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

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST,

Plaintiff,

v.

THE ESTATE OF LEON L. ALLEN;
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF LEON L. ALLEN; THE
UNKNOWN HEIRS, DEVISEES AND
ASSIGNEES OF EVA ALLEN; LESTER
ALLEN; DANIEL ALLEN; WILLIAM
ALLEN aka BILL ALLEN; DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT; STATE OF OREGON; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4520 NW O NEIL HWY, PRINEVILLE,
OREGON, 97754,

Defendant.

Case No. 19CV29252

WRIT OF EXECUTION

TO THE CROOK COUNTY SHERIFF:

On June 22, 2020, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the CROOK 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: BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS MANAGEMENT

1 SERIES I TRUST c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

2 The real property to be sold at public auction is commonly known as 4520 NW O NEIL
3 HWY, PRINEVILLE, OREGON, 97754 ("Subject Property"), and legally described as:

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

5 The total amount due and owing on the Judgment as of January 29, 2020;

6 Judgment:	Principal	\$150,478.56
7 Pre-Judgment:	Interest(2.6200%,\$10.801474/day)	\$237.63 (6/1/20 through 6/22/20)
8	Attorney Fees	\$3,825.00
9	Costs	\$3,267.60
10	Prevailing Party Fee	\$325.00
11 Post-Judgment:	Interest(9.000%,\$39.05/day)	\$8,631.38 (6/23/20 through 1/29/21)
12	Attorney Fees	\$0.00
13	Costs	\$260.00
14		

15 **TOTAL: \$167,025.17**

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

21 /././

22 /././

23 /././

24 /././

25 Page 2 – WRIT OF EXECUTION

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.

Signed: 2/2/2021 12:15 PM

4
5
6 
7 **Amy Bonkosky, Trial Court Administrator**

8 Presented by:

9 ALDRIDGE PITE, LLP
10

11 By: /s/ Michael J. Page

12 Michael J. Page OSB #194328

13 *Of Attorneys for Plaintiff*

(858) 750-7600

(503) 222-2260 (facsimile)

orecourtnotices@aldridgepite.com
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"EXHIBIT A"

Located in CROOK COUNTY, OREGON:

Beginning at a point on the Southerly right of way line of the O'Neil Secondary Highway, as the same is now located and constructed, said point being South 52°32' East 375 feet from a point which is South 51°45' East 531.4 feet from a point 468 feet East of the Northwest corner of Section 35 in Township 14 South, Range 15 East of the Willamette Meridian, thence South 36°33' West 75 feet, thence South 52°32' East 100 feet, thence North 36°33' East 25 feet, thence North 52°32' West 50 feet, thence North 36°33' East 50 feet to a point on the Southerly right of way line of said O'Neil Secondary Highway, thence North 52°32' West along said right of way line 50 feet to the point of beginning.

ALSO Beginning at a point on the Southerly right of way line of the O'Neil Secondary Highway, as it is now located and constructed, said point being 1262.3 feet East and 617.9 feet South of the Northwest corner of Section 35 in Township 14 South, Range 15 East of the Willamette Meridian, which point is the easterly corner of the tract heretofore deeded to Marvin Bailey, thence South 36°33' West 50 feet, thence North 52°32' West 50 feet, thence North 37°30' East 50 feet, thence South 52°32' East 50 feet to the point of beginning.



CERTIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 2 DAY OF Feb 20 21
CIRCUIT COURT
CROOK COUNTY,
STATE OF OREGON

BY *Julie McGuire*
Julie McGuire COURT CLERK

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SERIES I TRUST,

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THE ESTATE OF LEON L. ALLEN;
UNKNOWN HEIRS, ASSIGNS AND
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ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4520 NW O NEIL HWY, PRINEVILLE,
OREGON, 97754,

Defendants.

Case No. 19CV29252

**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

Based upon the Court's Order of Default against defendants The Estate of Leon L. Allen; Unknown Heirs, Assigns And Devisees of Leon L. Allen, The Unknown Heirs, Devisees and Assignees of Eva Allen; Lester Allen, Daniel Allen, William Allen aka Bill Allen, Department of Housing and Urban Development, State of Oregon, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 4520 NW O Neil Hwy, Prineville, Oregon, 97754, the records on file herein, and pursuant to the Motion for
Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 General Judgment and Declaration of Amount Due by Default by Plaintiff Bank of New York
2 Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust
3 (“Plaintiff”),

4 **IT IS HEREBY ADJUDGED:**

5 1. Plaintiff’s security interest in the real property located at 4520 NW O Neil Hwy,
6 Prineville, Oregon, 97754 (“Subject Property”), as evidenced by the Deed of Trust recorded
7 November 24, 2008 in the official records of Crook County as instrument number 2008-231702
8 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All
9 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
10 Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally
11 described as follows:

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

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

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

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

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

21 DECLARATION OF AMOUNT DUE BY DEFAULT

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

24 1. The total amount of the unpaid principal balance, interest, and other amounts
25 owed is \$150,478.56.
26

1 2. Simple interest at the variable rate currently at 2.6200% after May 31, 2020,
2 through the date of judgment.

3 3. Attorney fees of \$3,825.00, plus \$260.00, through the date of sale.

4 4. Costs of \$3,267.60, plus costs accrued through the date of sale.

5 5. Prevailing party fee: \$325.00.

6 6. Post-judgment interest thereafter on the total judgment amount above, #1-5, at the
7 contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

8 **IT IS SO ADJUDGED**

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Signed: 6/22/2020 11:46 AM



Michael R. McLane, Circuit Court Judge

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:
 - 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

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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

/s/ Michael J. Page

Date: June 18, 2020

Michael Page OSB #194328
Of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (Facsimile)
orecourtnotices@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

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