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

PONDEROSA PINES WATER COMPANY,  
an Oregon non-profit corporation,  
Plaintiff,

v.

UNKNOWN HEIRS AND ASSIGNS OF  
BETTY WRIGHT, an individual;  
OCCUPANTS OF THE PREMISES; and  
DOES 1-10 as individuals with interest in the  
real property legally described as: Lot 77,  
PONDEROSA PINES, Deschutes County,  
Oregon, recorded July 3, 1970, Plat Cabinet  
A, Page 70, Deschutes County Records;

Defendants.

Case No. 21CV04236

**AMENDED WRIT OF  
EXECUTION IN  
FORECLOSURE OF  
RESIDENTIAL REAL  
PROPERTY**

**TO THE SHERIFF OF DESCHUTES COUNTY:**

WHEREAS, on June 17, 2021, in the above-entitled court, a General Default 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*. The General Default Judgment of Foreclosure was corrected on August 11, 2021, a true copy of which is attached hereto and made part hereof as *Exhibit B*.

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 Daniella Unknown Heirs and Assigns of Betty Wright (“Wright”) or their predecessors interest had on May 20,

1 2016, the date Plaintiff's lien was recorded, and also all of the interest which the Defendant  
2 Wright had thereafter, in the real property described in the judgment, described as follows:

3  
4 Lot 77, PONDEROSA PINES, Deschutes County, Oregon, recorded July 3, 1970,  
Plat Cabinet A, Page 70, Deschutes County Records.

5 The property is commonly known as 52312 Barberry Circle, La Pine, Oregon 97739  
6 ("Property").

7 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendant  
8 Wright which accrued from date of judgment to date of sale; and the cost of this writ, making  
9 due return within 60 days after you receive this writ. The proceeds from the sale shall be applied  
10 in accordance with the judgment.

11 ///

1 The balance as of August 23, 2021, exclusive of post judgment attorney fees and post  
2 judgment dues and assessments is as follows:

3		
4	1. Principal Amount:	\$ 12,487.67
5	2. Amount of Costs and Disbursements:	\$ 4,756.18
6	3. Pre-Judgment Interest:	\$ 571.60
7	4. Amount of Attorney Fees:	\$ 10,090.25
8	5. Amount of Post-Judgment Interest (through August 23, 2021):	\$ 252.30
9	6. Total amount through August 23, 2021: (Per diem thereafter \$3.82)	\$ 28,158.00

9 The mailing address of the judgment creditor is:

10 Ponderosa Pines Water Company  
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: 8/23/2021 01:51 PM


*Angela R. Curtis*

Trial Court Administrator  
Angela Curtis



15 Submitted by:

16 VIAL FOTHERINGHAM LLP

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21 By:   
22 Gregory B. Coxey, OSB# 032959  
23 Of Attorneys for Plaintiff  
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PONDEROSA PINES, Deschutes County, )  
Oregon, recorded July 3, 1970, Plat Cabinet )  
A, Page 70, Deschutes County Records, )  
  
Defendants. )

Case No. 21CV04236  
Corrected  
**AMENDED GENERAL  
DEFAULT JUDGMENT OF  
FORECLOSURE**

**(Ex Parte)**

Based on the motion of Plaintiff, the affidavit of Gregory B. Coxey, and the records and files herein;

IT APPEARING that Defendants UNKNOWN HEIRS AND ASSIGNS OF BETTY WRIGHT, DOES 1-10 and OCCUPANTS OF THE PREMISES (collectively "Defendants"), were duly served with the Summons and Complaint in this matter more than thirty (30) days ago, and that none of the Defendants were, at the time of service, nor are any of the Defendants now, in the military service of the United States, a minor, incompetent or incapacitated person, and the Court having entered an Order of Default against all Defendants, and finding generally in favor of Plaintiff and against Defendants on Plaintiff's Complaint, and the Court being fully advised in the premises;

1 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:

2 1. Plaintiff, Ponderosa Pines Water Company, be awarded judgment against  
3 Defendant UNKNOWN HEIRS AND ASSIGNS OF BETTY WRIGHT, in the sum of  
4 \$27,905.70, which includes \$13,059.27 in past due water charges, together with interest at the  
5 rate of five percent (5%) per annum through June 9, 2021, lien costs, association assessments,  
6 property taxes, and attorney fees of \$10,090.25, and costs and disbursements of \$4,756.18; and

7 2. Plaintiff's lien against the real property legally described as:

8 Lot 77, PONDEROSA PINES, Deschutes County, Oregon, recorded July 3, 1970,  
9 Plat Cabinet A, Page 70, Deschutes County Records.

