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

BATTLECREEK COMMONS)
ASSOCIATION, an Oregon non-profit)
corporation,)

Plaintiff,)

v.)

UNKNOWN HEIRS OF MARGARET)
NORVELL; SYLVIA ALLEN; MICHAEL)
NORVELL; LISA OVERSTREET;)
SANDRA JACKS; AND PARTIES IN)
POSSESSION OR CLAIMING A RIGHT TO)
POSSESSION,)

Defendants.)

Case No. 21CV24238

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

TO THE SHERIFF OF MARION COUNTY:

WHEREAS, On November 3, 2021, in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause. The judgment declared Plaintiff's rights to be superior to those of Defendants'. A true copy of said judgment is attached hereto as *Exhibit 1* and made part hereof;

NOW, THEREFORE, you are hereby commanded to levy on and sell real property of the judgment debtor, Unknown Heirs of Margaret Norvell ("Norvell"), and deliver the proceeds to the Court for application against the amounts owing. The real property is described as follows:

Lot 107, and the Northerly 10 feet of Lot 108, BATTLECREEK COMMONS PHASE III, in the City of Salem, County of Marion, and State of Oregon.

The property is commonly known as 6514 Huntington Circle SE, Salem, OR 97306 (hereafter "property").

///

1 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendant
2 Norvell which accrued from date of judgment to date of sale; and the cost of this writ, making
3 due return within 60 days after you receive this writ. The proceeds from the sale shall be applied
4 in accordance with the judgment.
5

6 The amount owing on the Plaintiff's assessment lien as of November 4, 2021 is as
7 follows:

8	1. Principal Amount:	\$ 9,948.51
9	2. Amount of Costs and Disbursements:	\$ 1,862.05
10	3. Pre-Judgment Interest:	\$ 0.00
11	4. Amount of Attorney Fees:	\$ 7,050.00
12	5. Amount of Post-Judgment Interest (through November 4, 2021):	\$ 4.93
13	6. Total amount through November 4, 2021 (Per diem thereafter \$4.93):	\$ 18,865.49

14 The mailing address of the judgment creditor is:

15 Battlecreek Commons Association
16 c/o Vial Fotheringham LLP
17 Attn: C. Sarah Lappin
18 17355 SW Boones Ferry Rd., Suite A
19 Lake Oswego, OR 97035

20
21
22 11/23/2021 2:12:04 PM

23 Submitted by:

24 **VIAL FOTHERINGHAM LLP**
25 C. Sarah Lappin, OSB #077070
26 csl@vf-law.com
27 *Of Attorneys for Plaintiff*
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Circuit Court Judge David [Signature]





STATE OF OREGON } 36
County of Marion

The foregoing copy has been compared and is certified by me as a full, true and correct copy of the original on file in my office and in my custody.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the

Court on: 12/6/21
TRIAL COURT ADMINISTRATOR

By Zach Beronja

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

BATTLECREEK COMMONS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

UNKNOWN HEIRS OF MARGARET
NORVELL; SYLVIA ALLEN; MICHAEL
NORVELL; LISA OVERSTREET;
SANDRA JACKS; AND PARTIES IN
POSSESSION OR CLAIMING A RIGHT
TO POSSESSION ,

Defendants.

Case No. 21CV24238

**GENERAL JUDGMENT OF
FORECLOSURE**

Based on the Order of Default against Unknown Heirs of Margaret Norvell (“Unknown Heirs”), Sylvia Allen (“Allen”), Michael Norvell (“Norvell”), Lisa Overstreet (“Overstreet”), Sandra Jacks (“Jacks”), and Parties in Possession or Claiming a Right to Possession (“Parties in 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
UNKNOWN HEIRS OF MARGARET NORVELL, SYLVIA ALLEN, MICHAEL
NORVELL, LISA OVERSTREET, SANDRA JACKS, AND PARTIES IN POSSESSION
OR CLAIMING A RIGHT TO POSSESSION FOR FORECLOSURE OF THE
HOMEOWNER ASSOCIATION LIEN:**

PAGE 1 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN - P11985-105

1 1. The real property to which the judgment relates (hereinafter the "Property") is
2 situated in Marion County, Oregon is commonly known as 6514 Huntington Circle SE, Salem,
3 OR 97306 and is legally described as follows:

4 Lot 107, and the Northerly 10 feet of Lot 108, BATTLECREEK COMMONS
5 PHASE III, in the City of Salem, County of Marion, and State of Oregon.

