

KRISTINE OLSON
United States Attorney
District of Oregon

1999 JUL 13 AM 11: 41

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY McAULIFFE, et al.,

Defendants.

CIVIL NO. 98-1494-JO

WRIT OF EXECUTION
Foreclosure

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

TO THE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON:

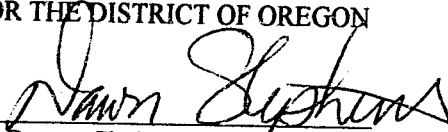
WHEREAS, a Judgment and Decree of Foreclosure was entered on the 22nd day of June, 1999, in the above-entitled Court and cause, a true copy of which is attached hereto and made a part hereof:

YOU ARE HEREBY COMMANDED to take possession of and sell the real property and irrigation equipment appurtenant thereto mentioned and described in the attached Judgment and

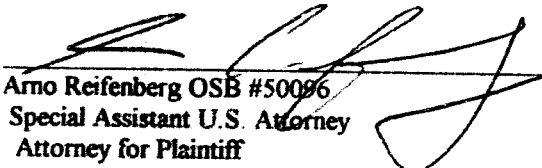
Decree of Foreclosure as therein directed; that you make distribution of the proceeds of such sale in accordance with the directions of said Judgment; and that you do and perform all things which said Judgment requires you to do or perform as directed in said Judgment; and that you make due return of this Writ to this Court with your doings thereon.

DATED this 8 day of July, 1999.

DONALD M. CINNAMOND, CLERK,
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON


By Deputy Clerk

APPROVED:


Arno Reifenberg OSB #50096
Special Assistant U.S. Attorney
Attorney for Plaintiff

RECEIVED

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1999 JUN 17 PM 2:40

99 JUN 17 PM 3:27

CLERK, U.S. DISTRICT COURT,
DISTRICT OF OREGON
PORTLAND, OREGON

CLERK, U.S. DISTRICT COURT,
DISTRICT OF OREGON
PORTLAND, OREGON

Certified to be a true and correct
copy of original filed to my office.
Dated 2000 JUN 17

By Donald M. Cinnamon Clerk
Deputy

99 JUN 22 AM 9:39

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JERRY McAULIFFE, et al.,)
)
Defendants.)

CIVIL NO. 98-1494-JO

JUDGMENT AND DECREE
OF FORECLOSURE

This civil action is before the Court for entry of decree of foreclosure based on an order of default against Defendants Jerry McAuliffe also known as Jerry R. McAuliffe; Chandelle M. McAuliffe; and Tracey Lyon, previously filed herein.

IT IS ORDERED, ADJUDGED, AND DECREED:

1. That Plaintiff recover from Defendants Jerry McAuliffe and Chandelle M. McAuliffe, jointly and severally, the sum of \$150,922.86 principal, together with \$35,849.95 interest accrued through June 10, 1999, with interest accruing thereafter at the daily rate of \$34.1127 until judgment and interest thereafter at the annual rate of 9 1/4 percent computed daily and compounded annually after judgment until paid, and \$654.50 for Plaintiff's costs and disbursements incurred herein.

2. That the indebtedness referred to in paragraph 1 is secured by a real estate mortgage dated June 6, 1980, recorded June 6, 1980, in Volume M-80 on page 10419, Official Records of

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Klamath County, Oregon; and financing statements October 24, 1991, as Instrument No. P76992, and financing statement filed October 23, 1991, in M-91 on page 22164, Official Records of Klamath County, Oregon; and that plaintiff's mortgage and financing statements are valid existing liens on the real property and irrigation equipment described as follows:

The SW1/4NE1/4 and the SE1/4NW1/4 of Section 5, Township 41 South, Range 11 East of the Willamette Meridian

and the following described irrigation equipment appurtenant to the real property described above:

- 1 aluminum mainline, 8" x 1/4 mile pipe
- 1 aluminum mainline, 6" x 1/4 mile pipe
- 2 wheelines, 4" pipe x 1/4 mile each
- 1 50 hp Cornell Pump, S/N 13238
- 1 50 hp GE Motor, S/N CJ6103009

and is superior to the liens of all Defendants herein.

3. That Plaintiff's mortgage and security agreement be foreclosed and the property described in paragraph 2 be sold at public auction by the United States Marshal to the highest bidder for cash, cashier's check or certified check payable ten percent (10%) at the time of the bid and the balance to be paid by the end of the business day to "U.S. Marshal Service" to be deposited with the Clerk of the United States District Court; and that the proceeds of the sale shall be applied as follows:

- (a) First, to the cost and expense of making the sale.
- (b) Second, in satisfaction of the sums due Plaintiff as set forth in paragraph 1.
- (c) Third, that the surplus, if any, be paid to the Clerk of this Court to be disbursed in accordance with further order of the Court.

4. That the Defendants and all persons claiming any interest, lien or other right by, through, or under them are forever barred and foreclosed from any interest in, lien upon, or other right with respect to the property or any part thereof, except the right of redemption provided by law.

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5. That any party to this suit may purchase at the sale, and that the purchaser shall be entitled to immediate, full, and peaceful possession of the premises from the date of such sale, subject to expiration of the statutory period of redemption.

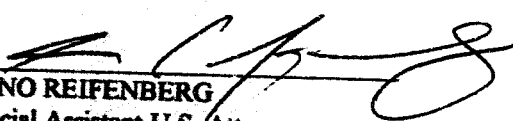
6. That Plaintiff shall have such other and further relief as is necessary to carry out the above.

DATED this 21st day of June, 1999.


UNITED STATES DISTRICT JUDGE

PRESENTED BY:

KRISTINE OLSON
United States Attorney
District of Oregon


ARNO REIFENBERG
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State of Oregon, County of Klamath
Recorded 7/13/99, at 11:41 a.m.
In Vol. M99 Page 27911
Linda Smith,
County Clerk Fee \$ 30 - RL