

SEP 28 2022

JOSEPHINE CO SHERIFF

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

ANITA SHAW BASTIAN and THOMAS L.  
BASTIAN,

Plaintiffs,

v.

POLINA AGOVA,

Defendant.

Case No. 22CV09222

WRIT OF EXECUTION  
IN FORECLOSURE

TO: Circuit Court Clerk/Civil Division

WHEREAS, on August 1<sup>st</sup>, 2022, in this court, a general judgement of default and money award was enrolled and docketed in this case, a true copy of which is attached as **Exhibit A** and made a part hereof; and WHEREAS on August 29<sup>th</sup>, 2022, in this court, a supplemental judgment of attorney's fees was enrolled and docketed in this case, a true copy of which is attached as **Exhibit B** and made a part hereof;

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption), all of the interest that defendant POLINA AGOVA had in the real property described as follows:

A PARCEL OF LAND SITUATED IN SECTION 24, TOWNSHIP 39 SOUTH, RANGE 7 WEST, OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER

\_ Verified Correct Copy of Original 9/13/2022. \_

1 OF THE SOUTHEAST QUARTER SOUTH 89° 41' 30" EAST, 225.0 FEET  
2 TO AN IRON ROD AND THE TRUE POINT OF BEGINNING; THENCE  
3 CONTINUE ALONG SAID NORTH LINE SOUTH 89° 41' 30" EAST,  
4 1075.7 FEET TO THE EAST LINE- OF SAID SECTION 24; THENCE  
5 SOUTH 0° 49' 40" WEST, 1313.41 FEET TO THE SOUTHEAST CORNER  
6 OF SAID SECTION 24; THENCE NORTH 89° 27' 57" WEST, 1288.04  
7 FEET TO THE SOUTHWEST COMER OF SAID SOUTHEAST QUARTER  
8 OF THE SOUTHEAST QUARTER; THENCE NORTH 565.27 FEET TO A  
9 POINT 743 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHEAST  
10 QUARTER OF THE SOUTHEAST QUARTER; THENCE WEST,  
11 PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A  
12 DISTANCE OF 1050 FEET, MORE OR LESS, TO A POINT ON THE  
13 NORTHEASTERLY RIGHT OF WAY LINE OF THE OREGON CAVES  
14 HIGHWAY; THENCE NORTHWESTERLY ALONG SAID RIGHT OF  
15 WAY LINE TO A POINT THAT IS 25 FEET NORTH OF WHEN  
16 MEASURED AT RIGHT ANGLES TO THE WESTERLY EXTENSION OF  
17 THE AFOREMENTIONED LINE RUNNING PARALLEL WITH THE  
18 SOUTH LINE OF SECTION 24; THENCE EAST TO THE WEST LINE OF  
19 SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER;  
20 THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHEAST  
21 QUARTER OF THE SOUTHEAST QUARTER 300 FEET TO A POINT  
22 THAT IS SOUTH 418 FEET FROM THE NORTHWEST CORNER OF  
23 THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER;  
24 THENCE SOUTH 89° 41' 30" EAST, 225 FEET, MORE OR LESS, TO A  
25 POINT THAT IS SOUTH 0° 18' 30" WEST, 418 FEET FROM THE TRUE  
26 POINT OF BEGINNING; THENCE NORTH 0° 18' 30" EAST, 418 FEET  
27 TO THE TRUE POINT OF BEGINNING.

17 to satisfy the sum of \$233,718.18 on the general judgement, together with simple interest on that  
18 sum at the rate of 9% per annum beginning August 1<sup>st</sup>, 2022, to be compounded annually until  
19 the date this money judgement is paid; to satisfy the sum of \$11,514.00 on the supplemental  
20 judgement, together with simple interest on that sum at the rate of 9% per annum beginning  
21 August 29<sup>th</sup>, 2022, to be compounded annually until the date this supplemental money judgement  
22 is paid, and the costs of this writ, making due return within 60 days after you receive this writ.

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DATED this 13<sup>th</sup> day of September, 2022.

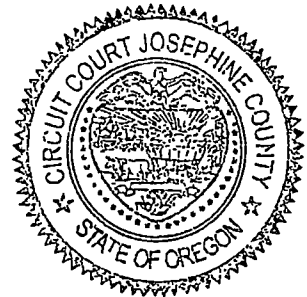
SEP 13 2022

[Signature]  
COURT CLERK

BY: \_\_\_\_\_  
DEPUTY

SUBMITTED BY:

\_\_\_\_\_  
COURT CLERK



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**CERTIFICATE OF SERVICE**

I hereby certify that on September 13th, 2022, I served the foregoing on:

Polina Agova  
10130 Caves Hwy  
Cave Junction, OR 97523

by mailing to said party/attorney a true copy thereof, contained in a sealed envelope, with postage paid, addressed to said party/attorney at the last known address and deposited in the post office on said day at Grants Pass, Oregon.

