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

BURNING TREE VILLAGE HOME OWNERS ASSOCIATION, an Oregon non-profit corporation,

Plaintiff,

v.

ROBERT W. HOWIE, an Individual; AND PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION;

Defendants.

Case No. 21CV26438

WRIT OF EXECUTION IN FORECLOSURE OF RESIDENTIAL REAL PROPERTY

TO THE SHERIFF OF DESCHUTES COUNTY:

WHEREAS, on August 23, 2021, in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto and made part hereof as *Exhibit A*.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of residential real property upon execution (subject to redemption), all of the interest which the defendant Robert W. Howie or their predecessors in interest had on April 24, 2018, the date Plaintiff's lien was recorded, and also all of the interest which the Defendant Robert W. Howie had thereafter, in the real property described in the judgment, described as follows:

Lot Fifty-Nine (59), as shown on the plat of "BURNING TREE VILLAGE", City of Bend, Deschutes County, Oregon, described as follows:

1 Commencing at the initial point of said plat; thence South
2 36°24'13" East 640.23 feet to the Point of Beginning for this
3 description; thence North 15°22'37" West, 25.00 feet; thence along
4 the common wall line between Lot 59 and Lot 58 of
5 said plat North 74°37'23" East, 31.00 feet; thence leaving said line
6 to a point which is the common point between Lots 57,
7 58, 59 and 60 of said plat; along the common wall line between
8 Lot 59 and Lot 60 of said plat South 15°22'37" East, 28.00
9 feet; thence South 74°37'23" West, 22.00 feet; thence North
10 15°22'37" West, 3.00 feet; thence South 74°37'23" West,
11 9.00 feet to the Point of Beginning of this description.

12 The property is commonly known as 1700 NE Wells Acres Road, Unit 59, Bend, OR 97701
13 ("Property").

14 To satisfy the general judgment listed below; all amounts owed to Plaintiff by
15 Defendant Robert W. Howie which accrued from date of judgment to date of sale; and the
16 cost of this writ, making due return within 60 days after you receive this writ. The proceeds
17 from the sale shall be applied in accordance with the judgment.

18 ///

1 The balance as of August 25, 2021, exclusive of post judgment attorney fees and post
2 judgment dues and assessments is as follows:

3	1. Principal Amount:	\$ 18,347.24
4	2. Amount of Costs and Disbursements:	\$ 780.22
5	3. Pre-Judgment Interest:	\$ 525.67
6	4. Amount of Attorney Fees:	\$ 6,410.33
7	5. Amount of Post-Judgment Interest (through August 25, 2021):	\$ 4.87
8	6. Total amount through August 25, 2021: (Per diem thereafter \$4.87)	\$ 26,068.33

9 The mailing address of the judgment creditor is:

10 Burning Tree Village Home Owners Association
11 c/o Vial Fotheringham LLP
12 Attn: Gregory B. Coxey, OSB# 032959
13 17355 SW Boones Ferry Rd., Suite A
14 Lake Oswego, OR 97035

Signed: 8/27/2021 03:54 PM

Angela R. Curtis

Trial Court Administrator
Angela Curtis



15 Submitted by:

16 VIAL FOTHERINGHAM LLP

17 By: 

18 Gregory B. Coxey, OSB# 032959
19 Of Attorneys for Plaintiff
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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES**

BURNING TREE VILLAGE HOME OWNERS ASSOCIATION, an Oregon non-profit corporation,

Plaintiff,

v.

ROBERT W. HOWIE, an Individual; AND PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION,

Defendants.

Case No. 21CV26438

GENERAL JUDGMENT OF FORECLOSURE

Based on the Order of Default against Defendants Robert W. Howie and Parties in Possession of Claiming a Right to Possession (together "Defendants"), and the records and files herein;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AND DECREED AS TO PLAINTIFF'S CLAIM FOR RELIEF AGAINST DEFENDANTS ROBERT W. HOWIE AND PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION FOR FORECLOSURE OF THE HOMEOWNER ASSOCIATION LIEN:

1. The real property to which the judgment relates (hereinafter the "Property") is situated in Deschutes County, Oregon is commonly known as 1700 NE Wells Acres Road, Unit 59, Bend, OR 97701 and is legally described as follows:

1 Lot Fifty-Nine (59), as shown on the plat of "BURNING TREE
2 VILLAGE", City of Bend, Deschutes County, Oregon,
3 described as follows:

4 Commencing at the initial point of said plat; thence South
5 36°24'13" East 640.23 feet to the Point of Beginning for this
6 description; thence North 15°22'37" West, 25.00 feet; thence along
7 the common wall line between Lot 59 and Lot 58 of
8 said plat North 74°37'23" East, 31.00 feet; thence leaving said line
9 to a point which is the common point between Lots 57,
10 58, 59 and 60 of said plat; along the common wall line between
11 Lot 59 and Lot 60 of said plat South 15°22'37" East, 28.00
12 feet; thence South 74°37'23" West, 22.00 feet; thence North
13 15°22'37" West, 3.00 feet; thence South 74°37'23" West,
14 9.00 feet to the Point of Beginning of this description.

