

23CV41863

Verified Correct Copy of Original 2/20/2024.

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State of Oregon
County of Klamath

I certify that this is a true and correct copy of a document in the possession of the court administrator for Klamath County

Date: **5/29/2024**

Court Administrator for Klamath County [identify court] or designee
5/29/2024 12:06:05 PM



[Signature]
Court Administrator
(Printed Name)

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

U.S. BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE FOR LB-DWELLING SERIES V
TRUST,

Plaintiff,

vs.

JAMES KASHUBA; RANDY LEE NORRIS;
LINDA CHERYL NORRIS; AND ALL OTHER
UNKNOWN PARTIES CLAIMING ANY RIGHT,
TITLE, LIEN OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 62515
HIGHWAY 140, BLY, OR 97622,

Defendants.

CASE NO.: 23CV41863

WRIT OF EXECUTION

TO THE SHERIFF OF KLAMATH COUNTY OREGON:

WHEREAS, on February 13, 2024, by consideration of the Klamath County Circuit Court, there was executed a General Judgment of Foreclosure. The General Judgment of Foreclosure was duly enrolled and docketed in the Court Administrator's Office in said County on February 14, 2024, a true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

Judgment Creditor U.S. BANK TRUST NATIONAL ASSOCIATION,
 AS TRUSTEE FOR LB-DWELLING SERIES V TRUST
Judgment Creditor Address: c/o ZBS LAW, LLP
 5 Centerpointe Dr. Suite 400
 Lake Oswego, OR 97035

WRIT OF EXECUTION -1-

23CV41863
WREX
Writ - Execution
17744159



ZBS LAW, LLP
5 Centerpointe Dr Suite 400
Lake Oswego, OR 97035
503-946-6558

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NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are commanded to sell the real property pursuant to said General Judgment of Foreclosure according to law (subject to redemption) all of the interest that the borrowers had on the 1st day of August, 2005, the date of the Mortgage, and also all of the interest that borrower had thereafter, in the real property described in the Judgment as:

A tract of land situated in the NE 1/4 of Section 2, Township 37 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point from which the Northwest corner of said Section 2 bears North 69° 06' 48" West, 2883.94 feet; thence North 01° 26' 15" East 149.88 feet; thence North 89° 50' 18" East 290.04 feet; thence South 01° 13' 54" West 150.46 feet; thence South 89° 57' 20" West 290.56 feet to the Point of Beginning.

The street address of the real property to be levied upon 62515 Highway 140, Bly, OR 97622.

THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF THE DATE OF SUBMISSION (February 19, 2024) IS AS FOLLOWS:

Principal Balance, Interest, Fees & Cost:	\$87,590.29
Attorney Fees and Costs:	\$5,938.75
Prevailing Party Fee:	\$345.00
Post-Judgment Interest from	
02/16/2024 – 02/19/2024 at 9%	
(\$23.15 per diem x 4 days)	\$92.60



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Total due as of February 19, 2024: \$93,966.64, with interest to continue to accrue at 9% (\$23.15 per diem) until the date of sale.

The proceeds of sale shall be applied, delivered, and distributed according to ORS 18.950.

By: 


Submitted by:

/s/ Jeffrey A. Myers

Amber L. Labrecque, OSB No. 094593

Jeffrey A. Myers, OSB No. 094593

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

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE FOR LB-
DWELLING SERIES V TRUST,

Plaintiff,

vs.

JAMES KASHUBA; RANDY LEE NORRIS;
LINDA CHERYL NORRIS; AND ALL
OTHER UNKNOWN PARTIES CLAIMING
ANY RIGHT, TITLE, LIEN OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 62515 HIGHWAY 140, BLY, OR
97622,

Defendants

CASE NO.: 23CV41863

**PRAECIPE FOR WRIT OF
EXECUTION**

TO THE TRIAL COURT CLERK OF THE ABOVE-ENTITLED COURT:

You are hereby requested and instructed to issue an execution to the Sheriff of Klamath
County for execution of the General Judgment of Foreclosure entered February 13, 2024, in the
above-entitled cause.

