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

FIRST TECHNOLOGY FEDERAL CREDIT UNION,

Plaintiff,

v.

LYNDA SMITH; MELISSA A. THORNTON;
ALL OCCUPANTS; and ALL UNKNOWN
HEIRS, PERSONS OR PARTIES UNKNOWN
CLAIMING AN INTEREST IN THE
PROPERTY.

Defendants.

Case No. 22CV05700

WRIT OF EXECUTION OF REAL
PROPERTY

TO: THE SHERIFF OF LANE COUNTY, GREETINGS:

WHEREAS, on August 29, 2022, a General Judgment and Decree of Foreclosure and Declaration of Amount Due by Default ("General Judgment") was entered herein. A true copy of the General Judgment is attached hereto and incorporated herein as Exhibit 1. The total amount owing on the Judgment as of September 6, 2022, is as follows:

1.	Principal Amount of Judgment:	\$147,738.14
2.	Late Charges:	737.10
3.	Negative Escrow Balance:	5,338.31
4.	Title Report:	225.00
5.	Prejudgment Interest:	13,563.07
6.	Post Judgment Interest on 1 through 5 above (4.250%, \$19.52 per day):	156.13
7.	Reasonable Attorney Fees	3,595.75
8.	Costs:	4,200.44
9.	Prevailing Party Fee:	300.00
10.	Post Judgment Interest on 7 through 9 above	

1 (9.00%, \$2.00 per day): 15.97
2 Total as of September 6, 2022: \$175,869.91

3 NOW THEREFORE, in the name of the State of Oregon, you are commanded to
4 levy on and sell, in the manner prescribed by law for the sale of real property, upon execution
5 (subject to redemption) all of the interest which the defendants had on September 15, 2014, the
6 date of the Deed of Trust, and also all of the interest which the defendants had thereafter, in the
7 real property described in the Judgment, which is commonly known as 38912 Dexter Road, Dexter,
8 OR 97431, and more particularly described as follows:

9 LOTS 11 AND 12 LOST CREEK PARK, AS PLATTED, AND
10 RECORDED IN BOOK 13, PAGE 22, LANE COUNTY OREGON
11 PLAT RECORDS, IN LANE COUNTY OREGON.

12 to satisfy the sum of \$175,869.91 due as of September 6, 2022, plus post-judgment interest at the
13 rate of \$19.52 per diem on 1 through 6 above from September 7, 2022, until paid in full, and post-
14 judgment interest at the rate of \$2.00 per diem on 7 through 9 above from September 7, 2022, plus
15 costs of this writ, sheriff's fees and costs of sale, and all other recoverable costs pursuant to law.

16 **JUDGMENT CREDITOR INFORMATION:**

17 The mailing address of the judgment creditor is as follows:

18 First Technology Federal Credit Union
19 c/o Michelle M. Bertolino
20 Farleigh Wada Witt
21 121 SW Morrison Street, Suite 600
22 Portland, OR 97204

23 SEP 16 2022

24 *Newton*
25 court clerk



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

FIRST TECHNOLOGY FEDERAL CREDIT UNION,

Plaintiff,

v.

LYNDA SMITH; MELISSA A. THORNTON;
ALL OCCUPANTS; and ALL UNKNOWN HEIRS, PERSONS OR PARTIES UNKNOWN CLAIMING AN INTEREST IN THE PROPERTY.

Defendants.

Case No. 22CV05700

GENERAL JUDGMENT AND DECREE OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AGAINST DEFENDANTS LYNDA SMITH; MELISSA A. THORNTON; ALL OCCUPANTS; AND ALL UNKNOWN HEIRS, PERSONS OR PARTIES UNKNOWN CLAIMING AN INTEREST IN THE PROPERTY

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motion for Entry of General Judgment and Decree of Foreclosure of Deed of Trust. The court entered an Order of Default against defendants Lynda Smith, Melissa A. Thornton, All Occupants and All Persons or Parties Unknown Claiming and Interest in the Property, and it further appears that plaintiff is entitled to entry of general judgment and decree of foreclosure of deed of trust against the Defaulted Defendants:

IT IS ORDERED AND ADJUDGED that plaintiff shall have a general judgment and decree of foreclosure and declaration of amount due as follows:

- A. FIRST CLAIM FOR RELIEF:
 - 1. For judgment and declaration of amount of the debt owed in the principal

1 in the principal sum of \$147,738.14, plus late fees of \$737.10, plus a negative escrow balance of
2 \$5,338.31, plus accrued interest of \$13,081.47, through August 1, 2022, plus interest accruing
3 thereafter at the contract rate of 4.250 percent per annum (\$17.20 per diem), until the date judgment
4 is entered; plus the sum of \$225.00 to cover the costs of searching and abstracting records, which
5 sum accrues interest at the rate of 4.250 percent from February 2, 2022, until the date judgment is
6 entered; together with any additional sums required to be paid by plaintiff during the pendency of
7 this suit for the protection of the property described herein and Plaintiff's interest therein; plus
8 interest on the total sum in paragraph 1 at the contract rate of 4.250 percent per annum from the
9 date judgment is entered, until paid in full.

10 2. For judgment and decree that plaintiff's Deed of Trust, dated
11 September 15, 2014, and recorded September 19, 2014, as Recording No. 2014-037196, Records
12 of Lane County, Oregon, be declared a first lien upon the Property for the amount of the judgment
13 prayed for herein. The street address of the property is commonly known as 38912 Dexter Road,
14 Dexter, OR 97431. The property is legally described as:

15 LOTS 11 AND 12 LOST CREEK PARK, AS PLATTED, AND
16 RECORDED IN BOOK 13, PAGE 22, LANE COUNTY OREGON
 PLAT RECORDS, IN LANE COUNTY OREGON.

17 3. For judgment and decree that plaintiff's Deed of Trust upon the Property be
18 foreclosed, and that the title, claim, interest, or demand of defendants in said Property, and every
19 part thereof, except their statutory rights of redemption, be foreclosed;

20 4. For judgment and decree that the Property, with all of its appurtenances,
21 rights, privileges, and easements be sold on execution by the Sheriff for Lane County, Oregon,
22 after giving notice as required by law; that plaintiff may be and become a purchaser at said sale;
23 that the Sheriff give the purchaser thereof a Certificate of Sale and, unless the Property is redeemed
24 before the expiration of the redemption period, a deed; that said purchaser have immediate
25 possession of the Property, and every part thereof; and that said purchaser be entitled to such
26 remedies as are available at law to secure such position, including a writ of assistance, if defendants

1 or any other parties or persons shall refuse to immediately surrender possession to the purchaser:

2 5. That the proceeds of the sale be applied as follows: first, to pay the costs
3 and expenses of said sale; second, to pay the judgment of plaintiff; and third, the surplus, if any,
4 to the defendants in the priority as their interests may appear on title, or paid into the Registry of
5 the Court for disbursement to such party or parties as may establish their right thereto and pursuant
6 to further court order.

7 6. For plaintiff's attorney fees in the amount of \$3,595.75, costs in the amount
8 of \$4,200.44, and a prevailing party fee in the amount of \$300.00, to be submitted in accordance
9 with ORCP 68C; and

10 7. For interest on the sum of paragraph 1 at the statutory rate of 9.0 percent
11 per annum, from the date judgment is entered, until paid in full.

12 **DECLARATION OF AMOUNT DUE BY DEFAULT**

13	(1) Principal Amount of Judgment:	\$147,738.14
	(2) Late Charges:	737.10
14	(3) Negative Escrow Balance:	5,338.31
	(4) Title Report:	225.00
15	(5) Prejudgment simple interest at the contract rate of 4.250% per annum:	
	i) Accrued through August 1, 2022:	13,081.47
16	ii) Per diem thereafter until date judgment is entered:	\$17.20
17	(6) Postjudgment simple interest at the contract rate of 4.250% per annum on the total judgment of F(1) + F(2) + F(3) + F(4) + F(5) from the date judgment is entered until fully paid	
18	(7) Reasonable Attorney Fees:	\$3,595.75
19	(8) Costs:	4,200.44

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1 (9) Prevailing Party Fee: 300.00
2 (10) Postjudgment simple interest at the statutory rate of 9.0%
3 per annum on the total judgment of F(7) + F(8) + F(9)
4 from the date judgment is entered until fully paid.

