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

VANDERBILT MORTGAGE AND
FINANCE, INC., a Tennessee corporation,

Plaintiff,

v.

JOEL R. LYMAN, THE ESTATE OF STANN
LYMAN, CHARLOTTE LYMAN, RAY
KLEIN INC. dba PROFESSIONAL CREDIT
SERVICE, ISLYNN ROSE LYMAN, and
OCCUPANTS AND PARTIES IN
POSSESSION,

Defendants.

Case No. 23CV27805

WRIT OF EXECUTION OF REAL
PROPERTY
(Foreclosure)

TO: THE SHERIFF OF MARION COUNTY, GREETINGS:

WHEREAS, on October 23, 2023, in the Circuit Court of the State of Oregon, for the County of Marion, plaintiff, Vanderbilt Mortgage and Finance, Inc., recovered judgment against defendants Joel R. Lyman, The Estate of Stann Lyman, Charlotte Lyman, Ray Klein Inc. dba Professional Credit Service, Islynn Rose Lyman, and Occupants and Parties in Possession, on a general judgment and decree of foreclosure of deed of trust, as follows, a copy of which is attached hereto and incorporated herein as Exhibit 1 (the "Judgment"):

ALL CLAIMS FOR RELIEF:

- | | | |
|----|-------------------|--------------|
| 1. | Principal Amount: | \$183,615.02 |
| 2. | Late Charges: | \$1,754.84 |

- 1 3. Advances: \$28,080.75
2 4. Previously incurred legal fees: \$8,568.05
3 5. Title Search Costs: \$710.00
4 6. Pre-Judgment Interest to October 23, 2023: \$13,432.67
5 7. Attorney Fees: \$2,200.00
6 8. Attorney Costs: \$1,760.00
7 9. For interest on the sum of paragraphs 1-8 at the current variable rate of
8 7.49 percent per annum (\$49.59 per diem) from the date the judgment is entered, until paid in
9 full.

10 NOW THEREFORE, in the name of the State of Oregon, you are commanded to
11 sell, in the manner prescribed by law for the sale of real property, upon execution (subject to
12 redemption) all of the interest which the defendants had on April 26, 2007, the date of the Deed
13 of Trust, and also all of the interest which the defendants had thereafter, in the real property
14 described in the Judgment and particularly as follows and which is commonly known as 675
15 Ratcliff Drive SE, Salem Oregon 97302:

16 Parcel 2, PARTITION PLAT No. 2006-20, recorded March 3,
17 2006 in Reel 2614, Page 371, Deed Records for Marion County,
18 Oregon,
19 to satisfy the sum of \$238,366.49, representing defendants' delinquent obligations as of October
20 23, 2023 and the amounts due at sale, with interest at the contract rate of 7.49 per annum (\$49.59
21 per diem) from October 24, 2023 until paid in full, and the costs of this Writ, making due return
22 within 60 days after you have received this Writ.

23 ///
24 ///
25 ///
26 ///

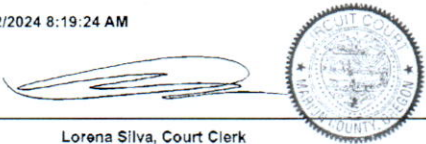
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JUDGMENT CREDITOR INFORMATION:

The mailing address of the judgment creditor is as follows:

Vanderbilt Mortgage and Finance, Inc.
c/o Eleanor A. DuBay
Tomas Bragar DuBay
121 SW Morrison St., Ste. 1850
Portland, OR 97204

5/2/2024 8:19:24 AM



Lorena Silva, Court Clerk

SUBMITTED BY:

Eleanor A. DuBay, OSB #073755
Tomas Bragar DuBay
(503) 894-9900
edubay@tomasilegal.com
Of Attorneys for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
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VANDERBILT MORTGAGE AND
FINANCE, INC., a Tennessee corporation,

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JOEL R. LYMAN, THE ESTATE OF STANN
LYMAN, CHARLOTTE LYMAN, RAY
KLEIN INC. dba PROFESSIONAL CREDIT
SERVICE, ISLYNN ROSE LYMAN, and
OCCUPANTS AND PARTIES IN
POSSESSION,

Defendants.