6 2. Plaintiff's lien recorded on April 18, 2016 at Reel: 3808 Page: 171 in the
7 official records of Marion, Oregon is a valid and perfected continuing lien against all of
8 the Property for the following amounts:

9 a. Through October 1, 2021 for assessments and late fees, Plaintiff is due and
10 owing the following amounts:

Lien Principle:	\$9,948.51
Pre-judgment Interest:	\$0.00
Total:	\$9,948.51

11 b. Attorney Fees and Costs from due through October 1, 2021 are awarded to
12 Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):	\$7,050.00
Costs:	
Photocopy Cost	\$3.84
Postage Cost	\$64.21
Prevailing Party Fee	\$345.00
Recording Fee	\$91.00
Foreclosure Guarantee Report Cost	\$200.00
Filing Fee	\$283.00

Process Server Cost	\$875.00
Cost Subtotal:	\$1,862.05
Total:	\$8,912.05

for a total amount due through October 1, 2021 of \$18,860.56.

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 ten percent (10%) per annum on the amount of monthly assessments and late fees, from date of entry of judgment until paid, and shall accrue from the date of judgment 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 October 1, 2021, and regular assessments, attorney fees and costs increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more supplemental judgment(s) for assessments, attorney fees and costs which accrue through the date of sale but are not included in this judgment.

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

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

7. Plaintiff's lien is foreclosed and all interest which the Defendants have on, or before, October 1, 2021 in the real property shall be sold by the Marion County Sheriff to satisfy any and all amounts due and owing its Lien as determined herein and in accordance to the process for sale upon execution.

1 8. The interest of all remaining Defendants and any successors in interest, in
2 the Property is ordered foreclosed and terminated by Sheriff's sale upon entry of this
3 General Judgment of Foreclosure, expecting only any statutory right of redemption as
4 provided by Oregon Law.
5

6 9. The proceeds of sale shall be applied first to the costs of sale; second to
7 satisfaction of Plaintiff's judgment awarded in this matter; to any assessments of the
8 Plaintiff which shall accrue from October 1, 2021 to the date of sale; with surplus, if any,
9 to the Defendants in the priority as their interest may appear or to the clerk of the court to
10 be distributed to such party of parties as may establish a right thereto.
11

12 10. Plaintiff is entitled to an award of its attorney fees costs and disbursements
13 in an amount to be determined under ORCP 68 for purposes of execution.
14

15 11. Defendants, as well as all persons claiming through or under Defendants
16 as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or
17 claim in the real property described above and every portion thereof, excepting any
18 statutory right of the redemption as Defendants, or any of them may have therein.
19

20 12. Plaintiff may become purchaser at the sale of the Property and may credit
21 bid up to the aggregate amount of its judgment plus interest and any costs of sale
22 advanced by Plaintiff from the date of judgment until sale.
23

24 13. The purchaser at the sale is entitled to exclusive and immediate possession
25 of the Property from and after the date of sale and is entitled to such remedies as are
26 available at law or in equity to secure possession.
27

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**PAGE 4 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN - P11985-105**

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

4
5 15. The General Judgment shall have the same effect as a writ of assistance if
6 Defendant(s), or any of them, or any other party of person shall refuse to surrender
7 possession to the purchaser immediately on the purchaser's demand for possession.

8 16. This Court shall retain jurisdiction to enter such additional order,
9 judgment or decree necessary to enforce this judgment or for the purchaser at the
10 foreclosure sale to obtain possession.
11

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17 11/3/2021 10:00:24 AM



18 **Circuit Court Judge David Leith**

19 Submitted by:
20 **VIAL FOTHERINGHAM LLP**

21 C. Sarah Lappin, OSB #077070
22 *Of Attorneys for Plaintiff*

REEL: 4573

PAGE: 74

December 13, 2021, 01:16 pm.

CONTROL #: 686066

**State of Oregon
County of Marion**

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 116.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

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

BATTLECREEK COMMONS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

UNKNOWN HEIRS OF MARGARET
NORVELL; SYLVIA ALLEN; MICHAEL
NORVELL; LISA OVERSTREET;
SANDRA JACKS; AND PARTIES IN
POSSESSION OR CLAIMING A RIGHT
TO POSSESSION ,

Defendants.

Case No. 21CV24238

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**NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED AND
DECREED AS TO PLAINTIFF’S CLAIM FOR RELIEF AGAINST DEFENDANTS
UNKNOWN HEIRS OF MARGARET NORVELL, SYLVIA ALLEN, MICHAEL
NORVELL, LISA OVERSTREET, SANDRA JACKS, AND PARTIES IN POSSESSION
OR CLAIMING A RIGHT TO POSSESSION FOR FORECLOSURE OF THE
HOMEOWNER ASSOCIATION LIEN:**

PAGE 1 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN - P11985-105

1 1. The real property to which the judgment relates (hereinafter the "Property") is
2 situated in Marion County, Oregon is commonly known as 6514 Huntington Circle SE, Salem,
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4 Lot 107, and the Northerly 10 feet of Lot 108, BATTLECREEK COMMONS
5 PHASE III, in the City of Salem, County of Marion, and State of Oregon.

