

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

In the Matter of the Estate of Donald Frank Shaw:

Case No. 21CV19037

WADE P. BETTIS

JUDGMENT OF FORECLOSURE

Plaintiff,

LUCAS SHAW, Personal Representative in the Estate
of Donald Frank Shaw,

and

STEVEN J JOSEPH, P.C., a Professional Corporation

Defendants.

IT IS HERE BY ORDERED AND ADJUDGED:

1.

Plaintiff is awarded judgment against the Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw, Personal Representative in the Estate of Donald Frank Shaw, in the amount of \$29,295.16 total principal, plus interest at the rate of 10 percent per annum from May 1st, 2011, to the date of entry of this judgement, which calculates to \$75,984.10; plus filings and service fees as Plaintiff's costs of disbursements; plus post judgment interest on the entire sum at the rate of 10 percent per annum from the date of entry of judgement.

2.

The due-on-demand promissory note and Deed of Trust executed and delivered by Decedent Donald Frank Shaw on or about May 25th, 2011, is a valid lien for the amount of Plaintiff's judgement set forth in paragraph 1 above against the real property situated in Union County, Oregon, described as follows:

- 1 • IN TOWNSHIP 2 SOUTH, RANGE 385 EAST OF THE WILLAMETTE MERIDIAN

2 Section 19: All that portion of the south half lying east of the constructed centerline of
3 Owsley Canyon Road as in existence September 6, 2005;

4 Section 20: The south half of northwest quarter and the southwest quarter; EXCEPTING
5 a parcel of about 5 acres out of the southwest quarter of northwest quarter described as
6 commencing at the northwest corner of said subdivision; thence South 660 feet; thence
7 East 330 feet; thence North 660 feet; thence West 30 feet to the point of beginning;

8 ALSO EXCEPT any portion of said section 20 lying west of the constructed centerline of
9 Owsley Canyon Road as existence September 6, 2005;

10 Section 29: The north half of northwest quarter, the southwest quarter of northwest
11 quarter and the west half of southwest quarter; EXCEPTING approximately 3 acres out
12 of the southwest corner of the southwest corner of said section; thence North 208.71 feet;
13 thence East 626013 feet; thence South 208.71 feet; thence West 626.13 feet to the point
14 of beginning;

15 All SITUATE IN the County of Union, State of Oregon.

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17 This lien is senior to any interest of the Estate of Donald Frank Shaw by and through Defendant,
18 Lucas Shaw, Personal Representative in the Estate of Donald Frank Shaw, in the property.

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20 3.

21 The due-on-demand promissory note and Deed of Trust lien is foreclosed and all interest
22 that the Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw, Personal
23 Representative in the Estate of Donald Frank Shaw (case number 16-05-8606), had on and after
24 May 1st, 2011, in the property, or so much interest as may be necessary to satisfy the judgment of
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1 Plaintiff, must be sold by the sheriff of Union County, Oregon, in the manner provided by law in
2 accordance with the practice of this Court.

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4 4.

5 The proceeds of sale must be applied first toward the costs of sale, and the expenses
6 incurred by the receiver for the receiver's compensation and for the necessary care and
7 preservation of the property in the receiver's possession; then toward the satisfaction of any lien
8 that is superior to Plaintiff's, and then to the satisfaction of Plaintiff's judgment awarded herein.

9 The surplus, if any, shall go to the clerk of the Court to be distributed to such party of parties as
10 may establish their right thereto.

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12 5.

13 Defendant, Steven J. Joseph, P.C., has a Deed of Trust and lien against this estate and
14 property. This Deed of Trust and lien are junior to Plaintiff's Deed of Trust and lien.

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16 6.

17 If the proceeds of sale are not sufficient to satisfy Plaintiff's judgment awarded herein
18 against the Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw, Personal
19 Representative in the Estate of Donald Frank Shaw, then any such deficiency may be enforced
20 by execution as provided by law.

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22 7.

23 The Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw, Personal
24 Representative in the Estate of Donald Frank Shaw, and all persons claiming through Defendants
25 are forever foreclosed of all interest in the property and every portion thereof excepting only any
right of redemption as the Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw,
Personal Representative in the Estate of Donald Frank Shaw, may have therein.

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8.

Plaintiff or any other party to this action may become the purchaser at the sale of the property. The purchaser is entitled to exclusive possession of the property from and after the sale of sale and is entitled to such remedies as are available at law to secure possession, including writ of assistance, if the Estate of Donald Frank Shaw by and through Defendant, Lucas Shaw, Personal Representative in the Estate of Donald Frank Shaw, or any other party or person refuses to surrender possession to the purchaser immediately on the purchaser's demand for possession.

9.

The receiver previously appointed is directed to file the receiver's final account on sale by the sheriff. If the receiver has collected any rents, issues, or profits from the property, the amount of such rents, issues, or profits must be delivered to the clerk of the Court and applied in the same manner as the proceeds of sale, as provided herein.

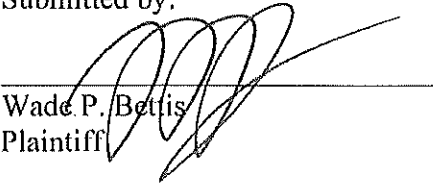
DATED: 23 August 2021.

Signed: 8/31/2021 11:27 AM



Robert S. Raschio, Circuit Court Judge

Submitted by:


Wade P. Bellis
Plaintiff

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CERTIFICATE UNDER UTCR 5.100(2)(B)

The reason that the submission is ready for judicial signature or otherwise states that any objection is ready for resolution, in substantially the following form:

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 on the document being submitted.

Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

I have served a copy of this order or judgment on all parties entitled to service and:
 No objection has been served on me.
 I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objections.

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

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

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

This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crimes Victims' Assistance Section as required by subsection (4) of this "rule".

DATED: 24 August 2021

/s/Wade Bettis
Wade P. Bettis, PhD.,P.C.
OSB #720255