

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

Dated **6/7/2024**

Court Administrator for Klamath County [identify court] or designee
6/7/2024 11:26:41 AM



C. Coakley
[electronic signature]

(Printed Name)

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

REVERSE MORTGAGE FUNDING LLC,

Case No. 22CV10664

Plaintiff,

WRIT OF EXECUTION

v.

THE ESTATE OF GERALD E. VERMILLION; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF GERALD E. VERMILLION; CHARLES VERMILLION; SHERI SWAIN; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 826 N ELDORADO AVENUE, KLAMATH FALLS, OREGON 97601,

Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On October 31, 2022, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Klamath 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. On May 16, 2024, a Supplemental Judgment of Foreclosure and Declaration of Amount Due was entered by the Klamath County Circuit Court.

The mailing address for the judgment creditor is: WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE FOR OCWEN LOAN ACQUISITION TRUST 2023-HB1 c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR 97204.

Page 1 – WRIT OF EXECUTION

Aldridge Pite, LLP
1050 SW 6th Avenue, Suite 1100
Portland, OR 97204
(858) 750-7600

22CV10664
WREX
Writ - Execution
18055172



Verified Correct Copy of Original 5/21/2024.

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1 The real property to be sold at public auction is commonly known as 826 N ELDORADO
2 AVENUE, KLAMATH FALLS, OREGON 97601 ("Subject Property"), and legally described
3 as:

4 Lot 4 in Block 28, HOT SPRINGS ADDITION, according to the official plat thereof on
5 file in the office of the County Clerk of Klamath County, Oregon.

6 The total amount due and owing on the Judgment as of May 20, 2023;

7	Judgment:	Principal	\$130,901.20
8	Pre-Judgment:	Attorney Fees	\$4,480.00
9		Costs	\$3,086.60
10		Prevailing Party Fee	\$325.00
11	Post-Judgment:	Interest(9.0%, \$34.22/day)	\$19,404.37 (11/1/22 through 5/20/24)
12		Attorney Fees	\$0.00
13		Costs	\$0.00
14	Supplemental Judgment	Principal:	\$44,480.12
15		Attorney Fees:	\$1,895.00
16		Costs:	\$2,724.61
17		Interests: (9.0%, \$12.10/day)	\$48.42 (5/17/24 through 5/20/24)

18 **TOTAL: \$207,345.33**

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



Presented by:

ALDRIDGE PITE, LLP

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

REGISTER OF ACTIONS

CASE No. 22CV10664

Reverse Mortgage Funding LLC vs The Estate Of Gerald E. Vermillion, The Unknown Heirs, Assigns And devisees Of Gerald E. Vermillion, Charles Vermillion, Sheri Swain, Secretary Of Housing And Urban Developmentetal. §
§
§
§
§

Case Type: **Property - Foreclosure**
Date Filed: **03/29/2022**
Location: **Klamath**

PARTY INFORMATION

Attorneys

Defendant All Other Persons Or Parties Unknown
826 N Eldorado Avenue
Klamath Falls, OR 97601

Defendant Secretary Of Housing And Urban Development

Defendant Swain, Sheri

Defendant The Estate Of Gerald E. Vermillion

Defendant The Unknown Heirs, Assigns And devisees Of Gerald E. Vermillion

Defendant Vermillion, Charles

Plaintiff Reverse Mortgage Funding LLC

Michael Joseph Page
Retained
503 345-9459(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

10/31/2022 **Judgment - General** (Judicial Officer: Bunch, Dan)
Party(The Estate Of Gerald E. Vermillion; The Unknown Heirs, Assigns And devisees Of Gerald E. Vermillion; Vermillion, Charles; Swain, Sheri;
Comment (FORECLOSURE)
Created: 10/31/2022 10:58 AM

OTHER EVENTS AND HEARINGS

03/29/2022 **Complaint**
Created: 03/29/2022 4:16 PM

03/29/2022 **Service**
The Estate Of Gerald E. Vermillion Served 06/18/2022
Returned 07/18/2022

