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

SEATTLE BANK,

Plaintiff,

v.

THE ESTATE OF ROBERT J. KAKUSKA;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF ROBERT J. KAKUSKA;
MIKE KAKUSKA; NANCY HAAS; REED
KAKUSKA; AND ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2217 NE WELLS ACRES
ROAD, BEND, OR 97701,

Defendant.

Case No. 20CV20444

WRIT OF EXECUTION

TO THE DESCHUTES COUNTY SHERIFF:

On November 5, 2021, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Deschutes 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: SEATTLE BANK c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR 97204.

The real property to be sold at public auction is commonly known as 2217 NE WELLS ACRES ROAD, BEND, OR 97701 ("Subject Property"), and legally described as:

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

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

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Angela R. Curtis

Trial Court Administrator
Angela Curtis



Presented by:

ALDRIDGE PITE, LLP

By: /s/ Michael J. Page
Michael J. Page OSB #194328
Of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

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

SEATTLE BANK,

Plaintiff,

v.

THE ESTATE OF ROBERT J. KAKUSKA;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF ROBERT J. KAKUSKA;
MIKE KAKUSKA; NANCY HAAS; REED
KAKUSKA; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2217 NE WELLS ACRES
ROAD, BEND, OR 97701,

Defendants.

Case No. 20CV20444

**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 Robert J. Kakuska, The Unknown Heirs, Assigns and Devisees of Robert J. Kakuska, Mike Kakuska, Nancy Haas, Reed Kakuska, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 2217 NE Wells Acres Road, Bend, OR 97701, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Seattle Bank (“Plaintiff”),

IT IS HEREBY ADJUDGED:

1. Plaintiff’s security interest in the real property located at 2217 NE Wells Acres Road, Bend, OR 97701 (“Subject Property”), as evidenced by the Deed of Trust recorded

1 January 10, 2007 in the official records of Deschutes County as instrument number 2007-01651
2 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All
3 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
4 Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally
5 described as follows:

6
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8 LOT 24 IN BLOCK 2 OF ASPEN HEIGHTS, PHASE 2, CITY OF BEND,
9 DESCHUTES COUNTY, OREGON.

10
11 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
12 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
13 in the manner provided by law;

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

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

24
25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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

25 1. The total amount of the unpaid principal balance, interest, and other amounts
26 owed is \$361,167.82.

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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: March 26, 2021

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