10 and more commonly known as 52312 Barberry Circle, La Pine, Oregon 97739 (the "Property"),  
11 as referenced in Plaintiff's Claim of Lien recorded on May 20, 2016 in the Deschutes County  
12 Official Records as Document No. 2016-19567 is a valid and subsisting lien that is senior in  
13 priority to any interest that defendants UNKNOWN HEIRS AND ASSIGNS OF BETTY  
14 WRIGHT, DOES 1-10 and OCCUPANTS OF THE PREMISES may hold, and is also senior in  
15 priority to the interest of any and all persons acquiring any right, title, estate, lien or interest in or  
16 to the Property or any part thereof subsequent to May 20, 2016, the date Plaintiff's lien was  
17 perfected, and that all such persons are forever barred and estopped from claiming or asserting  
18 any right, title, lien or interest in or to the Property or any part thereof, save and except for the  
19 right of redemption as allowed by law; and

20 3. Plaintiff's lien is foreclosed and all interest which the Defendant UNKNOWN  
21 HEIRS AND ASSIGNS OF BETTY WRIGHT has or had in the Property shall be sold by the  
22 Sheriff of Deschutes County, Oregon, in the manner prescribed by law and in accordance with  
23 the practice of this Court; and

24 4. The proceeds of sale shall be applied first towards the costs of sale, then to any  
25 assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment to the  
26 date of sale, then towards satisfaction of Plaintiff's judgment awarded herein, and any surplus to  
27 the party or parties who may establish their right thereto; and

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1           5.       In the event the proceeds from the sale do not satisfy the balance of the lien, the  
2 remaining amounts shall be satisfied by the sale of other property of Defendant UNKNOWN  
3 HEIRS AND ASSIGNS OF BETTY WRIGHT; and,

4           6.       Defendants UNKNOWN HEIRS AND ASSIGNS OF BETTY WRIGHT, DOES  
5 1-10 and OCCUPANTS OF THE PREMISES, as well as all persons claiming through or under  
6 said Defendants as purchasers, encumbrancers, or otherwise, are forever foreclosed of all  
7 interest, lien or claim in the real property described above and every portion thereof, save except  
8 for the right of redemption as allowed by law; and

9           7.       Plaintiff or any other party to this suit may become the purchaser at the sale of the  
10 real property; and

11           8.       Since the amount of the lien awarded herein includes only assessments, attorney  
12 fees and costs incurred to the date of judgment and regular assessments, fees and costs increase  
13 the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more  
14 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale  
15 but are not included in this judgment.

16 ///

**MONEY AWARD**

- 1. Judgment Creditor: Ponderosa Pines Water Company,  
an Oregon non-profit corporation
- 2. Attorney for Judgment Creditor: Gregory B. Coxey  
17355 SW Boones Ferry Road, Suite A  
Lake Oswego, OR 97035  
Portland, OR 97223
- 3. Judgment Debtor: Unknown Heirs and Assigns of Betty Wright  
52312 Barberry Circle  
La Pine, Oregon 97739
- 4. Judgment Debtor's Attorney: None
- 5. Amount of Money Award: \$12,487.67
- 6. Prejudgment Interest: \$571.60
- 7. Post Judgment Simple Interest: Shall accrue at the rate of five (5%) per annum on  
the amount of money award, prejudgment interest,  
attorney fees, costs and disbursements, from the date of  
entry of judgment until paid.
- 8. Plaintiff is awarded Costs and Disbursements as follows:  
On Plaintiff's First Claim: \$4,756.18
- 9. Plaintiff is awarded Attorney Fees as follows:  
On Plaintiff's First Claim: \$10,090.25

Signed: 8/11/2021 09:34 AM



Circuit Court Judge Alison M. Emerson

**SUBMITTED BY:**

By:   
Gregory B. Coxey, OSB# 032959  
Of Attorneys for Plaintiff  
17355 SW Boones Ferry Road, Suite A  
Lake Oswego, OR 97035  
(503) 684-4111

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A, Page 70, Deschutes County Records, )

Defendants. )

Case No. 21CV04236

**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.



1 b.  I received objections that I could not resolve with a party despite reasonable  
2 efforts to do so. I have filed a copy of the objections I received and indicated  
3 which objections remain unresolved.

4 c.  After conferring about objections, [role and name of objecting party] agreed  
5 to independently file any remaining objection.


6 4.  Service is not required pursuant to subsection (3) of this rule, or by statute,  
7 rule, or otherwise.

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

11 6. Other: \_\_\_\_\_

12 DATED this 9 day of August, 2021.

13 VIAL FOTHERINGHAM, LLP

14 By:   
15 Gregory B. Coxey, OSB #032959  
16 Attorney for Plaintiff