Created: 03/29/2022 4:16 PM

04/18/2022 **Summons**
Created: 04/18/2022 8:29 AM

04/18/2022 **Affidavit/Declaration - Mailing**
04/08/2022: return of mailing/certified mail (summons & complaint)
Created: 04/18/2022 8:29 AM

04/18/2022 **Affidavit/Declaration - Mailing**
04/08/2022: return of mailing/certified (summons & complaint)
Created: 04/18/2022 8:29 AM

04/18/2022 **Affidavit/Declaration - Mailing**
04/08/2022: return of mailing/certified (summons & complaint)
Created: 04/18/2022 8:29 AM

04/18/2022 **Service**
The Unknown Heirs, Assigns And devisees Of Gerald E. Vermillion Served 06/18/2022
Returned 07/18/2022
Vermillion, Charles Served 05/10/2022
Returned 05/18/2022
Secretary Of Housing And Urban Development Served 04/08/2022
Returned 04/18/2022
All Other Persons Or Parties Unknown Served 06/18/2022
Returned 07/18/2022

Created: 04/18/2022 9:35 AM

04/27/2022 **Proof of Service - Substitute**
04/21/2022: Sub service to "Amy Flores" (complaint exhibit 1,a,2,3,4, summons)

Created: 04/27/2022 1:01 PM
 04/28/2022 **Affidavit**
Non Service
 Created: 04/28/2022 1:38 PM
 05/18/2022 **Summons**
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Proof - Service**
Personal Service 05/10/22 - Complaint & Summons
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Summons**
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Proof - Service**
Personal Service 04/16/22 - Complaint & Summons
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Summons**
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Proof - Service**
Office Service 04/21/22 - Aley Flores
 Created: 05/18/2022 8:57 AM
 05/18/2022 **Service**
 Swain, Sheri Served 04/16/2022
 Returned 05/18/2022
 Created: 05/18/2022 10:04 AM
 05/27/2022 **Proof - Service**
05/23/2022: personal service; Summons, complaint
 Created: 05/27/2022 1:48 PM
 06/01/2022 **Motion - Service by Publication**
 Created: 06/01/2022 1:21 PM
 06/01/2022 **Declaration**
supporting Motion for Service by Publication
 Created: 06/01/2022 1:21 PM
 06/03/2022 **Order - Publication** (Judicial Officer: Bunch, Dan)
Granting service by publication
 Signed: 06/02/2022
 Created: 06/03/2022 2:03 PM
 06/13/2022 **Summons**
 Created: 06/13/2022 2:54 PM
 06/13/2022 **Return - Service (Not Served)**
 Created: 06/13/2022 2:54 PM
 07/18/2022 **Summons**
 Created: 07/18/2022 3:48 PM
 07/18/2022 **Affidavit/Declaration - Publication**
Herald & News printed on 6/18/2022, 6/25/2022, 7/2/2022, 7/9/2022
 Created: 07/18/2022 3:48 PM
 08/11/2022 **Notice - Rule 7 - 91 Day**
 Created: 08/11/2022 10:56 AM
 09/07/2022 **Motion - Continuance**
 Created: 09/07/2022 9:54 AM
 09/07/2022 **Affidavit/Declaration - Mailing**
Continuance documents mailed on 9/7/22 to multiple parties
 Created: 09/07/2022 9:54 AM
 09/07/2022 **Declaration**
 DECLARATION IN SUPPORT OF MOTION AND ORDER FOR CONTINUANCE (UTCR 7.020)
 Created: 09/07/2022 9:54 AM
 09/07/2022 **Motion - Default Order**
 Created: 09/07/2022 9:55 AM
 09/07/2022 **Declaration**
 DECLARATION IN SUPPORT OF MOTION FOR ORDER OF DEFAULT AGAINST DEFENDANTS: 1. THE ESTATE OF GERALD E. VERMILLION 2. THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF GERALD E. VERMILLION 3. CHARLES VERMILLION 4. SHERI SWAIN 5. ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 826 N ELDORADO AVENUE, KLAMATH FALLS, OREGON 97601
 Created: 09/07/2022 9:55 AM
 09/07/2022 **Affidavit/Declaration - Mailing**
 Created: 09/07/2022 9:55 AM
 09/09/2022 **Order - Default** (Judicial Officer: Adkisson, Marci Warner)
Granted
 Signed: 09/08/2022
 Created: 09/09/2022 1:59 PM
 09/12/2022 **Order - Continuing Pending Case** (Judicial Officer: Adkisson, Marci Warner)
 Signed: 09/08/2022
 Created: 09/12/2022 2:24 PM
 10/27/2022 **Motion - Judgment**
General Judgment & Declaration of Amt Due by Default
 Created: 10/27/2022 2:14 PM
 10/27/2022 **Declaration**
supporting Motion for Gen Jgmt of Foreclosure
 Created: 10/27/2022 2:14 PM
 10/27/2022 **Affidavit/Declaration Non-Military**
 Created: 10/27/2022 2:14 PM
 10/27/2022 **Affidavit/Declaration - Mailing**
on 10/27/2022 to All Defendants; Motion for Gen Jgmt, Declaration supporting, Non-Military Declaration, Statement of Atty Fees & Gen Jgmt
 Created: 10/27/2022 2:14 PM
 10/27/2022 **Statement - Attorney Fees**
 Created: 10/27/2022 2:14 PM

