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Columbia County  
Sheriffs Office

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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

v.

ALAN J. HORTON; MARILYN L.  
HORTON; ATLANTIC CREDIT AND  
FINANCE, SPECIAL FINANCE UNIT III;  
CAPITAL ONE BANK (USA) N.A.;  
JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION; STATE OF OREGON; AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
68838 WASSER RD, RAINIER, OR 97048,

Defendant.

Case No. 17CV21901

**WRIT OF EXECUTION**

TO THE COLUMBIA COUNTY SHERIFF:

On February 8, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the COLUMBIA 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: FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") c/o Aldridge Pite, LLP, 1050 SW 6<sup>th</sup> Avenue, Portland, OR 97204.

///

1 The real property to be sold at public auction is commonly known as 68838 WASSER  
2 RD, RAINIER, OR 97048 ("Subject Property"), and legally described as:

3 PARCEL 1: THE WEST HALF OF THE NORTHEAST QUARTER OF THE  
4 NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST  
5 QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH,  
6 RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON.  
7 EXCEPTING TRACT DESCRIBED IN DEED RECORDED NOVEMBER 15, 1982, IN BOOK  
8 245, PAGE 46, DEED RECORDS OF COLUMBIA COUNTY, OREGON.

9 PARCEL 2: BEGINNING AT A POINT ON THE NORTH LINE OF AND 20 RODS  
10 WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION  
11 23, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN,  
12 COLUMBIA COUNTY, OREGON; THENCE SOUTH 10 RODS; THENCE WEST 16 RODS;  
13 THENCE SOUTH PARALLEL WITH NORTH AND SOUTH SECTION LINE 110 RODS;  
14 THENCE EAST 6 RODS; THENCE SOUTH 16 RODS; THENCE WEST 10 RODS; THENCE  
15 NORTH PARALLEL WITH NORTH AND SOUTH SECTION LINE 136 RODS TO THE  
16 NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EAST ALONG THE NORTH  
17 LINE OF SAID NORTHWEST QUARTER 20 RODS TO THE POINT OF BEGINNING.

18 EXCEPTING FROM PARCELS 1 AND 2 ABOVE THAT TRACT OF LAND  
19 CONVEYED TO GLEN C. HIGGINS

20 ET UX BY DEED RECORDED NOVEMBER 12, 1996 IN FEE NUMBER 96-11822,  
21 RECORDS OF COLUMBIA

22 COUNTY, OREGON.

23 ALSO EXCEPTING THAT TRACT OF LAND CONVEYED TO GLEN C. HIGGINS  
24 AND ELIZABETH A. HIGGINS BY MEMORANDUM OF CONTRACT RECORDED  
25 AUGUST 8, 1997 IN FEE NUMBER 97-08528, RECORDS OF COLUMBIA COUNTY,

26 Page 2 – WRIT OF EXECUTION

1 OREGON.

2 PARCEL 3: A NON-EXCLUSIVE ROAD AND UTILITY EASEMENT OVER THE  
3 FOLLOWING DESCRIBED PROPERTY TO WIT:

4 BEGINNING AT A POINT WHICH IS NORTH 89°25' EAST 1333.15 FEET AND  
5 SOUTH 0°48'30" EAST 867.72

6 FEET FROM THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 6  
7 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON,  
8 SAID POINT BEING ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE  
9 NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 89°25' EAST A  
10 DISTANCE OF 50.00 FEET; THENCE SOUTH 01°48'30" EAST A DISTANCE OF 50.00  
11 FEET; THENCE SOUTH 89°25' WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 01  
12 °48'30" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

14 PARCEL 4: A NON-EXCLUSIVE ROAD AND UTILITY EASEMENT OVER THE  
15 FOLLOWING DESCRIBED PROPERTY TO WIT:

16 THE NORTH 50 FEET PARALLEL AND PERPENDICULAR TO THE NORTH LINE  
17 OF SAID PARCEL TO WIT:

18 BEGINNING AT A POINT WHICH IS NORTH 89°25' EAST 1333.15 FEET AND  
19 SOUTH 01 °48'30" EAST

20 867.72 FEET FROM THE NORTHWEST COMER OF SECTION 23, TOWNSHIP 6  
21 NORTH, RANGE 2 WEST,

22 WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, SAID POINT  
23 BEING ON THE EAST LINE OF THE

24 NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION  
25 23; THENCE SOUTH 89°25' WEST A DISTANCE OF 686.78 FEET TO THE EAST RIGHT  
26