**DATED** this 13<sup>th</sup> day of September, 2022.

CAUBLE & WHITTINGTON, LLP

/s/Christopher L. Cauble  
Christopher L. Cauble, OSB #962374  
ccauble@thecaublefirm.com

*Attorney for Plaintiffs*

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Verified Correct Copy of Original 9/13/2022.

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF JOSEPHINE

6 ANITA SHAW BASTIN and THOMAS L.  
7 BASTIAN,

8 Plaintiffs,

9 v.

10 POLINA AGOVA,

11 Defendants.

Case No. 22CV09222

GENERAL JUDGMENT OF DEFAULT  
AND MONEY AWARD AGAINST  
DEFENDANT

12 Based on Plaintiff's Motion for Order of Default and supporting Declaration and the  
13 records and files herein which reveal that an Order of Default against defendant was applied for  
14 concurrently with Plaintiff's General Judgment of Default, and the Order of Default against was  
15 granted, and the Court being fully advised in the premises and finding there is no just reason for  
16 delay; now; therefore:

17 **IT IS HEREBY ORDERED AND ADJUDGED** that plaintiff is awarded judgment  
18 against Defendant granting Judgment to Plaintiffs against Defendant as follows: in the amount of  
19 \$233,718.18 for amounts due and owing on the Trust Deed; interest on the amounts owing based  
20 on the interest rate of six percent (6.0%) per annum, including penalty payments; plus sums  
21 incurred for title expenses and other expenses required to enforce obligations; plus Plaintiffs'  
22 reasonable attorney fees, costs and disbursements pursuant to ORCP 68. (b) Ordering that  
23 Defendant pay the \$4,477.03 currently due and owing in property taxes. (c) Declaration that the  
24 lien of the trust deed being foreclosed is a valid lien against the real property described above and  
25 declaring that the lien is senior to any interest of Defendant in the property. (d) Foreclosing  
26 Plaintiffs' trust deed lien and ordering the sale of the property by the sheriff of Josephine County  
27 in the manner prescribed by law; (e) Applying the proceeds received from the sale first towards  
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1 the costs of the sale, then towards satisfaction of Plaintiffs' judgment, and any surplus to the party  
2 or parties who may establish their right thereto; (f) If the proceeds of the sale are insufficient to  
3 satisfy Plaintiffs' judgment, ordering that such deficiency may be enforced by execution as  
4 provided by law; (g) Ordering that Defendant, and all persons claiming through Defendant, are  
5 forever foreclosed of all interest in the property except for any right of redemption that Defendant  
6 may have; (h) Granting such other and further relief as the court deems equitable and post judgment  
7 interest at the rate of 9% per annum from the date of this Judgment until paid. Plaintiff has leave  
8 to submit a supplemental judgment for attorney fees and costs. Said amounts are set out in detail  
9 under the Money Award section below:

10 **MONEY AWARD**

11		
12	Judgment Creditor Name and Address:	Anita Shaw Bastian and Thomas L. Bastian 10018 Reifs Mills Road Whitelaw, WI 54247
13		
14		
15	Judgment Creditor's Lawyer's Name and Address:	Christopher L. Cauble Cauble & Whittington, LLP 111 SE Sixth Street P.O. Box 398 Grants Pass, OR 97526
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18		
19	Judgment Debtor Name and Address:	Polina Agova 10130 Caves Hwy Cave Junction, OR 97523
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23	Judgment Debtor's Lawyer's Name and Address:	None
24		
25	Year of Birth of Judgment Debtor:	9/1991
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27	Tax Identification Number Of Judgment Debtor:	005-65-XXXX
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Final Four Digits of Judgment  
Debtor's Driver's License and  
Issuing State:

Unknown

Others Entitled to Portion of  
Judgment

None

Judgment Amount:

\$233,718.18

Post judgment Interest:

Simple interest at the rate of 9% per  
annum, to be compounded annually  
from the date of this money  
judgment until paid

**Total Money Judgment:**

**\$233,718.18**

8/1/2022 3:58:28 PM



**Circuit Court Judge Matthew G. Galli**

Respectfully Submitted by:  
Christopher L. Cauble, OSB #962374  
CAUBLE & WHITTINGTON, LLP  
ccauble@thecaublefirm.com  
Attorney for Plaintiff





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

ANITA SHAW BASTIN and THOMAS L.  
BASTIAN,

Plaintiffs,

v.