10/31/2022 **Digitized Judgment Document** (Judicial Officer: Bunch, Dan)
General Judgment of Foreclosure and Declaration of Amount Due by Stipulation and Default
 Signed Date: 10/28/2022
 Created: 10/31/2022 10:59 AM

10/31/2022 **Notice - Judgment Entry**
 Created: 10/31/2022 10:59 AM

10/31/2022 **Closed**
 Created: 10/31/2022 11:02 AM

FINANCIAL INFORMATION

	Plaintiff Reverse Mortgage Funding LLC		
	Total Financial Assessment		594.00
	Total Payments and Credits		594.00
	Balance Due as of 11/01/2022		0.00
03/29/2022	Transaction Assessment		594.00
03/29/2022	xWeb Accessed eFile Receipt # 2022-206073	Reverse Mortgage Funding LLC	(594.00)

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

REVERSE MORTGAGE FUNDING LLC,

Plaintiff,

v.

THE ESTATE OF GERALD E. VERMILLION; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF GERALD E. VERMILLION; CHARLES VERMILLION; SHERI SWAIN; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 826 N ELDORADO AVENUE, KLAMATH FALLS, OREGON 97601,

Defendants.

Case No. 22CV10664

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY STIPULATION AND 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 Gerald E. Vermillion; The Unknown Heirs, Assigns And Devisees of Gerald E. Vermillion; Charles Vermillion; Sheri Swain; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest In The Real Property Commonly Known As 826 N Eldorado Avenue, Klamath Falls, Oregon 97601, the stipulation of Secretary of Housing and Urban Development (“Stipulating Defendant”), the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Stipulation and Default by Plaintiff Reverse Mortgage Funding LLC (“Plaintiff”),

IT IS HEREBY ADJUDGED:

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

1 1. Plaintiff's security interest in the real property located at 826 N Eldorado Avenue,
2 Klamath Falls, Oregon 97601 ("Subject Property"), as evidenced by the Deed of Trust recorded
3 July 31, 2014 in the official records of Klamath County as instrument number 2014-007979
4 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
5 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
6 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
7 described as follows:

8 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

9 2. Stipulating Defendant has determined that it holds no title or financial interest in
10 the Subject Property and agrees to be bound by this judgment. No monetary judgment, interest,
11 attorneys' fees, expenses, costs, or fees are awarded in this proceeding against Stipulating
12 Defendant.

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

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

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

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

6 7. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by
7 sale of the Subject Property as directed under this Judgment.

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

17 9. Plaintiff or any other party to this action may become a purchaser at the
18 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
19 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
20 successor in interest may apply to this Court for a writ of assistance to gain possession of the
21 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

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

Aldridge Pite, LLP
1050 SW 6th Ave, Suite 1100
Portland, OR 97204
(858) 750-7600

1 owed is \$130,901.20.