1 OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG SAID EAST RIGHT OF WAY  
2 LINE SOUTH 13°16' EAST A DISTANCE OF 461.21 FEET; THENCE NORTH 88°21' EAST  
3 A DISTANCE OF 541.0 FEET TO THE SAID EAST LINE OF THE NORTHWEST  
4 QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH  
5 01 °48'30" WEST A DISTANCE OF 440.0 FEET TO THE POINT OF BEGINNING.

6  
7 The total amount due and owing on the Judgment as of March 14, 2022;

8 Judgment:	Principal	\$200,714.11
9 Pre-Judgment:	Interest(5.000%, \$25.15/day)	\$905.50(1/3/18 through 2/8/18)
10	Attorney Fees	\$3,345.00
11	Costs	\$2,141.57
12	Prevailing Party Fee	\$300.00
13 Post-Judgment:	Interest(5.000%, 25.15/day)	\$37,347.75 (2/9/18 through 3/14/2022)
14	Attorney Fees	\$305.00
15	Costs	\$0.00

16 **TOTAL: \$245,058.93**

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

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

3-30-2022

By: Deborah Callahan

Presented by:  
ALDRIDGE PITE, LLP

By: /s/ Shannon K. Calt  
Shannon K. Calt, OSB #121855  
*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 COLUMBIA**

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

v.

ALAN J. HORTON; MARILYN L.  
HORTON; ATLANTIC CREDIT AND  
FINANCE, SPECIAL FINANCE UNIT III;  
CAPITAL ONE BANK (USA) N.A.;  
JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION; STATE OF OREGON; and  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
68838 WASSER RD, RAINIER, OR 97048,

Defendants.

Case No. 17CV21901

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT AND  
STIPULATION**

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Based upon the stipulation of Defendant STATE OF OREGON, acting by and through its Oregon Department of Revenue ("ODR") and its Oregon Employment Department ("OED") ("Stipulating Defendant"), the Court's Order of Default against Defendants ALAN J. HORTON; MARILYN L. HORTON; ATLANTIC CREDIT AND FINANCE, SPECIAL FINANCE UNIT III; CAPITAL ONE BANK (USA) N.A.; JPMORGAN CHASE BANK, NATIONAL ASSOCIATION; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

1 AS 68838 WASSER RD, RAINIER, OR 97048 ("Defendants") , the records on file herein, and  
2 pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by  
3 Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")  
4 ("Plaintiff"),

5 **IT IS HEREBY ORDERED AND ADJUDGED:**

6  
7 1. Plaintiff's security interest in the real property located at 68838 Wasser Rd,  
8 Rainier, OR 97048 ("Subject Property"), as evidenced by the Deed of Trust recorded in the  
9 official records of County as Instrument Number 12946 ("Deed of Trust"), is a viable first  
10 priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens,  
11 titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and  
12 Deed of Trust.

13 2. Plaintiff and Stipulating Defendant agree that Stipulating Defendant has a valid  
14 and subsisting lien against the Subject Property, which is subsequent, subject and inferior to  
15 Plaintiff's Deed of Trust, by way of the following:

16 (1) Fifteen (15) Distraint Warrants in favor of ODR, against defendant Marilyn L.  
17 Horton. The ODR warrant numbers are R080048128, R080048220, R080462912,  
18 R080462907, R080462892, R080462916, R080976066, R081176457, R081189192,  
19 R081569833, R081569838, R081980146, L0344756480, L2139550976, and  
20 L0893967104. Said warrants were recorded between 2015 and 2017, and may be found  
21 in the official records of Columbia County at Recording Numbers 2015-007616, 2015-  
22 007615, 2015-009134, 2015-009135, 2015-009136, 2015-009133, 2015-010327, 2016-  
23 000370, 2016-000547, 2016-004028, 2016-004029, 2016-008293, 2017-000921, 2017-  
24 001876, and 2017-004771. The total amount owing on said warrants is \$57, 308.33  
25 including interest through January 31, 2018, with additional per diem interest of \$10.14

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thereafter.

