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

**DESCHUTES COUNTY, a political
subdivision of the State of Oregon,**

Plaintiff,

v.

Case No.: 24CV39501

**VALERIE Q. COOK, RANDALL E.
DAVIS, MARIO FIVECOATS, EDMOND
FRANCIS FUNTANELLAS, ELLEN L.
HALLADAY, KEVIN HALLADAY,
MILLARD T. HOLT JR., REBECCA J.
HOLT, DAVID V. HYLAND II, KODY
KEARCHER, GREGORY EDWARD
KENNERLY, JAMES W. KILGORE,
TERRY A. KILGORE, WILLIAM J.
LEWIS, DIANE LEWIS, CHAD H. MAY,
SANDRA J. MAY, GIULIAN J.
CZWARKIEL TESTAMENTARY
TRUST, WILLIAM PELLETT TRUSTEE
GIULIAN J. CZWARKIEL
TESTAMENTARY TRUST, TKW
LIMITED PARTNERSHIP and JAMES
WESLEY WRIGHT II,**

**GENERAL JUDGMENT OF
FORECLOSURE**

Defendants.

This Court has examined the Complaint (Application for Judgment of Foreclosure of Tax Liens) filed by Plaintiff with regard to real properties located in Deschutes County, and the other pleadings and documents filed in the above-entitled case, as required by ORS 312.080. The Court enters the following findings:

- 1. Plaintiff, Deschutes County, is a duly organized county of the State of Oregon.

1 2. The Tax Collector of Deschutes County previously prepared a list of the real
2 properties in Deschutes County that were subject to foreclosure for delinquent taxes (the “2024
3 Deschutes County Tax Foreclosure List”) as of August 16, 2024, in accordance with ORS
4 Chapter 312. A copy of the 2024 Deschutes County Tax Foreclosure List is Exhibit “1” of
5 Plaintiff’s complaint in this action.

6 3. Defendants are the owners of properties identified in the 2024 Deschutes County
7 Tax Foreclosure List.

8 4. This Court has dismissed from this action some of the properties and owners
9 listed in the 2024 Deschutes County Tax Foreclosure List. Therefore, Plaintiff has prepared a
10 revised foreclosure list (the “Revised 2024 Foreclosure List”), which excludes those properties
11 and owners who have been dismissed from this action. The Revised 2024 Foreclosure List is
12 attached hereto as Exhibit “A” and is incorporated by reference herein.

13 5. The Revised 2024 Foreclosure List sets forth (a) a description of those real
14 properties appearing on the tax rolls in the office of the Tax Collector of Deschutes County that
15 are currently subject to foreclosure pursuant to ORS Chapter 312, (b) the owners of such
16 properties, (c) the year or years for which taxes are delinquent, and (d) the amounts of delinquent
17 taxes, special assessments, fees and other charges charged against each property subject to
18 foreclosure, with interest on such amounts through August 16, 2024.

19 6. The Defendants (excepting only those against whom this suit has been dismissed
20 by order of the Court) and each and every other person owning or claiming to own, or having or
21 claiming to have, any interest in the properties, have neglected and refused to pay such
22 delinquent taxes, interest, special assessments, fees and other charges charged against such
23 properties, as required by law. No property owner identified in the attached Exhibit “A”, nor any
24 other person who is required to be named in this action, is a minor or incapacitated person, and
25 none are unavailable due to active military service.

1 7. There is now due, owing and unpaid to Plaintiff those amounts set out in the
2 attached Exhibit “A,” and in addition thereto, interest on such amounts at the legal rate of one
3 and one-third percent per month from August 16, 2024 to the date of this judgment.

4 8. The Tax Collector of Deschutes County instituted this proceeding for the
5 foreclosure of the several liens for delinquent taxes owed on those properties identified in the
6 2024 Deschutes County Tax Foreclosure List. A complaint was filed in the Circuit Court of the
7 State of Oregon for Deschutes County on or about August 16, 2024.

8 9. Notice of the institution of foreclosure proceedings was given in the manner
9 provided by law, by (a) publication of the 2024 Deschutes County Tax Foreclosure List in the
10 Bend Bulletin on August 16, 2024, (b) mailing of notice of the foreclosure proceedings by
11 certified mail and first-class mail, postage prepaid, to the owners shown in the records of the
12 County specified in ORS 93.230, 311.555 or 311.560, and (c) mailing of a certified true copy of
13 the 2024 Deschutes County Tax Foreclosure List as published in the Bulletin Newspaper on
14 August 16, 2024, to all of the incorporated cities in Deschutes County. The Bend Bulletin is a
15 newspaper of general circulation in Deschutes County, and in all respects competent to publish
16 notice.

