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LINN COUNTY  
SHERIFFS OFFICE

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

LAKEVIEW LOAN SERVICING, LLC,  
Plaintiff,

Case No. 18CV45482

**WRIT OF EXECUTION**

v.

DALE A. CHARTRAW; JANE E.  
CHARTRAW; NORTHWEST INVESTORS  
LLC; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 1185 VAUGHN LN,  
LEBANON, OR 97355,  
Defendant.

TO THE LINN COUNTY SHERIFF:

On 4/23/2019, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Linn 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: LAKEVIEW LOAN SERVICING, 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 1185 VAUGHN LN, LEBANON, OR 97355 ("Subject Property"), and legally described as:

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

The total amount due and owing on the Judgment as of 4/30/2019;

Judgment:	Principal	\$367,945.00
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1	Pre-Judgment:	Interest 3.50%, \$28.94	\$636.68 4/1/2019 through 4/23/2019
2		Attorney Fees	\$2,745.00
3		Costs	\$1,860.16
4		Prevailing Party Fee	\$325.00
5	Post-Judgment:	Interest 9%, \$92.17/day	\$645.22 4/24/2019 through 4/30/2019
6		Attorney Fees	\$305.00
7		Costs	\$0.00
8	<b>TOTAL: \$374,462.06</b>		

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

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



*Katerie Driskill*  
 Signed: 4/30/2019 02:41 PM  
 Katerie Driskill, Administrative Authority

22 Presented by:  
 23 ALDRIDGE PITE, LLP  
 24 By: *Katie Riggs*  
 25 Katie Riggs, OSB #095861  
 26 of Attorneys for Judgment Creditor  
 (858) 750-7600  
 (503) 222-2260 (facsimile)  
[orecourtnotices@aldridgepite.com](mailto:orecourtnotices@aldridgepite.com)

**EXHIBIT A**

BEGINNING AT A 5/8" IRON ROD ON THE NORTHERLY RIGHT OF WAY LINE OF VAUGHN LANE, SAID ROD BEING SOUTH 2° 10' 43" EAST 1337.10 FEET (SOUTH 1° 58' EAST 1337.49 FEET BY PRIOR RECORD) AND SOUTH 89° 11' 33" WEST 658.45 FEET (SOUTH 89° 14' 45" WEST 659.21 FEET BY PRIOR RECORD) FROM THE EAST - SOUTHEAST CORNER OF THE DAVID WATKINS DONATION LAND CLAIM NO. 67 IN THE NORTHWEST QUARTER OF SECTION 22 IN TOWNSHIP 12 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON; THENCE NORTH 58° 59' 38" WEST 732.40 FEET (NORTH 59° 00' WEST 732.31 FEET BY PRIOR RECORD) ALONG SAID RIGHT OF WAY LINE OF STOLZ HILL ROAD; THENCE NORTH 20° 57' EAST 799.90 FEET, MORE OR LESS, TO THE CENTERLINE OF OAK CREEK; THENCE UPSTREAM ALONG SAID CENTERLINE SOUTH 34° 35' 49" EAST 208.16 FEET; THENCE SOUTH 24° 41' 01" EAST 470.11 FEET; THENCE SOUTH 35° 22' 21" EAST 249.18 FEET; THENCE SOUTH 23° 35' 52" EAST 348.11 FEET TO A POINT NORTH 89° 11' 33" EAST 256.40 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 89° 11' 33" WEST 111.91 FEET TO A STONE MARKED "CS"; THENCE CONTINUING SOUTH 89° 11' 33" WEST 144.49 FEET (SOUTH 89° 14' 45" WEST 144.60 FEET BY PRIOR RECORD) TO THE POINT OF BEGINNING

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

LAKEVIEW LOAN SERVICING, LLC,  
Plaintiff,

v.

DALE A. CHARTRAW; JANE E.  
CHARTRAW; NORTHWEST INVESTORS  
LLC; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 1185 VAUGHN LN,  
LEBANON, OR 97355,  
Defendants.

Case No. 18CV45482

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

ORCP Rule 69

**THIS IS A JUDGMENT OF FORECLOSURE  
AND DOES NOT CONSTITUTE A MONEY  
AWARD AGAINST ANY DEFENDANT**

14 Based upon the Court's Order of Default against defendants DALE A. CHARTRAW;  
15 JANE E. CHARTRAW; NORTHWEST INVESTORS LLC; and ALL OTHER PERSONS OR  
16 PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
17 REAL PROPERTY COMMONLY KNOWN AS 1185 VAUGHN LN, LEBANON, OR 97355,  
18 the records on file herein, and pursuant to the Motion for General Judgment and Declaration of  
19 Amount Due by Default by Plaintiff LAKEVIEW LOAN SERVICING, LLC ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

21 1. Plaintiff's security interest in the real property located at 1185 VAUGHN LN,  
22 LEBANON, OR 97355 ("Subject Property"), as evidenced by the Deed of Trust recorded  
23 January 12, 2007 in the official records of LINN County as instrument number 2007-01032  
24 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All  
25 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to  
26 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally

1 described as follows:

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

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

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

10 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
11 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
12 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
13 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
14 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
15 by sale of the Subject Property as directed under this Judgment;

16 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
17 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
18 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
19 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
20 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

23 7. The Sheriff shall make a return on the writ of execution to the court administrator  
24 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
25 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
26 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or

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

1 parties as may establish their right thereto. The Defendants and all persons claiming through or  
2 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
3 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
4 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
5 every part of the Subject Property when the time for redemption has elapsed;

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

11 DECLARATION OF AMOUNT DUE BY DEFAULT  
12 THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A  
13 MONEY AWARD AGAINST ANY DEFENDANT

14 1. The total amount of the unpaid principal balance, interest, and other amounts  
15 owed is \$367,945.00.

16 2. Simple interest at the variable rate currently at 3.50% (\$28.94 *per diem*) after  
17 4/1/2019 /through the date of judgment.

18 3. Attorney fees of \$2,745.00, plus \$305.00, through the date of sale.

19 4. Costs of \$1,860.16, plus costs accrued through the date of sale.

20 5. Prevailing party fee: \$325.00.

21 6. Post-judgment interest thereafter on the total judgment amount at the contract rate  
22 of interest or 9.000% per annum, whichever is greater, through the date of sale.

23 **IT IS SO ADJUDGED**

Signed: 4/19/2016 04:55 PM

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25 **Circuit Court Judge, Thomas A. McHill**

1 **CERTIFICATE OF READINESS**

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

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

19 Presented By:  
20 ALDRIDGE PITE, LLP

21 

21 Date: 4/15/2019

22 Katie Riggs (OSB # 095861)  
23 (858) 750-7600  
24 (619) 326-2430  
25 kriggs@aldridgepite.com

26 111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff

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

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