

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

EUGENE NORMAN PARKER,

Plaintiff,

vs.

FARRELL T. CUMMINGS, et al.,

Defendants.

Case No. 9403177CV

WRIT OF EXECUTION
IN FORECLOSURE

To: Klamath County Sheriff

WHEREAS, on September 23, 1994, in the above-entitled Court,
a judgment of foreclosure was enrolled and docketed in the above-
entitled cause, a true copy of which is attached hereto 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 upon execution subject to
redemption, all of the interest which the defendants had on
September 7, 1990, the date of the Trust Deed, and also all of the

1. WRIT OF EXECUTION IN FORECLOSURE
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Ref:

**BRANDSNESS, BRANDSNESS
& RUDD, P.C.**
Attorneys at Law
411 Pine Street
Klamath Falls, Ore.
Phone 503/682-6616

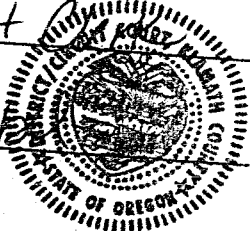
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1 interest which the defendants had thereafter, in the real property
 2 described in the judgment to satisfy the sum of \$26,053.59, plus
 3 interest thereon at the rate of 10% percent per annum from
 4 September 23, 1994, until paid; the further sum of \$206 as
 5 reasonable suit expenses; costs and disbursements in the sum of
 6 \$253.00, and attorney fees in the sum of \$1,753.70, together with
 7 interest thereon at the rate of 9% per annum, from date of
 8 judgment until paid, and the cost of this writ, making due return
 9 within 60 days after you receive this writ.

10 DATED this 10 day of October, 1994.

11
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 13 Title Clert
 14 By: SB
 15 Deputy
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Certified true copy

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF KLAMATH

EUGENE NORMAN PARKER,

Plaintiff,

vs.

FARRELL T. CUMMINGS, CHERYL L.)
 CUMMINGS, MICHAEL D. HARGAN,)
 JOANNE M. HARGAN, KLAMATH)
 COUNTY; BOYD C. YADEN, Trustee)
 in Bankruptcy, and JOHN DOES)
 1-4,)

Defendants.

Case No. 9403177CV

JUDGMENT

THIS MATTER having come before the Court following an Order of Default being entered against all defendants herein. From the amount prayed for in plaintiff's complaint, judgment can be computed to a sum certain. Plaintiff prayed for the sum of \$23,957.12 principal, plus interest at 10% per annum from November 9, 1993, until paid, plus delinquent interest of \$2.68. Plaintiff further prayed for \$206 reasonable suit expenses and for

1. JUDGMENT
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1 plaintiff's costs, disbursements and reasonable attorney's fees
2 incurred herein. Three hundred nineteen (319) days have elapsed
3 from November 9, 1993, through September 23, 1994. Interest
4 accrues at a per diem rate of \$6.5636 for interest accrued of
5 \$2,093.79, making total interest and principal due of \$26,053.59
6 as of September 23, 1994.

7 IT IS HEREBY ORDERED AND ADJUDGED:

8 1. Plaintiff is awarded judgment against defendants Michael
9 D. Hargan and Joanne M. Hargan, jointly and severally, in the
10 amount of \$26,053.59, plus interest thereon at the rate of 10%
11 percent per annum from September 23, 1994, until paid; the further
12 sum of \$206 as reasonable suit expenses; plaintiff's reasonable
13 attorney fees, costs and disbursements incurred herein plus
14 interest thereon at the legal rate of 9% per annum from the date
15 of judgment until paid, and that Writ of Execution shall issue
16 therefor.

17 2. No personal judgment shall be entered against Farrell T.
18 Cummings or Cheryl L. Cummings as their obligation has been
19 discharged in bankruptcy.

20 3. The trust deed executed and delivered by defendants
21 Farrell T. Cummings, Cheryl L. Cummings, Michael D. Hargan and
22 Joanne M. Hargan to plaintiff on or about September 7, 1990, and
23 recorded on September 24, 1990, at Volume M90 at page 19127 of the
24 official records of Klamath County, Oregon, is a valid lien for
25 the amount of plaintiff's judgment set forth in paragraph 1 above
26 against all the real property, situated in Klamath County, Oregon,

1 described as:

2 Lot 531, Block 127, MILLS ADDITION TO THE CITY OF
3 KLAMATH FALLS, in the County of Klamath, State of
4 Oregon.

5 ALSO that part of Lot 530 in said Block and Addition
6 described as follows:

7 Beginning at the Southwest corner of Lot 530 in Block
8 127 of MILLS ADDITION TO THE CITY OF KLAMATH FALLS, in
9 the County of Klamath, State of Oregon; thence East 10
10 feet; thence North 50 feet; thence West 10 feet; thence
11 South 50 feet to the point of beginning.

12 ALSO that portion of Lot 545 in said Block and Addition
13 described as follows:

14 Beginning at the Northeast corner of Lot 545 in Block
15 127 of MILLS ADDITION TO THE CITY OF KLAMATH FALLS, in
16 the County of Klamath, State of Oregon; thence West
17 along the South line of an alley 35 feet; thence South
18 30 feet; thence East 35 feet to the East line of said
19 Lot; thence North 30 feet to the place of beginning.

20 and that lien is superior to any interest, lien, or claim of the
21 defendants, or any of them, in that property.

22 4. The trust deed lien is foreclosed and all interest which
23 the defendants had on and after September 24, 1990, in the real
24 property or so much thereof as may be necessary to satisfy the
25 judgment of plaintiff herein, shall be sold by the Sheriff of
26 Klamath County, Oregon, in the manner provided by law and in
accordance with the practice of this Court.

