objection having been
lodged it is hereby ordered that Plaintiff be awarded a supplemental judgment of \$10,706.50 in
attorneys' fees and costs.

Pursuant to ORCP 68C(5)(b), this Judgment supplements the Declaration of Debt Secured by

1 Deed of Trust in the General Judgment of Foreclosure entered on December 11, 2018, and is not a
2 monetary award against any of the defendants.

3 **IT IS SO ORDERED.**
4

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10 Signed: 1/17/2019 09:28 AM

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14

Circuit Court Judge, Daniel J. Ahern

15
16 **PRESENTED BY:**

17 s/ Steve Bonfiglio
18

Steve Bonfiglio, OSB #051220
19 Attorney for Plaintiff U.S. BANK
20 TRUST, N.A., AS TRUSTEE FOR
21 LSF10 MASTER PARTICIPATION
22 TRUST
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- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
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- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: December 21st, 2018

By: s/ May Flores
Paralegal
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)
Email: mflores@mclaw.org

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing STATEMENT OF FEES AND COSTS and SUPPLEMENTAL JUDGMENT; on the below named individual(s) by mailing a copy in an email and sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Portland, Oregon:

Andrew E. Teitelman
Law Office of Andrew E. Teitelman, PC
11630 SE 40th Avenue, Suite C
Milwaukie, OR 97222
Email: Andrew@teitelmanlaw.com
Attorney for Defendant JULIE C. STOHLER AKA JULIE CHERIE STOHLER

DATED: December 21st, 2018

MALCOLM ♦ CISNEROS, A Law Corporation

s/ May Flores

May Flores
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: mflores@mclaw.org

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
JEFFERSON COUNTY**

**US BANK TRUST, N.A., AS TRUSTEE FOR
LSF10MASTER PARTICIPATION TRUST,**

Plaintiff/s,

v.

MERILEE A. CATT, AN INDIVIDUAL; JULIE C. STOHLER AKA JULIE CHERIE STOHLER, AN INDIVIDUAL; CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION, AN ASSOCIATION; AND ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE REAL PROPERTY DESCRIBED IN THE COMPLAINT HEREIN, ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE TO PROPERTY,

Defendant/s.

Case No.: 17CV54573

CHALLENGE TO EXECUTION

THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

I/We claim that the following described property or money is exempt from execution:

I/We believe this property is exempt from execution because (the Notice of Exempt Property at the end of this form describes most types of property that you can claim as exempt from execution):

I am a person other than the Debtor and I have the following interest in the property:

Name _____

Name _____

Signature _____

Signature _____

Address _____

Address _____

Telephone Number
(required): _____

Telephone Number
(required): _____

YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

You may seek to reclaim your exempt property by doing the following:

- (1) Fill out the Challenge to Execution form that you received with this notice.
- (2) Mail or deliver the Challenge to Execution form to the court administrator at the address shown on the writ of execution.
- (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the address shown on the writ of execution.

You should be prepared to explain your exemption in court. If you have any questions about the execution or debt, you should see an attorney.

YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE VALIDITY OF THE DEBT.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject to are listed in ORS 18.899.

NOTICE OF EXEMPT PROPERTY

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers are enclosed.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below.

- (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following amounts is less:
 - (a) 75 percent of your take-home wages; or
 - (b) \$218 per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI).
- (4) Public assistance (welfare).
- (5) Unemployment benefits.

- (6) Disability benefits (other than SSI benefits).
- (7) Workers' compensation benefits.
- (8) All Social Security Benefits and Supplemental Security Income benefits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are held in a bank account.
- (9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.
- (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly own the homestead with another person who is also liable on the debt, up to \$50,000 of the value of the homestead is exempt.
- (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure another homestead.
- (12) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.
- *(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.
- *(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$5,000.
- *(15) Books, pictures and musical instruments with a combined value not to exceed \$600.
- *(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed \$1,800.
- (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000 and their food for 60 days.
- (18) Provisions and fuel for your family for 60 days.
- (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1,000.
- (20) Public or private pensions.
- (21) Veterans' benefits and loans.
- (22) Medical assistance benefits.
- (23) Health insurance proceeds and disability proceeds of life insurance policies.
- (24) Cash surrender value of life insurance policies not payable to your estate.
- (25) Federal annuities.
- (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same exemption as wages).
- (27) Professionally prescribed health aids for you or any of your dependents.
- *(28) Elderly rental assistance allowed pursuant to ORS 310.635.
- *(29) Your right to receive, or property traceable to:
 - *(a) An award under any crime victim reparation law.
 - *(b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily injury suffered by you or an individual of whom you are a dependent.
 - *(c) A payment in compensation of loss of future earnings of you or an individual of whom you are or were a dependent, to the extent reasonably necessary for your support and the support of any of your dependents.
- (30) Amounts paid to you as an earned income tax credit under federal tax law.
- (31) Your right to the assets held in, or right to receive payments under, a medical savings account or health savings account authorized under section 220 or 223 of the Internal Revenue Code.
- (32) Interest in personal property to the value of \$400, but this cannot be used to increase the amount of any other exemption.
- (33) Equitable interests in property.

Note: If two or more people in your household owe the claim or judgment, each of them may claim the exemptions marked by an asterisk (*).

SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt may be taken to pay for overdue support. For instance, Social Security benefits, workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support obligation.