6 8/29/2022 11:51:58 AM

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9 SUBMITTED BY:

10 

11 **Debra E. Velure, Circuit Court Judge**

12 Michelle M. Bertolino, OSB # 912130
13 Farleigh Wada Witt
14 (503) 228-6044
15 mbertolino@fwwlaw.com
16 Of Attorneys for Plaintiff

1 **CERTIFICATE OF READINESS PURSUANT TO UTCR 5.100**

2
3 A. I hereby certify that I complied with UTCR 5.100(1) with respect to the order or judgment
4 to which this certificate is attached by doing the following: N/A

5 B. This proposed order or judgment is ready for judicial signature because:

6 1. Each party affected by this order or judgment has stipulated to the order or
7 judgment, as shown by each party's signature on the document being submitted.

8 2. Each party affected by this order or judgment has approved the order or judgment,
9 as shown by each party's signature on the document being submitted or by written
10 confirmation of approval sent to me.

11 3. I have served a copy of this order or judgment on each party entitled to service and:

12 ___ a. No objection has been served on me.
13 ___ b. I received objections that I could not resolve with a party despite reasonable
14 efforts to do so. I have filed a copy of the objections I received and indicated
15 which objections remain unresolved.

16 ___ c. After conferring about objections, [role and name of objecting party] agreed
17 to independently file any remaining objection.


18 X 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
19 otherwise.

20 ___ 5. This is a proposed judgment that includes an award of punitive damages and notice
21 has been served on the Director of the Crime Victims' Assistance Section as
22 required by subsection (5) of this rule.

23 ___ 6. Other: _____

24 DATED: August 23, 2022.

25 CERTIFIED BY:

26 
By _____
Michelle M. Bertolino, OSB #912130
Farleigh Wada Witt
(503) 228-6044
mbertolino@fwlaw.com
Of Attorneys for Plaintiff

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

FIRST TECHNOLOGY FEDERAL CREDIT UNION,

Plaintiff,

v.

LYNDA SMITH; MELISSA A. THORNTON;
ALL OCCUPANTS; and ALL UNKNOWN HEIRS, PERSONS OR PARTIES UNKNOWN CLAIMING AN INTEREST IN THE PROPERTY,

Defendants.

Case No. 22CV05700

GENERAL JUDGMENT AND DECREE OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AGAINST DEFENDANTS LYNDA SMITH; MELISSA A. THORNTON; ALL OCCUPANTS; AND ALL UNKNOWN HEIRS, PERSONS OR PARTIES UNKNOWN CLAIMING AN INTEREST IN THE PROPERTY

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motion for Entry of General Judgment and Decree of Foreclosure of Deed of Trust. The court entered an Order of Default against defendants Lynda Smith, Melissa A. Thornton, All Occupants and All Persons or Parties Unknown Claiming and Interest in the Property, and it further appears that plaintiff is entitled to entry of general judgment and decree of foreclosure of deed of trust against the Defaulted Defendants;

IT IS ORDERED AND ADJUDGED that plaintiff shall have a general judgment and decree of foreclosure and declaration of amount due as follows:

- A. FIRST CLAIM FOR RELIEF:
 - 1. For judgment and declaration of amount of the debt owed in the principal

1 in the principal sum of \$147,738.14, plus late fees of \$737.10, plus a negative escrow balance of
2 \$5,338.31, plus accrued interest of \$13,081.47, through August 1, 2022, plus interest accruing
3 thereafter at the contract rate of 4.250 percent per annum (\$17.20 per diem), until the date judgment
4 is entered; plus the sum of \$225.00 to cover the costs of searching and abstracting records, which
5 sum accrues interest at the rate of 4.250 percent from February 2, 2022, until the date judgment is
6 entered; together with any additional sums required to be paid by plaintiff during the pendency of
7 this suit for the protection of the property described herein and Plaintiff's interest therein; plus
8 interest on the total sum in paragraph 1 at the contract rate of 4.250 percent per annum from the
9 date judgment is entered, until paid in full.

