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

GUILD MORTGAGE,  
  
Plaintiff,  
  
v.

Case No. 19CV45870

**WRIT OF EXECUTION**

THE ESTATE OF GORDON SCOTT VIERS;  
THE UNKNOWN HEIRS, ASSIGNS, AND  
DEVISEES OF GORDON SCOTT VIERS;  
LAURITA KAY VIERS AKA LAURITA  
BOWDEN; MARY LOU VIERS AKA  
MARY LOU MORELAND; GORDON R.  
VIERS AKA GORDON RAY VIERS II; AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
4728 HORIZON WAY, FLORENCE,  
OREGON 97439,

Defendant.

TO THE LANE COUNTY SHERIFF:

On June 22, 2021, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lane 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: Guild Mortgage Company, LLC c/o Aldridge Pite, LLP, 1050 SW 6<sup>th</sup> Avenue, Suite 1100, Portland, OR 97204.

The real property to be sold at public auction is commonly known as 4728 Horizon Way, Florence, Oregon 97439 ("Subject Property"), and legally described as:

1 Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of  
2 Section 10, Township 18 South, Range 12 West, Willamette Meridian; thence running South 88°  
3 40' 20" East, 80.00 feet along the South boundary of said Northwest quarter of the Southwest  
4 quarter of Section 10 to a point being monumented with a 5/8 inch rebar; thence continuing  
5 Easterly along said South boundary South 88° 40' 20" East, 25.00 feet to a point monumented  
6 with a 5/8 inch rebar; thence leaving said South boundary North 1° 37' 40" East 141.45 feet to a  
7 point monumented with a 5/8 inch rebar, said point being on the Southern right of way margin of  
8 Horizon Way; thence following said right of way margin North 88° 22' 24" West, 25.00 feet to a  
9 point monumented with a 5/8 inch rebar; thence continue North 88° 22' 24" West 80.00 feet to a  
10 5/8 inch rebar; thence South 1° 37' 36" West, 142.00 feet to the true point of beginning, in Lane  
11 County, Oregon.

12 The total amount due and owing on the Judgment as of September 29, 2022;

13 Judgment:	Principal	\$124,164.58
14 Pre-Judgment:	Interest (4.750%, \$14.15/day)	\$1,923.04 (2/20/21 through 6/22/2021)
15	Attorney Fees	\$4,290.00
16	Costs	\$3,012.73
17	Prevailing Party Fee	\$325.00
18 Post-Judgment:	Interest (9.000%, \$32.98/day)	\$15,302.72(6/23/2021 through 9/29/2022)
19	Attorney Fees	\$260.00
20	Costs	\$0.00

21 **TOTAL: \$149,278.07**

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

Page 2 – WRIT OF EXECUTION

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



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5  
6 By: Newton SEP 29 2022  
7 court clerk

8 Presented by:  
9 ALDRIDGE PITE, LLP

10  
11 By: /s/ Michael J. Page  
12 Michael J. Page OSB #194328  
13 *Of Attorneys for Plaintiff*  
14 (858) 750-7600  
15 (503) 222-2260 (facsimile)  
16 orecourtnotices@aldridgepite.com

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

GUILD MORTGAGE,

Plaintiff,

v.

THE ESTATE OF GORDON SCOTT VIERS;  
THE UNKNOWN HEIRS, ASSIGNS, AND  
DEVISEES OF GORDON SCOTT VIERS;  
LAURITA KAY VIERS aka LAURITA  
BOWDEN; MARY LOU VIERS AKA  
MARY LOU MORELAND; GORDON R.  
VIERS AKA GORDON RAY VIERS II; AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
4728 HORIZON WAY, FLORENCE,  
OREGON 97439,

Defendants.

Case No. 19CV45870

**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 Gordon Scott Viers, The Unknown Heirs, Assigns, and Devisees of Gordon Scott Viers, Laurita Kay Viers Aka Laurita Bowden, Mary Lou Viers Aka Mary Lou Moreland, Gordon R. Viers Aka Gordon Ray Viers II, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 4728 Horizon Way, Florence, Oregon 97439, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Guild Mortgage ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 4728 Horizon Way,

1 Florence, Oregon 97439 ("Subject Property"), as evidenced by the Deed of Trust recorded  
2 January 16, 2014 in the official records of Lane County as instrument number 2014-001479  
3 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All  
4 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to  
5 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally  
6 described as follows:

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

10         3.       The Subject Property's legal description is as follows:

11                       SEE EXHIBIT A – ATTACHED HERETO

12  
13         4.       Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
14 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
15 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
16 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

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

23  
24         6.       Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
26

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 7. 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 8. 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 9. 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;

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 \$124,164.58.



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5.  This is a proposed judgment that includes an award of punitive damages and notice 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 5, 2021

Michael J. Page, OSB #194328  
*Of Attorneys for Plaintiff*  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
orecourtnotices@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201



PROPERTY DESCRIPTION

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of Section 10, Township 18 South, Range 12 West, Willamette Meridian; thence running South 88° 40' 20" East, 80.00 feet along the South boundary of said Northwest quarter of the Southwest quarter of Section 10 to a point being monumented with a 5/8 inch rebar; thence continuing Easterly along said South boundary South 88° 40' 20" East, 25.00 feet to a point monumented with a 5/8 inch rebar; thence leaving said South boundary North 1° 37' 40" East 141.45 feet to a point monumented with a 5/8 inch rebar, said point being on the Southern right of way margin of Horizon Way; thence following said right of way margin North 88° 22' 24" West, 25.00 feet to a point monumented with a 5/8 inch rebar; thence continue North 88° 22' 24" West 80.00 feet to a 5/8 inch rebar; thence South 1° 37' 36" West, 142.00 feet to the true point of beginning, in Lane County, Oregon.