2 2. Simple interest at the variable rate currently at %5.2740 (\$19.77 *per diem*) after
3 October 21, 2022, through the date of judgment.

4 3. Attorney fees of \$4,480.00, plus \$392.50 through the date of sale.

5 4. Costs of \$3,086.60, plus costs accrued through the date of sale.

6 5. Prevailing party fee: \$325.00.

7 6. Post-judgment interest thereafter on the total amount above, #1-5, at the contract
8 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

9 **IT IS SO ADJUDGED**

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10/28/2022 2:08:04 PM



Circuit Court Judge Dan Bunch

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CERTIFICATE OF READINESS

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

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18

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.

19

20

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.

21

22

3. I have served a copy of this order or judgment on all parties entitled to service and:

23

a. No objection has been served on me;

24

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.

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c. After conferring about objections, [**role and name of objecting party**]

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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: _____

Presented By:
ALDRIDGE PITE, LLP

/s/ Michael J. Page
Michael J. Page, OSB #194328
Of Attorneys for Plaintiff
(858) 750-7600
(619) 590-1385 (Facsimile)
orecourtnotices@aldridgepite.com

Date: October 26, 2022

Stipulated by:
UNITED STATES ATTORNEY'S OFFICE

/s/ Jessie D. Young
Jessie D. Young, OSB #135246
Of Attorneys for Defendant
(503) 727-1003
jessie.young@usdoj.gov

Date: October 26, 2022

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

REVERSE MORTGAGE FUNDING LLC,

Plaintiff,

v.

THE ESTATE OF GERALD E. VERMILLION; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF GERALD E. VERMILLION; CHARLES VERMILLION; SHERI SWAIN; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 826 N ELDORADO AVENUE, KLAMATH FALLS, OREGON 97601,

Defendants.

Case No. 22CV10664

SUPPLEMENTAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE

ORCP Rule 69

THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Supplemental Declaration in Support of Judgment, the Supplemental Statement of Attorney Fees, Costs, and Disbursements, the records on file herein, and pursuant to the Motion for Supplemental Judgment by Judgment Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY AS OWNER TRUSTEE FOR OCWEN LOAN ACQUISITION TRUST 2023-HB1 (“Judgment Creditor”),

IT IS HEREBY ADJUDGED:

1. Plaintiff is owed the below additional amounts incurred subsequent to the original

1 General Judgment in this case, may recover said amounts in the manner directed in the General
2 Judgment, and may add said amounts to any credit bid. Plaintiff may request a future
3 Supplemental Judgment as necessary;

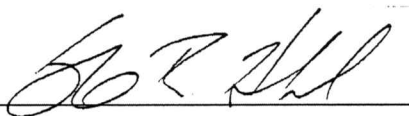
4 DECLARATION OF AMOUNT DUE

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6 THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A
7 MONEY AWARD AGAINST ANY DEFENDANT

- 8 1. The total supplemental amount of the unpaid principal balance, interest, and other
9 amounts owed is \$44,480.12.
- 10 2. Supplemental attorney fees of \$1,895.00.
- 11 3. Supplemental costs of \$2,724.61.
- 12 4. Post-judgment interest thereafter on the total judgment amount at the contract rate
13 of interest or 9.000% per annum, whichever is greater, through the date of sale.

14 **IT IS SO ADJUDGED**

5/16/2024 2:09:57 PM

15 
16 _____

17 Circuit Court Judge Stephen R. Hedlund

18
19 CERTIFICATE OF READINESS

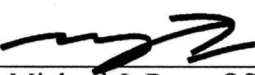
20 This proposed Order or Judgment is ready for judicial signature because:

- 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.
- 26 3. I have served a copy of this order or judgment on all parties entitled to service and:

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- 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: _____

Presented By:
ALDRIDGE PITE, LLP



Michael J. Page, OSB No. 194328
Of Attorneys for Judgment Creditor
(858) 750-7600
(619) 590-1385 (Facsimile)
orecourtnotices@aldridgepite.com

Date: May 9, 2024