17 10. More than 30 days have elapsed since (a) the date of publication of the 2024
18 Deschutes County Tax Foreclosure List and (b) the filing of the complaint in this action. Except
19 for those Defendants against whom this lawsuit has been dismissed, no appearance has been
20 made by any Defendant or other person owning or claiming to own, or having or claiming to
21 have, any interest whatsoever in any of the real properties identified in the attached Exhibit “A”.
22 nor has any such Defendant or other person given notice to Plaintiff of an intent to appear. The
23 deadline for filing a responsive pleading in this action has expired.

24 NOW, THEREFORE, IT IS ORDERED AND ADJUDGED that the Plaintiff have
25 judgment for (a) the total amount of taxes, interest, special assessments, fees and other charges
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1 charged against those properties identified on the revised Foreclosure List attached hereto as
2 Exhibit “A”, (b) interest on the amounts of such taxes, special assessments, fees and other
3 charges due and charged against each of the separate parcels of property identified in Exhibit
4 “A” from August 16, 2024 to the date of this judgment at the legal rate of one and one-third
5 percent per month, and interest from the date of judgment until the full amount owing is paid, at
6 the statutory rate of post-judgment interest.

7 IT IS FURTHER ORDERED that this General Judgment of Foreclosure is a several
8 judgment against and a first lien upon each of the respective parcels of real property listed in the
9 Revised Foreclosure List attached hereto as Exhibit “A,” for the several amounts of taxes,
10 interest, special assessments, fees and charges due thereon. Plaintiff’s claim for such taxes,
11 interest, special assessments, fees and other charges charged against such properties is paramount
12 and superior to any and all claims to such properties by Defendants, and each of them, and each
13 and every person owning or claiming to own, or having or claiming to have, an interest, lien or
14 claim thereon. Such lien is paramount and superior to the estate of all other persons unknown
15 claiming any right, title, lien or interest in any of the real properties hereinbefore described, and
16 each and all of them hereby are forever barred and foreclosed from asserting or setting up any
17 claim whatsoever to the real properties adverse to the lien and claim of the Plaintiff, its
18 successors or assigns, excepting the right of redemption as provided by law.

19 IT IS FURTHER ORDERED that the Clerk of this Court is directed to serve on the Tax
20 Collector of Deschutes County, a certified copy of this General Judgment: Foreclosure, including
21 and incorporating therein the Revised 2024 Foreclosure List attached hereto as Exhibit “A.” The
22 Tax Collector of Deschutes County is commanded to sell each tract and parcel of real property
23 described in the Revised 2024 Foreclosure List to Deschutes County, in satisfaction of the
24 amount of taxes, interest, special assessments, fees, and other charges for which such properties
25 severally are liable. The certified copy of this General Judgment of Foreclosure so delivered to
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1 the Deschutes County Tax Collector is, and shall be, to all intents and purposes, a certificate of
2 sale for each of the properties described in the attached Exhibit "A". The Tax Collector of
3 Deschutes County shall thereafter take such further steps in the matter as are provided by law.

4 IT IS FURTHER ORDERED that if any parcel of real property covered by this General
5 Judgment of Foreclosure is under a registration of title certificate, such certificate shall be
6 canceled, and that further action shall be taken under the provisions of Chapter 478, Oregon
7 Laws 1971, so as property to vest title to such properties of record in the Plaintiff, Deschutes
8 County.

9 IT IS FURTHER ORDERED that this court shall retain jurisdiction to enforce the terms
10 of this judgment with respect to the foreclosed properties identified in the attached Exhibit "A",
11 and that a Writ of Assistance may issue to obtain possession of any such property upon a
12 showing that possession is being unlawfully withheld from Deschutes County.

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15 9/18/2024 11:06:09 AM

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18 **Circuit Court Judge Alison M. Emerson**

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21 Respectfully submitted by:
22 Kimberly Riley, OSB #223118
23 Deschutes County Sr. Asst. Legal Counsel
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UTCRC 5.100 CERTIFICATE OF READINESS

This proposed General Judgment of Foreclosure is ready for judicial signature because:

- 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.
- 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.
- 3. I have served a copy of this order or judgment on each party entitled to service and:
 - 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 opposing party] agreed to independently file any remaining objection.
 - d. Served on a self-represented party not less than 7days prior to the submission to the court and be accompanied by notice of the time period to object.
- 4. Service is not required pursuant to ORS 312.090.
- 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 (4) of this rule.
- 6. Other

DATED: September 17, 2024.