5. The proceeds of sale shall be applied first toward the
costs of sale then toward the satisfaction of plaintiff's judgment
awarded herein; and the surplus, if any, to the clerk of the Court
to be distributed to such party or parties as may establish their
right thereto.

3. JUDGMENT
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1 6. If the proceeds of sale are not sufficient to satisfy
2 the judgment of plaintiff awarded herein against defendants
3 Michael D. Hargan and Joanne M. Hargan, then any such deficiency
4 may be enforced by execution as provided by law.

5 7. The defendants and all persons claiming an interest in
6 the property as purchasers, encumbrancers, or otherwise are
7 forever foreclosed of all interest, lien, or claim in the real
8 property described above and every portion thereof excepting only
9 any statutory right of redemption as they may have therein.

10 8. Plaintiff or any other party to this suit may become the
11 purchaser at the sale of the real property. The purchaser is
12 entitled to exclusive possession of the real property from and
13 after the date of sale and is entitled to such remedies as are
14 available at law to secure possession, including a writ of
15 assistance, if defendants or any other party or person shall
16 refuse to surrender possession to the purchaser immediately upon
17 the purchaser's demand for possession.

18 SUMMARY OF MONEY JUDGMENT

19 1. The name of the judgment creditor is Eugene Norman
20 Parker and the creditor's Attorney: Andrew C. Brandsness of
21 Brandsness & Brandsness, P.C.

22 2. Name of judgment debtor: Michael D. Hargan and Joanne M.
23 Hargan.

24 3. Amount of the Judgment: \$26,053.59, plus interest
25 thereon at the rate of 10% per annum from September 23, 1994,
26 until paid, \$206 as reasonable suit expenses, plus plaintiff's

1 costs, disbursements and attorney's fees, plus interest thereon at
2 the rate of 9% per annum from date of judgment until paid.

3 4. Interest owed to date of the judgment: \$2,096.47.
4 5. Post judgment interest:

5 (a) Rate of interest: 10% per annum on Judgment of
6 \$26,053.59; and 9% per annum on the sum of \$206
7 and on plaintiff's costs, disbursements and
8 attorney's fees.

9 (b) Date from which interest runs: Date of judgment
10 (c) Interest is simple.

11 6. This judgment awards costs and disbursements and
12 attorney fees.

13 DATED THIS 23 day of September, 1994.

14 /s/ Richard B. Rambo
15 Circuit Court Judge

16 Submitted by:
17 Andrew C. Brandsness
18 Attorney for Plaintiffs
19 OSB #83159
20 411 Pine Street
21 Klamath Falls, OR 97601
22 (503) 882-6616
23
24
25
26

Certified true copy



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

EUGENE NORMAN PARKER,

Plaintiff,

vs.

FARRELL T. CUMMINGS, CHERYL L. CUMMINGS, MICHAEL D. HARGAN, JOANNE M. HARGAN, KLAMATH COUNTY; BOYD C. YADEN, Trustee in Bankruptcy, and JOHN DOES 1-4,

Defendants.

Case No. 9403177CV

JUDGMENT FOR COST BILL AND ATTORNEY'S FEES

Plaintiff having filed its Cost Bill and the Court being fully advised in the premises it is hereby ORDERED AND ADJUDGED that Plaintiff, be awarded costs and disbursements in the sum of \$253.00, and attorney fees in the sum of \$1,753.70, together with interest thereon at the rate of 9% per annum, from date of judgement until paid, and that said judgment be entered of record.

1. JUDGMENT FOR COST BILL AND ATTORNEY'S FEES
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ORCP 70A SUMMARY OF MONEY JUDGMENT

1. The name of the Judgment Creditor: Eugene Norman Parker.

2. The Judgment creditor's attorney: Andrew C. Brandsness of Brandsness, Brandsness & Rudd, P.C.

3. The name of the Judgment Debtors: Michael D. Hargan and Joanne M. Hargan.

4. The amount of the judgment; Costs and disbursements in the sum of \$253.00 plus attorneys fees in the sum of \$1,753.70, plus interest at the rate of 9% per annum thereon from date of this judgment;

5. There is no prejudgment interest on the costs and attorneys fees.

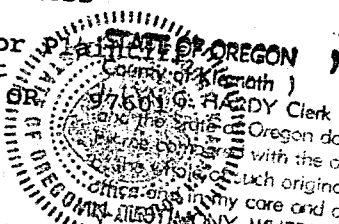
6. Post judgment interest is simple interest at the rate of 9% per annum on the sum of \$2,006.70. Interest runs from the date of the judgment.

DATED this 27 day of September, 1994.

1st Cameron F. Wogan
Circuit Court Judge

Submitted by:
Andrew C. Brandsness
OSB #83159

of Attorneys for
411 Pine Street
Klamath Falls, OR
(503) 882-6616



I, LYNNE HARDY, Clerk of the Circuit Court of the County of Klamath, Oregon do hereby certify that the foregoing copy has been compared with the original, and that it is a transcript therefrom, and is a true and correct copy of the original as the same appears on file or of record in my office and in my care and custody.

WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 27th day of September A.D. 1994
LYNNE HARDY, Clerk of Court
By [Signature]

2. JUDGMENT FOR COST BILL
AND ATTORNEY'S FEES
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BRANDSNESS, BRANDSNESS
& RUDD, P.C.
Attorneys at Law
411 Pine Street
Klamath Falls, Ore.
Phone 503/882-6616

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Brandsness, Brandsness & Rudd
of Oct A.D. 19 94 at 3:53 o'clock P.M., and duly recorded in Vol. M94
of Co. Lien Docket on Page 31626

FEE \$45.00

Evelyn Biehn
By [Signature] - County Clerk