10 2. For judgment and decree that plaintiff's Deed of Trust, dated
11 September 15, 2014, and recorded September 19, 2014, as Recording No. 2014-037196, Records
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16 RECORDED IN BOOK 13, PAGE 22, LANE COUNTY OREGON
17 PLAT RECORDS. IN LANE COUNTY OREGON.

18 3. For judgment and decree that plaintiff's Deed of Trust upon the Property be
19 foreclosed, and that the title, claim, interest, or demand of defendants in said Property, and every
20 part thereof, except their statutory rights of redemption, be foreclosed;

21 4. For judgment and decree that the Property, with all of its appurtenances,
22 rights, privileges, and easements be sold on execution by the Sheriff for Lane County, Oregon,
23 after giving notice as required by law; that plaintiff may be and become a purchaser at said sale;
24 that the Sheriff give the purchaser thereof a Certificate of Sale and, unless the Property is redeemed
25 before the expiration of the redemption period, a deed; that said purchaser have immediate
26 possession of the Property, and every part thereof; and that said purchaser be entitled to such
remedies as are available at law to secure such position, including a writ of assistance, if defendants

1 or any other parties or persons shall refuse to immediately surrender possession to the purchaser;

2 5. That the proceeds of the sale be applied as follows: first, to pay the costs
3 and expenses of said sale; second, to pay the judgment of plaintiff; and third, the surplus, if any,
4 to the defendants in the priority as their interests may appear on title, or paid into the Registry of
5 the Court for disbursement to such party or parties as may establish their right thereto and pursuant
6 to further court order.

7 6. For plaintiff's attorney fees in the amount of \$3,595.75, costs in the amount
8 of \$4,200.44, and a prevailing party fee in the amount of \$300.00, to be submitted in accordance
9 with ORCP 68C; and

10 7. For interest on the sum of paragraph 1 at the statutory rate of 9.0 percent
11 per annum, from the date judgment is entered, until paid in full.

12 **DECLARATION OF AMOUNT DUE BY DEFAULT**

13	(1)	Principal Amount of Judgment:	\$147,738.14
	(2)	Late Charges:	737.10
14	(3)	Negative Escrow Balance:	5,338.31
	(4)	Title Report:	225.00
15	(5)	Prejudgment simple interest at the contract rate of 4.250% per annum:	
	i)	Accrued through August 1, 2022:	13,081.47
16	ii)	Per diem thereafter until date judgment is entered:	\$17.20
17	(6)	Postjudgment simple interest at the contract rate of 4.250% per annum on the total judgment of F(1) + F(2) + F(3) + F(4) + F(5) from the date judgment is entered until fully paid.	
18	(7)	Reasonable Attorney Fees:	\$3,595.75
	(8)	Costs:	4,200.44

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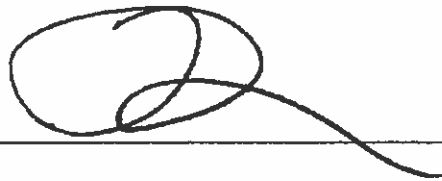
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(10) Postjudgment simple interest at the statutory rate of 9.0%
per annum on the total judgment of F(7) + F(8) + F(9)
from the date judgment is entered until fully paid.

8/29/2022 11:51:58 AM



Debra E. Velure, Circuit Court Judge

SUBMITTED BY:



Michelle M. Bertolino, OSB # 912130
Farleigh Wada Witt
(503) 228-6044
mbertolino@fwwlaw.com
Of Attorneys for Plaintiff

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CERTIFICATE OF READINESS PURSUANT TO UTCR 5.100


A. I hereby certify that I complied with UTCR 5.100(1) with respect to the order or judgment to which this certificate is attached by doing the following: N/A

B. This proposed order or judgment is ready for judicial signature because:

- 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this order or judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 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: _____

DATED: August 23, 2022.

CERTIFIED BY:

By: 
 Michelle M. Bertolino, OSB #912130
 Farleigh Wada Witt
 (503) 228-6044
 mbertolino@fwlaw.com
 Of Attorneys for Plaintiff