(2) Twelve (12) Distraint Warrants in favor of OED, against defendant Marilyn L. Horton-O'Leary. The OED warrant numbers are D8455, D9109, E0540, E0739, E1877, E2304, E4528, E4840, E5591, E6561, E7768, and E8867. Said warrants were recorded between 2014 and 2017, and may be found in the official records of Columbia County at Recording Numbers 2014-004844, 2014-007120, 2015-001868, 2015-002411, 2015-006712, 2015-009064, 2016-004045, 2016-005659, 2016-008480, 2016-011204, 2017-003324, and 2017-006890. The total amount owing on said warrants is \$30,234.07 through January 31, 2018, with additional interest of \$229.74 accruing on the first of each month thereafter.

3. The Subject Property is legally described as follows:

PARCEL 1: THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON. EXCEPTING TRACT DESCRIBED IN DEED RECORDED NOVEMBER 15, 1982, IN BOOK 245, PAGE 46, DEED RECORDS OF COLUMBIA COUNTY, OREGON.

PARCEL 2: BEGINNING AT A POINT ON THE NORTH LINE OF AND 20 RODS WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON; THENCE SOUTH 10 RODS; THENCE WEST 16 RODS; THENCE SOUTH PARALLEL WITH NORTH AND SOUTH SECTION LINE 110 RODS; THENCE EAST 6 RODS; THENCE SOUTH 16



1           RODS; THENCE WEST 10 RODS; THENCE NORTH PARALLEL WITH NORTH  
2           AND SOUTH SECTION LINE 136 RODS TO THE NORTH LINE OF SAID  
3           NORTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF SAID  
4           NORTHWEST QUARTER 20 RODS TO THE POINT OF BEGINNING.

5           EXCEPTING FROM PARCELS 1 AND 2 ABOVE THAT TRACT OF LAND  
6           CONVEYED TO GLEN C. HIGGINS

7           ET UX BY DEED RECORDED NOVEMBER 12, 1996 IN FEE NUMBER 96-11822,  
8           RECORDS OF COLUMBIA COUNTY, OREGON.

9           ALSO EXCEPTING THAT TRACT OF LAND CONVEYED TO GLEN C. HIGGINS  
10          AND ELIZABETH A. HIGGINS BY MEMORANDUM OF CONTRACT RECORDED  
11          AUGUST 8, 1997 IN FEE NUMBER 97-08528, RECORDS OF COLUMBIA  
12          COUNTY, OREGON.

13          PARCEL 3: A NON-EXCLUSIVE ROAD AND UTILITY EASEMENT OVER THE  
14          FOLLOWING DESCRIBED PROPERTY TO WIT:

15          BEGINNING AT A POINT WHICH IS NORTH 89°25' EAST 1333.15 FEET AND  
16          SOUTH 0°48'30" EAST 867.72 FEET FROM THE NORTHWEST CORNER OF  
17          SECTION 23, TOWNSHIP 6 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,  
18          COLUMBIA COUNTY, OREGON, SAID POINT BEING ON THE EAST LINE OF  
19          THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID  
20          SECTION 23; THENCE NORTH 89°25' EAST A DISTANCE OF 50.00 FEET;  
21          THENCE SOUTH 01°48'30" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH  
22          89°25' WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 01 °48'30" WEST A  
23          DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

24          PARCEL 4: A NON-EXCLUSIVE ROAD AND UTILITY EASEMENT OVER THE  
25          FOLLOWING DESCRIBED PROPERTY TO WIT:

