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

ATLANTICA, LLC,

Plaintiff,

v.

JUDITH I. HALL AFFIANT CLAIMING
SUCCESSOR AFFIDAVIT FOR THE
SMALL ESTATE OF PATSY IRENE
GUTIERREZ; CHRISTY L. WAYLAN; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 575
ELDER ST N, HEPPNER, OR 97836,

Defendant.

Case No. 17CV51815

WRIT OF EXECUTION

TO THE MORROW COUNTY SHERIFF:

On December 31, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MORROW 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: ATLANTICA, LLC 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 575 ELDER ST N, HEPPNER, OR 97836 ("Subject Property"), and legally described as:

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

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The total amount due and owing on the Judgment as of April 17, 2019;

Judgment:	Principal	\$28,682.93
Pre-Judgment:	Interest(11.582%,\$6.43/day)	\$109.31 (12/15/2018 through 12/31/2018)
	Attorney Fees	\$4,447.00
	Costs	\$759.30
	Prevailing Party Fee	\$300.00
Post-Judgment:	Interest(11.582%,\$10.98/day)	\$1,174.88 (1/1/2019 through 4/17/2019)
	Attorney Fees	\$305.00
	Costs	\$0.00

TOTAL: \$35,778.42

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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4/19/19 Angelina Williams
Clerk

Presented by:

ALDRIDGE PITE, LLP

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

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Dated 4/19, 20 19
TRIAL COURT ADMINISTRATOR
By A. Williams



EXHIBIT 'A'

A portion of Lot 5, Block 2, QUAID'S ADDITION, in the City of Heppner, County of Morrow and State of Oregon, more particularly described as follows:

BEGINNING at a point which is North 19.00 feet from the Southeast corner of said Lot 5, Block 2; thence North 53.00 feet; thence West 60.00 feet; thence South 53.00 feet; thence East 60.00 feet to the POINT OF BEGINNING.

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

ATLANTICA, LLC,

Plaintiff,

v.

JUDITH I. HALL AFFIANT CLAIMING
SUCCESSOR AFFIDAVIT FOR THE
SMALL ESTATE OF PATSY IRENE
GUTIERREZ; CHRISTY L. WAYLAN; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 575
ELDER ST N, HEPPNER, OR 97836,

Defendants.

Case No. 17CV51815

**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

16 Based upon the Court's Order of Default against Defendants JUDITH I. HALL
17 AFFIANT CLAIMING SUCCESSOR AFFIDAVIT FOR THE SMALL ESTATE OF PATSY
18 IRENE GUTIERREZ; CHRISTY L. WAYLAN; and ALL OTHER PERSONS OR PARTIES
19 UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL
20 PROPERTY COMMONLY KNOWN AS 575 ELDER ST N, HEPPNER, OR 97836, the
21 records on file herein, and pursuant to the Motion for General Judgment and Declaration of
22 Amount Due by Default by Plaintiff ATLANTICA, LLC ("Plaintiff"),

IT IS HEREBY ADJUDGED:

24 1. Plaintiff's security interest in the real property located at 575 ELDER ST N,
25 HEPPNER, OR 97836 ("Subject Property"), as evidenced by the Deed of Trust recorded
26 December 16, 2009 in the official records of MORROW County as Instrument Number 2009-

1 25193 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the
2 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 *SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF;*

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

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

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

19 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
20 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
21 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
22 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
23 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

26 7. The Sheriff shall make a return on the writ of execution to the court administrator

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

9 8. Plaintiff or any other party to this action may become a purchaser at the
10 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
11 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
12 successor in interest may apply to this Court for a writ of assistance to gain possession of the
13 subject property if Defendants or any other party or person refuses to surrender possession;

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1 DECLARATION OF AMOUNT DUE BY DEFAULT

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

4 1. The total amount of the unpaid principal balance, interest, and other amounts
5 owed is \$28,682.93.

6 2. Simple interest at the variable rate currently at 11.582% (\$6.43 *per diem*) after
7 December 14, 2018, through the date of judgment.

8 3. Attorney fees of \$4,447.00, plus \$305.00, through the date of sale.

9 4. Costs of \$759.30, plus costs accrued through the date of sale.

10 5. Prevailing party fee: \$300.00.

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

13 **IT IS SO ADJUDGED**

14 CERTIFIED TO BE A TRUE AND
15 CORRECT COPY OF THE ORIGINAL
Dated 4/19, 2019
16 TRIAL COURT ADMINISTRATOR
By D. Williams

Signed: 12/31/2018 11:02 AM



Daniel J. Hill, Circuit Court Judge



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20 CERTIFICATE OF READINESS

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

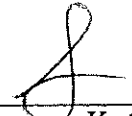
- 22 1. Each party affected by this order or judgment has stipulated to the order or judgment,
23 as shown by each party's signature on the document being submitted.
- 24 2. Each party affected by this order or judgment has approved the order or judgment, as
25 shown by each party's signature on the document being submitted or by written
confirmation of approval sent to me.
- 26 3. I have served a copy of this order or judgment on all parties entitled to service and:

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- 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.
- 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: 12/27/18

Shannon K. Calt, OSB #121855
WSBA # 44472 AK # 1212137
(858) 750-7600; (503) 222-2260 (Facsimile)
scalt@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff Atlantica, LLC