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

METROPOLITAN LIFE INSURANCE  
COMPANY,

Plaintiff,

vs.

ALACE A. RAY, an individual; NICK A.  
KACZYNSKI, an individual; and ALL  
OTHER UNKNOWN PARTIES CLAIMING  
ANY RIGHT, TITLE, LIEN OR INTEREST  
IN THE REAL PROPERTY COMMONLY  
KNOWN AS 326 WEST HOLLISTER  
STREET, STAYTON, OR 97383,

Defendants.

**CASE NO. 19CV09900**

**WRIT OF EXECUTION**

STATE OF OREGON        )  
  ) ss.  
County of MARION        )

TO THE SHERIFF OF MARION COUNTY OREGON:

WHEREAS, on MAY 17<sup>th</sup>, 2019 , by consideration of the MARION County Circuit Court,  
there was entered a General Judgment of Foreclosure as to ALACE A. RAY, an individual; NICK  
A. KACZYNSKI, an individual; and ALL OTHER UNKNOWN PARTIES CLAIMING ANY  
RIGHT, TITLE, LIEN OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS  
326 WEST HOLLISTER STREET, STAYTON, OR 97383. Said General Judgment of  
Foreclosure was duly enrolled and docketed in the Court Administrator's Office in said County on

WRIT OF EXECUTION -1-

**Zieve, Brodnax & Steele, LLP**  
Jeffrey A. Myers, Esq  
Scott D. Crawford, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11th Floor  
Portland, OR 97204  
714-848-7920  
jmyers@zbslaw.com

1 MAY 17<sup>th</sup>, 2019; a true copy of the General Judgment of Foreclosure is attached hereto and made  
2 a part hereof.

3 Judgment Creditor: METROPOLITAN LIFE INSURANCE COMPANY  
4 c/o Zieve, Brodnax & Steele, LLP  
5 One World Trade Center  
6 121 SW Salmon Street, 11<sup>th</sup> Floor  
7 Portland, OR 97204  
8 714-848-7920

9 Judgment Creditor Address: Jeffrey A. Myers  
10 Zieve, Brodnax & Steele, LLP  
11 One World Trade Center  
12 121 SW Salmon St, 11<sup>th</sup> Floor  
13 Portland, OR 97204  
14 714-848-7920

15 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
16 commanded to sell the real property as by said General Judgment of Foreclosure according to law  
17 (subject to redemption) all of the interest that the borrower ALACE A. RAY, an individual and  
18 NICK A. KACZYNSKI, an individual had on the 6<sup>th</sup> of October, 2006, the date of the Mortgage,  
19 and also all of the interest that borrower had thereafter, in the real property described in the  
20 Judgment as:

21 LOT 30, MINTEN'S THIRD ADDITION, IN THE CITY OF STAYTON,  
22 MARION COUNTY, STATE OF OREGON.

23 APN: R104066

24 The street address of the real property to be levied upon is 326 WEST HOLLISTER  
25 STREET, STAYTON, OR 97383.

26 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
27 JUNE 28<sup>th</sup>, 2019, IS AS FOLLOWS:  
28

WRIT OF EXECUTION -2-

**Zieve, Brodnax & Steele, LLP**  
Jeffrey A. Myers, Esq.  
Scott D. Crawford, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11th Floor  
Portland, OR 97204  
714-848-7920  
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Base Judgment and Interest:	\$148,177.21
Attorney Fees and Costs:	\$4,369.75
Prevailing Party Fee:	\$300.00
Pre-Judgment Interest from 4/26/19 – 5/17/19 at 4.5% (\$15.65 per diem)	\$328.65
Post-Judgment Interest from 5/18/19 – 6/28/19 at 9.0% (\$37.76 per diem)	\$1,548.16

Total due as of June 28th, 2019: **\$154,723.77**, with interest to continue to accrue at 9.0% (\$37.76 per diem) until the date of sale.

The proceeds of sale shall be applied, delivered, and distributed according to ORS 18.950.

Signed: 6/17/2019 01:32 PM

By: *Kristina Sheldon*  
 Kristina Sheldon, Court Clerk



Submitted by:  
~~/s/ JEFFERY A. MYERS~~  
 Jeffrey A. Myers, OSB No. 094561

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

METROPOLITAN LIFE INSURANCE  
COMPANY,

Plaintiff,  
vs.

ALACE A. RAY, an individual; NICK A.  
KACZYNSKI, an individual; and ALL  
OTHER UNKNOWN PARTIES CLAIMING  
ANY RIGHT, TITLE, LIEN OR INTEREST  
IN THE REAL PROPERTY COMMONLY  
KNOWN AS 326 WEST HOLLISTER  
STREET, STAYTON, OR 97383,

Defendants.

CASE NO. 19CV09900

GENERAL JUDGMENT OF  
FORECLOSURE BY DEFAULT  
(WITHOUT MONEY AWARD -  
JUDGMENT DOES NOT  
CREATE A LIEN)

///  
///  
///

1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff,  
2 Metropolitan Life Insurance Company ("Plaintiff") and against Defendants Alace A. Ray and Nick  
3 A. Kaczynski ("Borrowers" or "Defendants"), and that Plaintiff has filed a Statement for Attorney  
4 Fees, Costs, and Disbursements,

5 **IT IS HEREBY ORDERED AND ADJUDGED:**

6 **1.**

7 Plaintiff is awarded judgment against Defendants and all persons claiming through or under  
8 Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien  
9 or claim in the real property described above and every portion thereof excepting only any  
10 satisfactory right of redemption as Defendants, or any of them, may have therein.