6 2. Plaintiff's lien recorded on April 18, 2016 at Reel: 3808 Page: 171 in the
7 official records of Marion, Oregon is a valid and perfected continuing lien against all of
8 the Property for the following amounts:

9 a. Through October 1, 2021 for assessments and late fees, Plaintiff is due and
10 owing the following amounts:

Lien Principle:	\$9,948.51
Pre-judgment Interest:	\$0.00
Total:	\$9,948.51

15 b. Attorney Fees and Costs from due through October 1, 2021 are awarded to
16 Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):	\$7,050.00
Costs:	
Photocopy Cost	\$3.84
Postage Cost	\$64.21
Prevailing Party Fee	\$345.00
Recording Fee	\$91.00
Foreclosure Guarantee Report Cost	\$200.00
Filing Fee	\$283.00

Process Server Cost	\$875.00
Cost Subtotal:	\$1,862.05
Total:	\$8,912.05

for a total amount due through October 1, 2021 of \$18,860.56.

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 ten percent (10%) per annum on the amount of monthly assessments and late fees, from date of entry of judgment until paid, and shall accrue from the date of judgment 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 October 1, 2021, and regular assessments, attorney fees and costs increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more supplemental judgment(s) for assessments, attorney fees and costs which accrue through the date of sale but are not included in this judgment.

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

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

7. Plaintiff's lien is foreclosed and all interest which the Defendants have on, or before, October 1, 2021 in the real property shall be sold by the Marion County Sheriff to satisfy any and all amounts due and owing its Lien as determined herein and in accordance to the process for sale upon execution.

1 8. The interest of all remaining Defendants and any successors in interest, in
2 the Property is ordered foreclosed and terminated by Sheriff's sale upon entry of this
3 General Judgment of Foreclosure, expecting only any statutory right of redemption as
4 provided by Oregon Law.
5

6 9. The proceeds of sale shall be applied first to the costs of sale; second to
7 satisfaction of Plaintiff's judgment awarded in this matter; to any assessments of the
8 Plaintiff which shall accrue from October 1, 2021 to the date of sale; with surplus, if any,
9 to the Defendants in the priority as their interest may appear or to the clerk of the court to
10 be distributed to such party of parties as may establish a right thereto.
11

12 10. Plaintiff is entitled to an award of its attorney fees costs and disbursements
13 in an amount to be determined under ORCP 68 for purposes of execution.
14

15 11. Defendants, as well as all persons claiming through or under Defendants
16 as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or
17 claim in the real property described above and every portion thereof, excepting any
18 statutory right of the redemption as Defendants, or any of them may have therein.
19

20 12. Plaintiff may become purchaser at the sale of the Property and may credit
21 bid up to the aggregate amount of its judgment plus interest and any costs of sale
22 advanced by Plaintiff from the date of judgment until sale.
23

24 13. The purchaser at the sale is entitled to exclusive and immediate possession
25 of the Property from and after the date of sale and is entitled to such remedies as are
26 available at law or in equity to secure possession.
27

28 ///

**PAGE 4 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN - P11985-105**

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

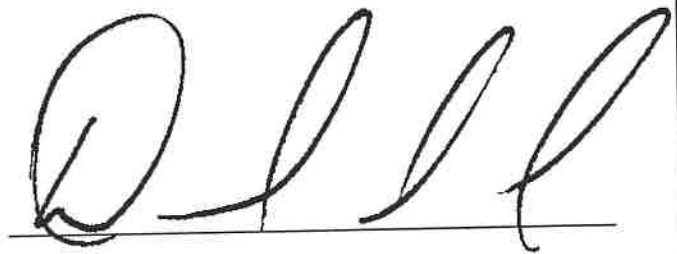
Exhibit 1
Page 4 of 5

1 14. If before sale, such amount, including sheriff's fees for the execution, is tendered
2 to the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
3 judgment as to the amounts due shall be terminated.
4

5 15. The General Judgment shall have the same effect as a writ of assistance if
6 Defendant(s), or any of them, or any other party of person shall refuse to surrender
7 possession to the purchaser immediately on the purchaser's demand for possession.
8

9 16. This Court shall retain jurisdiction to enter such additional order,
10 judgment or decree necessary to enforce this judgment or for the purchaser at the
11 foreclosure sale to obtain possession.
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17 11/3/2021 10:00:24 AM



18 **Circuit Court Judge David Leith**

19 Submitted by:
20 **VIAL FOTHERINGHAM LLP**

21 C. Sarah Lappin, OSB #077070
22 *Of Attorneys for Plaintiff*
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**PAGE 5 of 5 –GENERAL DEFAULT JUDGMENT OF FORECLOSURE OF HOMEOWNER
ASSOCIATION LIEN - P11985-105**

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

Exhibit 1
Page 5 of 5