POLINA AGOVA,

Defendant.

Case No. 22CV09222

SUPPLEMENTAL JUDGEMENT  
AND MONEY AWARD

This Matter having come before the Court on Plaintiff's Petition for Attorney's Fees filed on August 15<sup>th</sup>, 2022 based on the General Judgment and Money Award for Plaintiff entered on August 1<sup>st</sup>, 2022, in which plaintiff was granted leave to submit a supplemental judgment for attorney fees and costs. The Court having reviewed the file, and finding that no objections were timely filed per ORCP 69C(4)(b) and 69C(4)(f), and finding that no just reason for delay exists, and being fully advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff against defendant for reasonable attorney fees in the amount of \$6,305.00 and reasonable costs in the amount of \$1,669.00, plus post-collection proceedings costs in the amount of \$4,000.00.

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**MONEY AWARD**

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Judgment Creditor Name  
and Address:

Anita Shaw Bastian and  
Thomas L. Bastian  
10018 Reifs Mills Road  
Whitelaw, WI 54247

Judgment Creditor's  
Lawyer's Name and Address:

Christopher L. Cauble  
Cauble & Whittington, LLP  
111 SE Sixth Street  
P.O. Box 398  
Grants Pass, OR 97526

Judgment Debtor  
Name and Address:

Polina Agova  
10130 Caves Hwy  
Cave Junction, OR 97523

Judgment Debtor's Lawyer's  
Name and Address:

None

Year of Birth of  
Judgment Debtor:

9/1991

Tax Identification Number  
Of Judgment Debtor:

005-65-XXXX

Final Four Digits of Judgment  
Debtor's Driver's License and  
Issuing State:

Unknown

Others Entitled to Portion of  
Judgment

None

Judgment Amount:

\$11,514.00

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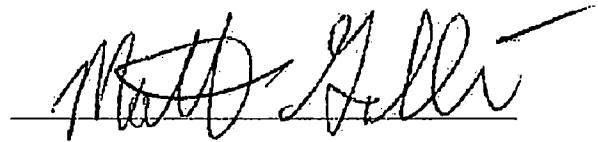
Post judgment Interest:

Simple interest at the rate of 9% per annum, to be compounded annually from the date of this money judgment until paid

**Total Money Judgment:**

**\$11,514.00**

8/29/2022 8:57:52 AM



**Circuit Court Judge Matthew G. Galli**

Respectfully Submitted by:  
Christopher L. Cauble, OSB #962374  
CAUBLE & WHITTINGTON, LLP  
ccauble@thecaublefirm.com  
*Attorney for Plaintiff*

1 **CERTIFICATE OF COMPLIANCE WITH UTCR 5.100(2)**

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

- 3 1. [ ] Each party affected by this order or judgment has stipulated to the order or  
4 judgment, as shown by each opposing party's signature on the document being  
5 submitted.
- 6 2. [ ] Each party affected by this order or judgment has approved the order or  
7 judgment, as shown by each party's signature on the document being submitted or  
8 by written confirmation of approval sent to me.
- 9 3. [ ] I have served a copy of this order or judgment on each party entitled to service  
10 and:  
11 a. [ ] No objection has been served on me.  
12 b. [ ] I received objections that I could not resolve with the opposing party  
13 despite reasonable efforts to do so. I have filed a copy of the objections I  
14 received and indicated which objections remain unresolved.  
15 c. [ ] After conferring about objections, \_\_\_\_\_, attorney for  
16 \_\_\_\_\_, agreed to independently file any remaining objection.
- 17 4. [ X ] Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute,  
18 rule, or otherwise.
- 19 5. [ ] This is a proposed judgment that includes an award of punitive damages and  
20 notice has been served on the Director of the Crime Victims' Assistance Section  
21 as required by subsection (4) of UTCR 5.100.
- 22 6. [ X ] Other: Defendant stated intent to respond to initial Motion for Default; however,  
23 Defendant failed to appear within the 38 days afforded to them. Defendant has not  
24 appeared.

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DATED this 19<sup>th</sup> Day of August, 2022

CAUBLE & WHITTINGTON, LLP

/s/ Christopher L. Cauble  
Christopher L. Cauble, OSB #962374  
ccauble@thecaublefirm.com  
Attorney for Plaintiff