

23CV33390

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

CAG NATIONAL FUND II LLC,

Plaintiff,

v.

THE ESTATE OF DOLORES B. MELTON;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF DOLORES B. MELTON;
STATE OF OREGON DEPARTMENT OF
HUMAN SERVICES; JERRY WORLEY;
PHILIP WORLEY; CLAUDIA WRIGHT;
BAMBI STILLMAKER; KATHLEEN
PRICE; KRISTI CUNNINGHAM; AND ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 109
DONNA WAY, CENTRAL POINT,
OREGON 97502,

Defendant.

Case No. 23CV33390

WRIT OF EXECUTION

TO THE JACKSON COUNTY SHERIFF:

On April 5, 2024 a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JACKSON 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: CAG NATIONAL FUND II LLC c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR 97204.

The real property to be sold at public auction is commonly known as 109 DONNA WAY,

1 CENTRAL POINT, OREGON 97502 (“Subject Property”), and legally described as:

2 LOT SIXTEEN (16), BLOCK ONE (1) OF WEST PINE VILLA SUBDIVISION, IN THE CITY OF
3 CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF,
4 NOW OF RECORD.

5 The total amount due and owing on the Judgment as of April 18, 2024;

6 Judgment:	Principal	\$362,601.39
7	Interest(4.3300%,\$13.92 p/day)	\$97.44 (4/12/2024 through 4/18/2024)
8	Attorney Fees	\$3,997.50
9	Costs	\$2,495.39
10	Prevailing Party Fee	\$325.00
11	Attorney Fees	\$785.00
12	Costs	\$0.00

13 **TOTAL: \$370,301.72**

14 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
15 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
16 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
17 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
18 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.



5/9/2024 8:28:21 AM

By: Lynne Utter
Lynne Utter / Court Clerk

Presented by:
ALDRIDGE PITE, LLP
By: [Signature]
Shannon K Calt OSB #121855
Of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

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

CAG NATIONAL FUND II LLC,

Plaintiff,

v.

THE ESTATE OF DOLORES B. MELTON;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF DOLORES B. MELTON;
STATE OF OREGON DEPARTMENT OF
HUMAN SERVICES; JERRY WORLEY;
PHILIP WORLEY; CLAUDIA WRIGHT;
BAMBI STILLMAKER; , KATHLEEN
PRICE; KRISTI CUNNINGHAM; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 109
DONNA WAY, CENTRAL POINT,
OREGON 97502,

Defendants.

Case No. 23CV33390

**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 Dolores B. Melton; The Unknown Heirs, Assigns and Devisees of Dolores B. Melton; State of Oregon Department of Human Services; Jerry Worley; Philip Worley; Claudia Wright; Bambi Stillmaker; Kathleen Price; Kristi Cunningham; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Real Property Commonly Known as 109 Donna Way, Central Point, Oregon 97502, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff CAG NATIONAL FUND II LLC (“Plaintiff”),

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

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 109 DONNA WAY, CENTRAL POINT, OREGON 97502 ("Subject Property"), as evidenced by the Deed of Trust recorded October 19, 2005 in the official records of JACKSON County as instrument number 2005-063933 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

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

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

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

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

5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

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

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

14 8. Plaintiff or any other party to this action may become a purchaser at the
15 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
16 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
17 successor in interest may apply to this Court for a writ of assistance to gain possession of the
18 subject property if Defendants or any other party or person refuses to surrender possession;

19 DECLARATION OF AMOUNT DUE BY DEFAULT

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

22 1. The total amount of the unpaid principal balance, interest, and other amounts
23 owed is \$362,601.39.


24 2. Simple interest at the variable rate currently at 4.3300% (\$13.92 *per diem*) after
25 April 11, 2024, through the date of judgment.

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

- 1 3. Attorney fees of \$3,997.50, plus \$785.00, through the date of sale.
 2 4. Costs of \$2,495.39, plus costs accrued through the date of sale.
 3 5. Prevailing party fee: \$325.00.
 4 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
 5 of interest or 9.000% per annum, whichever is greater, through the date of sale.

6 **IT IS SO ADJUDGED**

4/2/2024 11:46:13 AM

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9 Circuit Court Judge David J. Orr

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 11 **CERTIFICATE OF READINESS**

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

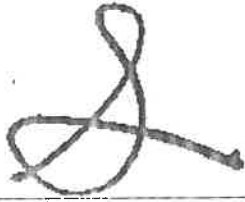
- 13 1. Each party affected by this order or judgment has stipulated to the order or judgment,
 14 as shown by each party's signature on the document being submitted.
 15 2. Each party affected by this order or judgment has approved the order or judgment, as
 16 shown by each party's signature on the document being submitted or by written
 17 confirmation of approval sent to me.
 18 3. I have served a copy of this order or judgment on all parties entitled to service and:
 19 a. No objection has been served on me;
 20 b. I received objections that I could not resolve with a party despite reasonable
 21 efforts to do so. I have filed a copy of the objections I received and indicated
 22 which objections remain unresolved.
 23 c. After conferring about objections, [**role and name of objecting party**]
 24 agreed to independently file any remaining objection.
 25 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
 26 otherwise.
 27 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

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subsection (5) of this rule.

6. Other: _____

Presented By:
ALDRIDGE PITE, LLP



Date: 3/28/2024

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