Case No. 23CV27805

GENERAL JUDGMENT AND DECREE
OF FORECLOSURE

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motion for Order of Default and Entry of General Judgment Ex Parte. The court has entered an Order of Default against defendants and it further appears that plaintiff is entitled to entry of general judgment and decree of foreclosure against the defendants;

IT IS ORDERED AND ADJUDGED that plaintiff shall have general judgment and decree of foreclosure against defendants Joel R. Lyman, The Estate of Stann Lyman, Charlotte Lyman, Ray Klein Inc. dba Professional Credit Service, Islynn Rose Lyman, and Occupants and Parties in Possession as follows:

///

///

1 A. ON ALL CLAIMS FOR RELIEF:

2 1. Pursuant to ORS 88.010(1)(a), the amount of the debts that are secured by

3 Plaintiff's Trust Deed are declared to be as follows:

4 a. Principal of \$183,615.02;

5 b. Late charges of \$1,754.84;

6 c. Advances of \$28,080.75;

7 d. Previously incurred legal fees of \$8,568.05;

8 e. Title search costs of \$710.00;

9 f. Interest at the current variable rate of 7.49 percent per annum

10 through October 16, 2023, in the amount of \$13,168.91, plus interest thereafter in the per diem

11 amount of \$37.68 until the date judgment is entered;

12 g. Plaintiff's attorney fees in the amount of \$2,200.00 and costs in the

13 amount of \$1,760.00, to be submitted in accordance with ORCP 68C; and

14 h. Interest on the sum of paragraphs 1a to 1g at the current variable

15 rate of 7.49 percent per annum, from the date judgment is entered, until paid in full.

16 2. Plaintiff's Trust Deed, dated April 26, 2007, and recorded May 2, 2007, as

17 Reel 2807, Page 21, Records of Marion County, Oregon, is declared a lien upon the real property

18 commonly known as 675 Ratcliff Drive SE, Salem, Oregon 97302, and as more fully described

19 below (the "Property") for the amount of the judgment set forth herein:

20 Parcel 2, PARTITION PLAT No. 2006-20, recorded March 3, 2006

21 in Reel 2614, Page 371, Deed Records for Marion County, Oregon.

22 3. Plaintiff's Trust Deed upon the Property is foreclosed, and the title, claim,

23 interest, or demand of defendants and each of them in said Property, and every part thereof,

24 except their statutory rights of redemption, is foreclosed;

25 4. The Property, with all of its appurtenances, rights, privileges, and


26 easements shall be sold on execution by the Sheriff for Marion County, Oregon, after giving

1 notice as required by law; Plaintiff may be and become a purchaser at said sale; the Sheriff shall
2 give the purchaser thereof a Certificate of Sale and, unless the Property is redeemed before the
3 expiration of the redemption period, a deed; said purchaser shall have immediate possession of
4 the Property, and every part thereof; and said purchaser shall be entitled to such remedies as are
5 available at law to secure such position, including a writ of assistance, if defendants or any other
6 parties or persons shall refuse to immediately surrender possession to the purchaser;

7 5. The proceeds of the sale shall be applied as follows: first, to pay the costs
8 and expenses of said sale; second, to pay the judgment of Plaintiff; and third, the overplus, if
9 any, be paid to the Registry of the Court subject to further court order; and

10 6. If any deficiency remains after application of the proceeds of the sale
11 thereon, execution may not be issued for said balance.

12
13 10/20/2023 10:47:16 AM

14 

15 _____
16 Circuit Court Judge Amy Queen

17
18 SUBMITTED BY:

19 Eleanor A. DuBay, OSB # 073755
20 Tomasi Bragar DuBay
21 (503) 894-9900
edubay@tomasilegal.com
Of Attorneys for Plaintiff

1 **Certificate of Readiness**

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

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

5 2. Each opposing party affected by this order or judgment has approved the order
6 or judgment, as shown by signature on the document being submitted or by written confirmation
7 of approval sent to me.

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

9 a. No objection has been served on me.

10 b. I received objections that I could not resolve with the opposing party
11 despite reasonable efforts to do so. I have filed with the court a copy of the objections I received
and indicated which objections remain unresolved.

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

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

16 5. This is a proposed judgment that includes an award of punitive damages and
17 notice has been served on the Director of the Crime Victims' Assistance Section as required by
subsection (1)(d) of this rule.

18 6. Other: _____.

19 7. The relief sought is against an opposing party who has been found in default.

20 8. An order of default is being requested with this proposed judgment.

21 Dated: October 16, 2023.

22 TOMASI BRAGAR DUBAY

23
24 By: /s/ Eleanor A. DuBay
Eleanor A. DuBay, OSB # 073755
25 (503) 894-9900
edubay@tomasilegal.com
26 Of Attorneys for Plaintiff