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It is hereby certified that the provisions of the Writ of Execution tendered herewith conform to the judgment of record in this cause.

DATED this 19th day of February, 2024

ZBS LAW, LLP

By: /s/ Jeffrey A. Myers
Amber L. Labrecque, OSB No. 094593
Jeffrey A. Myers, OSB# 094561
Attorneys for Plaintiff
alabrecque@zbslaw.com
jmyers@zbslaw.com

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

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE FOR LB-
DWELLING SERIES V TRUST,

Plaintiff,

vs.

JAMES KASHUBA; RANDY LEE NORRIS;
LINDA CHERYL NORRIS; AND ALL
OTHER UNKNOWN PARTIES CLAIMING
ANY RIGHT, TITLE, LIEN OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 62515 HIGHWAY 140, BLY, OR
97622,

Defendants.

CASE NO. 23CV41863

**GENERAL JUDGMENT OF
FORECLOSURE AND
REFORMATION OF LEGAL
DESCRIPTION BY DEFAULT –
JUDGMENT DOES NOT
CREATE A LIEN)**

Based upon the Motion for a General Judgment of Foreclosure filed by Plaintiff U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE FOR LB-DWELLING SERIES V TRUST (“Plaintiff”) and against defendants JAMES KASHUBA, RANDY LEE NORRIS, LINDA CHERYL NORRIS, and ALL OTHER UNKNOWN PARTIES CLAIMING ANY RIGHT, TITLE, LIEN OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 62515 HIGHWAY 140, BLY, OR 97622 (collectively “Defendants”) and that Plaintiff has filed a Statement for Attorney Fees, Costs, and Disbursements.

IT IS HEREBY ORDERED AND ADJUDGED:

1.

On Plaintiff’s First Claim for Relief, Plaintiff is awarded judgment against Defendants and all persons claiming through or under Defendants, as purchasers, encumbrances, or otherwise, are

1 forever foreclosed of all interest, lien or claim in the real property described above and every
2 portion thereof excepting only any satisfactory right of redemption as Defendants, or any of them,
3 may have therein. Defendants were defaulted on December 22, 2023.

4 **2.**

5 On Plaintiff's Second Claim for Relief, Plaintiff is awarded Judgment in the form of
6 affixation of the Manufactured Home, KEYW manufacturer, serial no. S0453US0453X, 1971, to
7 the real property. Said Manufactured Home is hereby de-titled and is hereafter deemed a part of
8 the real property described in the legal description set forth below.

9 **3.**

10 Writ of execution upon this General Judgment of Foreclosure shall issue.

11 **4.**

12 The Deed of Trust executed by Borrower on August 1, 2005 and recorded on August 2,
13 2005, in the Klamath County Recorder's Office as Instrument No. 2005-060469, in Volume M05
14 Page 60469, and re-recorded on May 11, 2020 as Instrument No. 2020-005838, is a valid mortgage
15 lien for the amount of Plaintiff's judgment set forth below against all the real property, located in
16 Klamath County, Oregon commonly referred to as 62515 Highway 140, Bly, OR 97622, with a
17 legal description as follows:

18 A tract of land situated in the NE 1/4 of Section 2, Township 37 South, Range 14 East of
19 the Willamette Meridian, Klamath County, Oregon, being more particularly described as
20 follows:

21 Beginning at a point from which the Northwest corner of said Section 2 bears North 69°
22 06' 48" West, 2883.94 feet; thence North 01° 26' 15" East 149.88 feet; thence North 89°
23 50' 18" East 290.04 feet; thence South 01° 13' 54" West 150.46 feet; thence South 89° 57'
24 20" West 290.56 feet to the Point of Beginning.

25 **5.**

26 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
27 property, and all other interest in the property gained by him thereafter, or so much interest as may
28

1 be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Klamath County,
2 Oregon in the manner provided by law and in accordance with the practice of this Court.

3 **6.**

4 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
5 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
6 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
7 may establish their right thereto.

8 **7.**

9 Defendants and all persons claiming through or under Defendants, as purchasers,
10 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property
11 described above and every portion thereof excepting only any satisfactory right of redemption as
12 Defendants may have.