1 THE NORTH 50 FEET PARALLEL AND PERPENDICULAR TO THE NORTH LINE  
2 OF SAID PARCEL TO WIT:  
3 BEGINNING AT A POINT WHICH IS NORTH 89°25' EAST 1333.15 FEET AND  
4 SOUTH 01 °48'30" EAST 867.72 FEET FROM THE NORTHWEST COMER OF  
5 SECTION 23, TOWNSHIP 6 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,  
6 COLUMBIA COUNTY, OREGON, SAID POINT BEING ON THE EAST LINE OF  
7 THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID  
8 SECTION 23; THENCE SOUTH 89°25' WEST A DISTANCE OF 686.78 FEET TO  
9 THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG  
10 SAID EAST RIGHT OF WAY LINE SOUTH 13°16' EAST A DISTANCE OF 461.21  
11 FEET; THENCE NORTH 88°21' EAST A DISTANCE OF 541.0 FEET TO THE SAID  
12 EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER  
13 OF SAID SECTION 23; THENCE NORTH 01 °48'30" WEST A DISTANCE OF 440.0  
14 FEET TO THE POINT OF BEGINNING.

15 4. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
16 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the  
17 Sheriff, in the manner provided by law;

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

22 6. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
23 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
24 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
25 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of

1 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
2 by sale of the Subject Property as directed under this Judgment;

3 7. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
4 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
5 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
6 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
7 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

8 8. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
9 sale of the Subject Property as directed under this Judgment.

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

18 10. Stipulating Defendant may claim any surplus sale proceeds from the Sheriff's sale  
19 of the Subject Property as it is lawfully entitled to, in its order of priority as determined by the  
20 Court;

21 11. No money award of any kind will be allowed against Stipulating Defendant;

22 12. Plaintiff or any other party to this action may become a purchaser at the  
23 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
24 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
25 successor in interest may apply to this Court for a writ of assistance to gain possession of the

1 subject property if Defendants or any other party or person refuses to surrender possession;

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**DECLARATION OF AMOUNT DUE BY DEFAULT**

**(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES**

**NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

- 1. The amount of the judgment is \$200,714.11.
- 2. Simple interest at the variable rate currently at 5.00000% (\$25.15 *per diem*) after January 3, 2018, through the date of sale.
- 3. Attorney fees of \$3,345.00, plus \$305.00, through the date of sale.
- 4. Costs of \$2,141.57, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

**IT IS HEREBY ORDERED AND ADJUDGED**

Signed: 2/7/2018 03:41 PM

  
**Circuit Court Judge Cathleen B. Callahan**

<Stipulation on next page>


Page 7 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

Aldridge Pite, LLP  
 111 SW Columbia Street, Suite 950  
 Portland, OR 97201  
 (858) 750-7600

1 IT IS SO STIPULATED:

2 Submitted and stipulated to by:  
3 ALDRIDGE PITE, LLP

4  
5 /s/ Sarah M. Mathenia Date February 2, 2018  
6 Sarah M. Mathenia, OSB No. 120681  
7 Aldridge Pite, LLP  
8 *Of Attorneys for Plaintiff Federal National Mortgage Association ("FANNIE MAE")*

9  Date 2/2/18  
10 Belle Na, OSB No. 176107  
11 Assistant Attorney General / Civil Enforcement Division  
12 Oregon Department of Justice  
13 1162 Court Street NE, Salem, OR 97301-4096  
14 *Of Attorneys for Defendant State of Oregon*

15 By signing above the Parties hereby acknowledge the following: (1) that they were provided a  
16 reasonable period of time to review and consider this Stipulated Judgment; (2) that they were  
17 advised to and have sought and received the advice of their attorney prior to signing this  
18 Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so;  
19 (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment;  
20 (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a  
21 manner that is understandable to them, and that they indeed understand the entirety of this  
22 Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign  
23 this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that  
24 they hereby release the rights and claims set forth above in exchange for the consideration set  
25 forth in this Stipulated Judgment

19 **CERTIFICATE OF READINESS**

20 This proposed Order or Judgment is ready for judicial signature because:

- 21 1.  Each party affected by this order or judgment has stipulated to the order or judgment,  
22 as shown by each party's signature on the document being submitted.
- 23 2.  Each party affected by this order or judgment has approved the order or judgment, as  
24 shown by each party's signature on the document being submitted or by written  
25 confirmation of approval sent to me.
3.  I have served a copy of this order or judgment on all parties entitled to service and:

Page 8 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND  
STIPULATION

Aldridge Pite, LLP  
111 SW Columbia Street, Suite 950  
Portland, OR 97201  
(858) 750-7600