/s/ Kimberly Riley
Kimberly Riley, OSB #223118
Deschutes County Sr. Asst. Legal Counsel
541-388-6597
kim.riley@deschutes.org

DESCHUTES COUNTY 2024 FORECLOSURE LIST

The Tax Collector of Deschutes County, Oregon, has prepared the following list of all properties now subject to foreclosure and henceforth constituting the Foreclosure List. The Foreclosure List contains the names of the person(s) appearing in the latest tax roll as respective owners of tax delinquent properties, a description of each property as the same appears in the latest tax roll, the year or years for which taxes, special assessments, fees or other charges are delinquent on each property, together with the principal of the delinquent amount of each year and the amount of accrued and accruing interest thereon through August 16, 2024. To all persons or properties herein named and identified and to all persons owning or claiming to own, or having or claiming to have, any interest in any property included in the following Foreclosure List:

Exhibit 1

TAX ACCT	OWNER NAME SITUS ADDRESS	MAP NO.	YEARS	DELINQ TAXES	INTEREST TO 8/16/24	TOTAL DUE
137788	COOK, VALERIE Q 55387 BIG RIVER DR BEND, OR 97707	201026-D0-07300	2023-24	1,357.38	120.66	1,478.04
			2022-23	1,251.15	311.39	1,562.54
			2021-22	1,223.62	505.77	1,729.39
			2020-21	1,164.14	667.43	1,831.57
			2019-20	487.19	342.04	829.23
			2018-19	473.57	408.23	881.80
			Total due:			8,312.57
140879	DAVIS, RANDALL E 15601 DEEDON RD LA PINE, OR 97739	211033-B0-01400	2023-24	604.25	53.71	657.96
			2022-23	566.80	141.07	707.87
			2021-22	553.01	228.58	781.59
			2020-21	519.47	297.83	817.30
			Total due:			2,964.72
113218	FERGUSON, COLE 20516 BOWERY LN BEND, OR 97703	171209-B0-00700	2023-24	5,139.82	456.87	5,596.69
			2022-23	4,886.06	1,216.08	6,102.14
			2021-22	4,768.57	1,971.01	6,739.58
			2020-21	4,498.11	2,578.75	7,076.86
			Total due:			25,515.27
114295	FIVECOATS, MARIO 52530 RAILROAD ST LA PINE, OR 97739	211036-DB-01000	2023-24	536.98	47.74	584.72
			2022-23	499.47	124.32	623.79
			2021-22	488.81	202.05	690.86
			2020-21	466.54	267.45	733.99
			Total due:			2,633.36
114581	HUSBAND, ROBERT W FLERCHINGER, RAY & LISA (CB) 52321 DUSTAN RD LA PINE, OR 97739	221004-B0-03300	2023-24	1,504.91	133.77	1,638.68
			2022-23	1,381.26	343.78	1,725.04
			2021-22	1,349.26	557.70	1,906.96
			2020-21	1,280.15	733.95	2,014.10
			Total due:			7,284.78
101780	FUNTANELLAS, EDMOND FRANCIS 2094 NW CASCADE VIEW DR BEND, OR 97703	171230-CC-07500	2023-24	1,155.84	102.74	1,258.58
			2022-23	1,111.83	276.72	1,388.55
			2021-22	1,080.15	446.46	1,526.61
			2020-21	1,024.84	587.58	1,612.42
			Total due:			5,786.16
101781	FUNTANELLAS, EDMOND FRANCIS 2095 NW TRENTON AVE BEND, OR 97703	171230-CC-07400	2023-24	7,276.55	646.80	7,923.35
			2022-23	6,998.87	1,741.95	8,740.82
			2021-22	6,799.21	2,810.34	9,609.55
			2020-21	6,450.46	3,698.26	10,148.72
			Total due:			36,422.44
143280	HALLADAY, ELLEN L C/O KEVIN HALLADAY 33278 HWY 20 BROTHERS, OR 97712	201714-00-00800	2023-24	17.99	2.16	20.15
			2022-23	16.94	4.74	21.68
			2021-22	17.00	7.71	24.71
			2020-21	15.98	9.80	25.78
			Total due:			92.32
139704	HOLT, MILLARD T JR & REBECCA J 15855 BURLWOOD LN LA PINE, OR 97739	211021-D0-08700	2023-24	1,394.52	123.96	1,518.48
			2022-23	1,280.37	318.67	1,599.04
			2021-22	1,250.76	516.98	1,767.74
			2020-21	1,186.97	680.53	1,867.50
			Total due:			6,752.76
135513	HYLAND, DAVID V II 69310 SCABBARD SISTERS, OR 97759	141031-D0-04200	2023-24	3,839.72	341.31	4,181.03
			2022-23	3,650.53	908.58	4,559.11
			2021-22	3,561.73	1,472.19	5,033.92
			2020-21	3,383.03	1,939.60	5,322.63
			Total due:			19,096.69