13 **8.**

14 Plaintiff or any other party to this suit or third party purchase may become the purchaser at
15 the sale of the real property. The purchaser is entitled to exclusive possession of the real property
16 from and after the date of sale and is entitled to such remedies as are available at law to secure
17 possession, including writ of assistance, if the Defendants and any other party or person shall
18 refuse to surrender possession to the purchaser immediately on the purchaser's demand for
19 possession.

20 **SECURED DEBT**

- 21 1. Judgment Creditor: U.S. BANK TRUST NATIONAL ASSOCIATION,
22 AS TRUSTEE FOR LB-DWELLING SERIES V
23 TRUST
24 c/o ZBS Law, LLP
25 5 Centerpointe Dr., Suite 400
26 Lake Oswego, OR 97035
27 503-946-6558
- 28 2. Judgment Creditor's Attorney: Amber L. Labrecque, OSB No. 094593
Jeffrey A. Myers
ZBS Law, LLP

5 Centerpointe Dr., Suite 400
Lake Oswego, OR 97035
503-946-6558

3. Person or public body entitled to any portion of money award herein: None

4. **Total Amount of Secured Debt:**

LENDERS' PRINCIPAL AND INTEREST	
Principal Balance	\$ 62,819.13
Accrued interest on the principal balance through 2/15/2024	\$ 17,721.75
Accrued costs and fees through 2/15/2024	\$ 7,049.41
Additional pre-judgment interest to accrue from 2/16/2024 to the date this judgment is entered, at the note rate of 8.191% (\$14.29 per diem)	
Post-judgment interest to accrue on the sum of: (1) the Total Secured Debt (Judgment), and (2) the additional pre-judgment interest accruing from 2/16/2024 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
Total Principal and Interest Through 2/15/2024 at the rate of 8.191% (\$14.29 per diem), and costs and fees.	\$ 87,590.29
CURRENT ATTORNEYS' FEES AND COSTS	
Current Attorney Fees	\$ 4,525.00
Current Attorney Costs	\$ 1,413.75
TOTAL ATTORNEY FEES AND COSTS	\$ 5,938.75
Prevailing Party Fee	\$ 345.00
TOTAL SECURED DEBT (JUDGMENT)	\$ 93,874.04

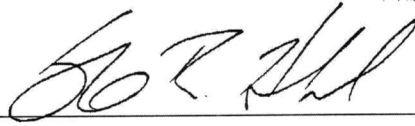
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1 Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment
2 is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment
3 against the Borrower.
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12 Circuit Court Judge Stephen R. Hedlund

13 Submitted by:
14 s/ Jeffrey A. Myers 02/13/2024
15 Attorney for Plaintiff

16 **UTCRC 5.100(2) CERTIFICATE OF READINESS**

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

- 18 1. Each party affected by this order of judgment has stipulated to the order or judgment,
19 as shown by each party's signature on the document being submitted.
- 20 2. Each party affected by this order of judgment has approved the order or judgment, as
21 shown by each party's signature on the document being submitted or by written
22 confirmation of approval sent to me.
- 23 3. I have served a copy of this order of judgment on each party entitled to service and:
24 a. No objection has been served on me.
25 b. I received objections that I could not resolve with a party despite reasonable
26 efforts to do so. I have filed a copy of the objections I have received and
27 indicated which objections remained unresolved.
28

1 c. After conferring about objections [role and name of objecting party] agreed to
2 independently file any remaining objection.

3 4. The relief sought is against an opposing party who has been found in default.

4 5. An order of default is being requested with this proposed judgment.

5 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
6 otherwise.

7 7. This is a proposed judgment that includes an award of punitive damages and notice as
8 been served on the Director of the Crime Victims' Assistance Section as required by
9 subsection (5) of the rule.
10

11 8. Other: _____

12 Submitted By:

13 s/ Jeffrey A. Myers

14 Amber L. Labrecque, OSB No. 094593

15 Jeffrey A. Myers, OSB No. 094561

16 Attorneys for Plaintiff

17 alabrecque@zbslaw.com

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