11 All Other Persons Parties, or Occupants Unknown claiming any legal or equitable right,  
12 title, estate, lien, or interest in the real property ("AOP") will be dismissed As the Notice was filed  
13 with this court May 9, 2019.

14 **2.**

15 Writ of execution upon this General Judgment of Foreclosure shall issue.

16 **3.**

17 The Deed of Trust executed by Borrowers and recorded on October 6, 2006, in the Marion  
18 County Recorder's Office as Reel 2715, Page 497, is a valid mortgage lien for the amount of  
19 Plaintiff's judgment set forth in paragraph 1 against all the real property, located in Marion County,  
20 Oregon commonly referred to as 326 West Hollister Street, Stayton, OR 97383, with a legal  
21 description as follows:

22 LOT 30, MINTEN'S THIRD ADDITION, IN THE CITY OF STAYTON, MARION  
23 COUNTY, STATE OF OREGON.

24 APN: R104066.

25 **4.**

26 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real  
27 property, and all other interest in the property gained by him thereafter, or so much interest as may

1 be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Marion County,  
2 Oregon in the manner provided by law and in accordance with the practice of this Court.

3 **5.**

4 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction  
5 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus  
6 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as  
7 may establish their right thereto.

8 **6.**

9 Defendants and all persons claiming through or under Defendants, as purchasers,  
10 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property  
11 described above and every portion thereof excepting only any satisfactory right of redemption as  
12 Defendants may have.

13 **7.**

14 Plaintiff or any other party to this suit or third party purchase may become the purchaser at  
15 the sale of the real property. The purchaser is entitled to exclusive possession of the real property  
16 from and after the date of sale and is entitled to such remedies as are available at law to secure  
17 possession, including writ of assistance, if the Defendants and any other party or person shall  
18 refuse to surrender possession to the purchaser immediately on the purchaser's demand for  
19 possession.

20 **SECURED DEBT**

- 21 1. Judgment Creditor: Metropolitan Life Insurance Company  
22 c/o Zieve, Brodnax, & Steele, LLP  
23 One World Trade Center  
24 121 Southwest Salmon St., 11<sup>th</sup> Floor  
25 Portland, OR 97204  
26 714-848-7920
- 27 2. Judgment Creditor's Attorney: Scott D. Crawford  
28 Jeffrey A. Myers  
Zieve, Brodnax, & Steele, LLP

One World Trade Center  
121 Southwest Salmon St., 11<sup>th</sup> Floor  
Portland, OR 97204  
714-848-7920

3. Person or public body entitled to any portion of money award herein: None

4. **Total Amount of Secured Debt:**

<b>LENDERS' PRINCIPAL AND INTEREST</b>	
Principal Balance	\$ 132,604.15
Accrued interest on the principal balance through 4/25/19	\$ 10,373.98
Accrued fees on the principal balance through 4/25/19	\$ 5,199.08
Additional pre-judgment interest to accrue from 4/26/19 to the date this judgment is entered, at the note rate of 4.5% (\$15.65 per diem)	
Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 4/26/19 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
<b>Total Principal and Interest Through 4/25/19 at the rate of 4.5% (\$15.65 per diem)</b>	<b>\$ 148,177.21</b>
<b>ATTORNEYS' FEES AND COSTS</b>	
Attorney Fees	\$ 3,050.00
Attorney Costs	\$ 1,319.75
<b>Total Attorney Fees and Costs</b>	<b>\$ 4,369.75</b>
Prevailing Party Fee	\$ 300.00
<b>TOTAL SECURED DEBT (JUDGMENT)</b>	<b>\$ 152,846.96</b>

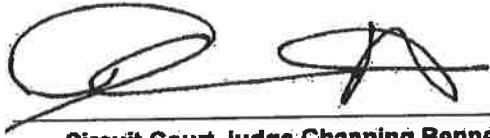
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1 Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment  
2 is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment  
3 against the Borrowers.  
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Signed: 5/17/2019 09:34 AM

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Circuit Court Judge Channing Bennett

12  
13 **UTCR 5.100(2) CERTIFICATE OF READINESS**

14 This proposed order or judgment is ready for judicial signature because:

- 15 1.  Each party affected by this order of judgment has stipulated to the order or judgment,  
16 as shown by each party's signature on the document being submitted.  
17  
18 2.  Each party affected by this order of judgment has approved the order or judgment, as  
19 shown by each party's signature on the document being submitted or by written  
20 confirmation of approval sent to me.  
21 3.  I have served a copy of this order of judgment on each party entitled to service and:  
22 a.  No objection has been served on me.  
23 b.  I received objections that I could not resolve with a party despite reasonable  
24 efforts to do so. I have filed a copy of the objections I have received and  
25 indicated which objections remained unresolved.  
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1 c.  After conferring about objections [role and name of objecting party] agreed to  
2 independently file any remaining objection.

3 4.  The relief sought is against an opposing party who has been found in default.

4 5.  An order of default is being requested with this proposed judgment.

5 6.  Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or  
6 otherwise.

7 7.  This is a proposed judgment that includes an award of punitive damages and notice as  
8 been served on the Director of the Crime Victims' Assistance Section as required by  
9 subsection (5) of the rule.  
10

11 8.  Other: \_\_\_\_\_

12 Submitted By:

13 /s/ Jeffrey A. Myers 5/15/19

14 Scott D. Crawford, OR No. 086448

15 Jeffrey A. Myers, OSB No. 094561

16 Attorneys for Plaintiff

scrawford@zbslaw.com

jmyers@zbslaw.com