115698	KEARCHER, KODY 16990 COVINA RD BEND, OR 97707	201012-B0-00200	2023-24	2,556.16	227.21	2,783.37
			2022-23	2,357.56	586.77	2,944.33
			2021-22	2,300.40	950.83	3,251.23
			2020-21	2,166.68	1,242.23	3,408.91
			2019-20	1,714.73	1,241.77	2,956.50
					Total due:	15,344.34
120708	KENNERLY, GREGORY EDWARD 61584 ROCKWAY TER BEND, OR 97702	181210-BA-02800	2023-24	2,596.25	230.78	2,827.03
			2022-23	2,497.12	621.51	3,118.63
			2021-22	2,425.95	1,002.73	3,428.68
			2020-21	1,028.32	558.88	1,587.20
					Total due:	10,961.54
140720	KILGORE, JAMES W & TERRY A 52714 RAINBOW DR LA PINE, OR 97739	211032-A0-00500	2023-24	2,453.01	218.05	2,671.06
			2022-23	2,257.79	561.94	2,819.73
			2021-22	2,203.49	910.77	3,114.26
			2020-21	2,196.88	1,249.16	3,446.04
					Total due:	12,051.09
149986	KODIAK VENTURES LLC 34080 HWY 20 BROTHERS, OR 97712	201800-00-02401	2023-24	1,822.76	162.02	1,984.78
			2022-23	1,711.62	426.01	2,137.63
			2021-22	1,714.20	708.53	2,422.73
			2020-21	1,606.07	921.33	2,528.30
					Total due:	9,073.44
113769	LEWIS, WILLIAM J & DIANE 53442 POLE PINE RD LA PINE, OR 97739	211022-B0-09400	2023-24	1,691.24	150.34	1,841.58
			2022-23	1,551.54	386.16	1,937.70
			2021-22	1,515.37	626.35	2,141.72
			2020-21	1,437.30	824.05	2,261.35
					Total due:	8,182.35
115696	MAY, CHAD H & SANDRA J 16958 COVINA RD BEND, OR 97707	201012-B0-00600	2023-24	5,460.46	485.37	5,945.83
			2022-23	5,030.21	1,251.96	6,282.17
			2021-22	4,906.37	2,027.07	6,934.34
			2020-21	2,878.00	1,587.93	4,465.93
					Total due:	23,628.27
139078	MILLARD, TAB & MARCIE 16120 SPARKS DR LA PINE, OR 97739	211015-B0-05800	2023-24	1,183.34	405.19	1,288.53
			2022-23	1,093.18	272.08	1,365.26
			2021-22	1,067.61	441.28	1,508.89
			2020-21	1,016.16	582.60	1,598.76
					Total due:	5,761.44
110170	GIULIAN J CZWARKIEL TESTAMENTARY TRUST PELLETT, WILLIAM TRUSTEE 60507 TALL PINE AVE BEND, OR 97702	181220-D0-01000	2023-24	4,154.47	369.29	4,523.76
			2022-23	3,952.61	983.76	4,936.37
			2021-22	3,859.06	1,595.08	5,454.14
			2020-21	3,646.97	2,090.92	5,737.89
					Total due:	20,652.16
171965	TKW LIMITED PARTNERSHIP 17850 WEST CORE RD SUNRIVER, OR 97707	191129-BA-80010	2023-24	4,253.25	378.06	4,631.31
			2022-23	4,082.66	1,016.13	5,098.79
			2021-22	3,884.43	1,605.57	5,490.00
			2020-21	3,673.69	2,106.25	5,779.94
					Total due:	21,000.04
139079	WRIGHT, JAMES WESLEY II 16132 SPARKS DR LA PINE, OR 97739	211015-B0-05700	2023-24	949.53	84.40	1,033.93
			2022-23	878.32	218.61	1,096.93
			2021-22	858.22	354.73	1,212.95
			2020-21	458.33	251.88	710.21
					Total due:	4,054.02

YOU ARE HEREBY REQUIRED TO TAKE NOTICE that Deschutes County, Oregon has on this 16th day of August, 2024, filed in the Circuit Court of the State of Oregon for Deschutes County, an Application for Judgment of Foreclosure to foreclose the lien of all taxes shown on the Deschutes County 2024 Foreclosure List, set forth herein, and that Deschutes County, as Plaintiff in said proceeding will apply to the Court for General Judgment of Foreclosure which shall foreclose such tax liens not less than thirty (30) days from the date of this Notice. Any, and all, persons interested in any of the real property included in said Foreclosure List are hereby required to file answer and defense, if any, to such Application for Judgment of Foreclosure within thirty (30) days from the date of the publication of this Notice, which publication date is August 16, 2024. You may call the Deschutes County Tax Collector's office at (541) 388-6540 for a current total balance, including interest, on the day of payment. A copy of the Application for Judgment of Foreclosure can be viewed by clicking the "Foreclosure Lawsuit" link found at www.deschutes.org/legalcounsel. Publication of this Notice is in compliance with ORS 312.040.

ROBERT TINTLE, Tax Collector
Deschutes County, Oregon

DAVID DOYLE, Legal Counsel
Deschutes County, Oregon

EXHIBIT A - 2