15 2. Plaintiff's lien recorded on April 24, 2018 as Document No. 2018-016370
16 in the official records of Deschutes, Oregon is a valid and perfected continuing lien
17 against all of the Property for the following amounts:

- 18 a. Through June 29, 2021 for regular assessments, special assessments, interest and
19 late fees, and for attorney fees and costs incurred up until the complaint was filed
20 in this action, Plaintiff is due and owing the following amounts:

Lien Principal:	\$21,473.38
Pre-judgment Interest:	\$525.67
Total:	\$21,999.05

- 21 b. Continuing assessments, late fees, interest now due and owing to Plaintiff from
22 June 29, 2021 to August 13, 2021:

Assessments and Late fees:	\$612.00
Pre-judgment interest:	\$0.00
Post-Complaint Payments	-\$16.31
Total:	\$595.69

c. Attorney Fees and Costs from February 29, 2021 to August 13, 2021 are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):	\$2,688.50
Costs:	
Photocopy Cost	\$3.36
Postage Cost	\$5.86
Prevailing Party Fee	\$325.00
E-filing Cost	\$283.00
Recording Fee	\$98.00
Filing Fee	\$65.00
Cost Subtotal:	\$780.22
Total:	\$3,468.72

for a total amount due through August 13, 2021, of \$26,063.46.

3. Post-judgment simple interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the rate of six percent (6%) per annum on the amount of monthly and special assessments, late fees, fines and prejudgment interest, and shall accrue at the rate of nine percent (9%) per annum on attorney fees, costs and disbursements, from date of entry of judgment until paid.

4. Since the amount of the lien referenced herein includes only assessments, attorney fees, and costs incurred through August 9, 2021, and regular and special assessments, attorney fees and costs increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for

1 one or more supplemental judgment(s) for assessments, attorney fees and costs which accrue
2 through the date of sale but are not included in this judgment.

3 5. The amounts declared due in paragraphs 2, 3, and 4 of this judgment shall
4 collectively declare the secured amount due under this Judgment of Foreclosure.
5

6 6. The lien of the Plaintiff is superior to any interest, lien, or claim of
7 Defendants, and shall remain in effect until issuance of a Sheriff's Deed.

8 7. Plaintiff's lien is foreclosed and all interest which the Defendants have on,
9 or before, August 13, 2021 in the real property shall be sold by the Deschutes County
10 Sheriff to satisfy any and all amounts due and owing its Lien as determined herein and in
11 accordance to the process for sale upon execution.
12

13 8. The interest of all remaining Defendants and any successors in interest, in
14 the Property is ordered foreclosed and terminated by Sheriff's sale upon entry of this
15 General Judgment of Foreclosure, excepting only any statutory right of redemption as
16 provided by Oregon Law.
17

18 9. The proceeds of sale shall be applied first to the costs of sale; second to
19 satisfaction of Plaintiff's judgment awarded in this matter; to any assessments of the
20 Plaintiff which shall accrue from August 13, 2021 to the date of sale; with surplus, if any,
21 to the Defendants in the priority as their interest may appear or to the clerk of the court to
22 be distributed to such party of parties as may establish a right thereto.
23

24 10. Plaintiff is entitled to an award of its attorney fees costs and disbursements
25 in an amount to be determined under ORCP 68 for purposes of execution.
26
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1 11. Defendants, as well as all persons claiming through or under Defendants
2 as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or
3 claim in the real property described above and every portion thereof, excepting any
4 statutory right of the redemption as Defendants, or any of them may have therein.
5

6 12. Plaintiff may become purchaser at the sale of the Property and may credit
7 bid up to the aggregate amount of its judgment plus interest and any costs of sale
8 advanced by Plaintiff from the date of judgment until sale.
9

10 13. The purchaser at the sale is entitled to exclusive and immediate possession
11 of the Property from and after the date of sale and is entitled to such remedies as are
12 available at law or in equity to secure possession.
13

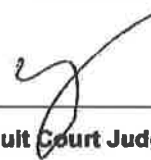
14 14. If before sale, such amount, including sheriff's fees for the execution, is tendered to
15 the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.
17

18 15. The General Judgment shall have the same effect as a writ of assistance if
19 Defendant(s), or any of them, or any other party of person shall refuse to surrender
20 possession to the purchaser immediately on the purchaser's demand for possession.
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1 16. This Court shall retain jurisdiction to enter such additional order,
2 judgment or decree necessary to enforce this judgment or for the purchaser at the
3 foreclosure sale to obtain possession.
4

Signed: 8/23/2021 03:07 PM



Circuit Court Judge Walter R. Miller

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11 Submitted by:
12 **VIAL FOTHERINGHAM LLP**

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14 By: 
15 Gregory B. Coxey, OSB# 032959
16 *Of Attorneys for Plaintiff*
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**PAGE 6 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN**

Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Ste. A
Lake Oswego, OR 97035/503-684-4111/503-598-7758 FAX
gbc@vf-law.com

Exhibit A
Page 6 of 8

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Plaintiff,

v.

ROBERT W. HOWIE, an Individual; AND PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION,

Defendants.

Case No. 21CV26438

**CERTIFICATE OF READINESS
UTCR 5.100**

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

1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing 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 each party 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.

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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: _____.

DATED this 13 day of August, 2021.

VIAL FOTHERINGHAM, LLP

By: 

Gregory B. Coxey, OSB #032959
Attorney for Plaintiff