

FILED: DESCHUTES COUNTY, OREGON MAY 19 11:06

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

MORTGAGE ASSET MANAGEMENT LLC,
Plaintiff,

Case No. 18CV22142

v.

WRIT OF EXECUTION

THE ESTATE OF CLARENCE J.
WOLTERING; THE UNKNOWN HEIRS,
DEVISEES AND ASSIGNEES OF
CLARENCE J. WOLTERING; MICHAEL
WOLTERING; SCOTT WOLTERING;
DAVID WOLTERING; STATE OF
OREGON; SECRETARY OF HOUSING
AND URBAN DEVELOPMENT; SUMMER
CREEK ASSOCIATES, LLC; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3557 SW 30TH STREET, REDMOND, OR
97756,

Defendant.

TO THE DESCHUTES COUNTY SHERIFF:

On April 1, 2019, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Deschutes 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: MORTGAGE ASSET MANAGEMENT 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 3557 SW 30TH STREET, REDMOND, OR 97756 ("Subject Property"), and legally described as:

1 *SEE ATTACHED*

2 The total amount due and owing on the Judgment as of April 11, 2019;

3 Judgment:	Principal	\$306,854.29
4 Pre-Judgment:	Interest(3.56%,\$27.61/day)	\$ 1,711.82 (1/30/19 through 4/1/19)
5	Attorney Fees	\$2,975.00
6	Costs	\$5,490.51
7	Prevailing Party Fee	\$300.00
8 Post-Judgment:	Interest(9%,\$78.31/day)	\$783.10 (4/2/19 through 4/11/19)
9	Attorney Fees	\$260.00
10	Costs	\$0.00

11 **TOTAL: \$318,374.72**

12 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
13 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
14 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
15 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
16 holder of the certificate of sale.

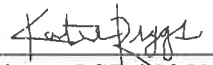
17 By the signature of the attorney for the judgment creditor, the person that requested
18 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
19 making a return on the writ to a date up to 150 days after receipt.

Signed: 4/15/2019 09:10 AM

21 
22 _____
23 Trial Court Administrator Jeffrey E. Hall



24 Presented by:
ALDRIDGE PITE, LLP

25 By: 
26 Katie Riggs, OSB #095861
(858) 750-7600(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

Page 2 – WRIT OF EXECUTION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

Lot 11, SUMMER CREEK - PHASE 1, Deschutes County, Oregon.

EXCEPTING THEREFROM a portion of Lot 11, SUMMER CREEK PHASE 1, a subdivision located in a portion of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 15 South, Range 13 East, Willamette Meridian, City of Redmond, Deschutes County, Oregon, more particularly described as follows: Commencing at a 1/2" pipe monumenting the Northwest corner of Lot 11, SUMMER CREEK PHASE 1, the initial point as well as the True Point of Beginning; thence South $00^{\circ}48'44''$ East along West boundary of said subdivision 6.00 feet to a 1/2" pipe with cap marked "Povey & Assoc." (Hereafter called "Cap"); thence North $89^{\circ}10'09''$ East 97.66 feet to a 1/2" pipe with cap on the West right of way of Southwest 30th Street; thence North $00^{\circ}49'51''$ West along said right of way 6.00 feet to the North line of Lot 11, from which a 1/2" pipe with cap bears North $89^{\circ}10'09''$ East 15.00 feet; thence South $89^{\circ}10'09''$ West along said South line 97.66 feet to the True Point of Beginning.

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

MORTGAGE ASSET MANAGEMENT LLC,

Case No. 18CV22142

Plaintiff,

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

v.

ORCP Rule 69

THE ESTATE OF CLARENCE J.
WOLVERTING; THE UNKNOWN HEIRS,
DEVISEES AND ASSIGNEES OF
CLARENCE J. WOLTERING; MICHAEL
WOLTERING; SCOTT WOLTERING;
DAVID WOLTERING; STATE OF
OREGON; SECRETARY OF HOUSING
AND URBAN DEVELOPMENT; SUMMER
CREEK ASSOCIATES, LLC; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3557 SW 30TH STREET, REDMOND, OR
97756,

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Defendants.

Based upon the Court's Order of Default against defendants THE ESTATE OF CLARENCE J. WOLVERTING; THE UNKNOWN HEIRS, DEVISEES AND ASSIGNEES OF CLARENCE J. WOLTERING; MICHAEL WOLTERING; SCOTT WOLTERING; DAVID WOLTERING; STATE OF OREGON; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; SUMMER CREEK ASSOCIATES, LLC; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 3557 SW 30TH STREET, REDMOND, OR 97756, the records on file herein, and pursuant to the Motion for General Judgment and

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 Declaration of Amount Due by Default by Plaintiff MORTGAGE ASSET MANAGEMENT
2 LLC ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 3557 SW 30TH
5 STREET, REDMOND, OR 97756 ("Subject Property"), as evidenced by the Deed of Trust
6 recorded September 6, 2006 in the official records of DESCHUTES County as instrument
7 number 2006-60832 ("Deed of Trust"), is a viable first priority lien, superior to the interests of
8 all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
9 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
10 legally described as follows:

11 SEE ATTACHED

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

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

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

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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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: 2/5/2019

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff

Lot 11, SUMMER CREEK - PHASE 1, Deschutes County, Oregon.

EXCEPTING THEREFROM a portion of Lot 11, SUMMER CREEK PHASE 1, a subdivision located in a portion of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 15 South, Range 13 East, Willamette Meridian, City of Redmond, Deschutes County, Oregon, more particularly described as follows: Commencing at a 1/2" pipe monumenting the Northwest corner of Lot 11, SUMMER CREEK PHASE 1, the initial point as well as the True Point of Beginning; thence South $00^{\circ}48'44''$ East along West boundary of said subdivision 6.00 feet to a 1/2" pipe with cap marked "Povey & Assoc." (Hereafter called "Cap"); thence North $89^{\circ}10'09''$ East 97.66 feet to a 1/2" pipe with cap on the West right of way of Southwest 30th Street; thence North $00^{\circ}49'51''$ West along said right of way 6.00 feet to the North line of Lot 11, from which a 1/2" pipe with cap bears North $89^{\circ}10'09''$ East 15.00 feet; thence South $89^{\circ}10'09''$ West along said South line 97.66 feet to the True Point of Beginning.