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AUG 27 2019

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

*JMA*

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

NATIONSTAR MORTGAGE LLC D/B/A  
MR. COOPER,

Plaintiff,

v.

DAVID L. TOKAR; ALISON KELLY  
TOKAR; BAYSHORE BEACH CLUB, INC.;  
PORTFOLIO RECOVERY ASSOCIATES,  
LLC and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 2010 NW CUTTER STREET,  
WALDPOR, OREGON 97394,

Defendant.

Case No. 19CV13489

**WRIT OF EXECUTION**

TO THE LINCOLN COUNTY SHERIFF:

On 8/19/2019, a Stipulated General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation was entered by the Lincoln 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: NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER 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 2010 NW CUTTER STREET, WALDPOR, OREGON 97394 ("Subject Property"), and legally described as:

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

2 The total amount due and owing on the Judgment as of 8/20/2019;

3	Judgment:	Principal	\$241,535.65
4	Pre-Judgment:	Interest 6.00%, \$37.00/day	\$2,849.00 6/3/2019 through 8/19/2019
5		Attorney Fees	\$3,040.00
6		Costs	\$2,537.61
7		Prevailing Party Fee	\$325.00
8	Post-Judgment:	Interest 9%, \$61.78/day	\$61.78 6/20/2019 through 6/20/2019
9		Attorney Fees	\$260.00
10		Costs	\$0.00

11 **TOTAL: \$250,609.04**

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.

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Page 2 – WRIT OF EXECUTION

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

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



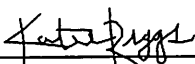
Signed: 8/21/2019 02:57 PM

A handwritten signature in cursive script, appearing to read "St. Zalewski".

Circuit Court Clerk Steven Zalewski

Presented by:

ALDRIDGE PITE, LLP

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lot 7, Block 19, BAYSHORE DIVISION NO. 4, in Lincoln County, Oregon.

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

NATIONSTAR MORTGAGE LLC D/B/A  
MR. COOPER,

Plaintiff,

v.

DAVID L. TOKAR; ALISON KELLY  
TOKAR; BAYSHORE BEACH CLUB, INC.;  
PORTFOLIO RECOVERY ASSOCIATES,  
LLC and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 2010 NW CUTTER STREET,  
WALDPOR, OREGON 97394,

Defendants.

Case No. 19CV13489

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

ORCP Rule 69

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

Based upon the Stipulation of DAVID L. TOKAR (“Stipulating Defendant”), the Court’s  
Order of Default against defendants ALISON KELLY TOKAR; BAYSHORE BEACH CLUB,  
INC.; PORTFOLIO RECOVERY ASSOCIATES, LLC and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
REAL PROPERTY COMMONLY KNOWN AS 2010 NW CUTTER STREET, WALDPOR,  
OREGON 97394 (“Defaulting Defendants”), the records on file herein, and pursuant to the  
Motion for General Judgment and Declaration of Amount Due by Default and Stipulation by  
Plaintiff NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER (“Plaintiff”),

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

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**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 2010 NW Cutter Street, Waldport, Oregon 97394 ("Subject Property"), as evidenced by the Deed of Trust recorded June 15, 2010 in the official records of Lincoln County as Instrument Number 2010-06097 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

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

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

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

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

5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

13 8. Stipulating Defendant waives, releases, and transfers any redemptive rights or  
14 future interests in redemptive rights to the Subject Property to Plaintiff. Stipulating Defendant  
15 may not otherwise sell or transfer his redemptive rights.

16 9. No action for a deficiency shall be brought or a judgment entered against  
17 Stipulating Defendant on the Note or Deed of Trust.

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

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Page 3 – STIPULATED GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT  
DUE BY DEFAULT AND STIPULATION

Aldridge Pite, LLP  
111 SW Columbia Street, Suite 950  
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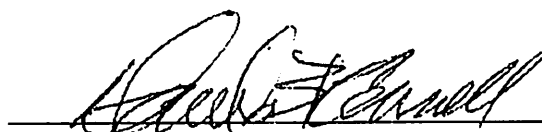
DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$241,535.65.
2. Simple interest at the variable rate currently at 6.00% (\$37.00 *per diem*) after June 3, 2019, through the date of judgment.
3. Attorney fees of \$3,040.00, plus \$260.00, through the date of sale.
4. Costs of \$2,537.61, plus costs accrued through the date of sale.
5. Prevailing party fee: \$325.00.
6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed 8/15/2019 05:22 PM



Senior Judge David B. Connell

<Stipulation on next page>

Page 4 – STIPULATED GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

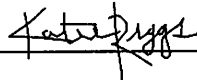


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IT IS SO STIPULATED:

Submitted and stipulated to by:

ALDRIDGE | PITE, LLP

 Date: 8/7/2019

Katie L. 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

ANDREWS ERSOFF & ZANTELLO

/s/ JOSHUA D. ZANTELLO Date: 08/14/2019

Joshua D. Zantello  
Andrews Ersoff & Zantello, Attorneys at Law  
2941 NW Highway 101,  
Lincoln City, OR 97367  
*Of Attorneys for Defendant David Tokar*

**CERTIFICATE OF READINESS**

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

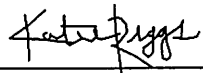
- 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being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

Page 5 – STIPULATED GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

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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: 8/7/2019

\_\_\_\_\_  
Katie L. Riggs (OSB # 095861)  
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(619) 326-2430  
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lot 7, Block 19, BAYSHORE DIVISION NO. 4, in Lincoln County, Oregon.