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

FREEDOM MORTGAGE CORPORATION,

Case No.: 16CV07367

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF ALONZO THOMAS; DONALD E.
MYLES; ERNEST R. MYLES; VIRGINIA
KASHARE; OCCUPANTS OF THE
PROPERTY,

Defendants.

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on January 4, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FREEDOM MORTGAGE CORPORATION
c/o Olga Groat
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$188,921.95, plus post judgment interest at the statutory rate of 9.0% per annum from 1/4/2017 to 6/9/2017 in the amount of \$7,267.03, and continuing with a per diem of \$46.58, currently totaling \$196,188.98.

EXHIBIT “1”

Lot 7, LYNNBROOK, as platted and recorded in Book 64, Page 28, Lane County Oregon Plat Records, in Lane County, Oregon.

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

FREEDOM MORTGAGE CORPORATION,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF ALONZO THOMAS; DONALD E.
MYLES; ERNEST R. MYLES; VIRGINIA
KASHARE; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 16CV07367

GENERAL JUDGMENT OF
FORECLOSURE

I.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF ALONZO THOMAS;
DONALD E. MYLES; ERNEST R. MYLES; VIRGINIA KASHARE; and
OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process
and failed to appear; the default has been entered against Defendants, and it appearing
that Defendants are not incapacitated, protected persons, respondents as defined in
ORS 125.005, minors, or in the military service of the United States; now therefore,

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IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 58 Lynnbrook Dr. Eugene, OR 97404 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1065117.

b. Plaintiff is entitled to enforce the note dated 1/6/2012 and made, delivered, and executed by Alonzo Thomas to Mortgage Investors Corporation, An Ohio Corporation in the amount of \$172,543.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

c. A deed of trust was made, executed, and delivered by Borrower Alonzo Thomas on or about 1/6/2012 (the "Deed of Trust"). The Deed of Trust was recorded on 1/20/2012 as Instrument No. 2012-002124 in the official records of Lane County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

d. The Borrower failed to make the payment that was due for 1/1/2014 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

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a) Unpaid principal balance:	\$162,137.45
b) Prejudgment interest accruing from 12/1/2013 through 12/28/2016 and continuing until the entry of judgment at the current Note rate of 3.00%:	\$13,131.09
c) Additional amounts due under the terms of the loan:	\$9,545.31
d) Attorney fees and costs:	\$4,108.10
Total:	\$188,921.95

Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the date of entry of this judgment through the sale of the Subject Property at the rate of 9.00% per annum.

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Borrower Alonzo Thomas had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

- 1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.
- 14 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
15 Trust are as follows:
 - 16 1) Defendants DONALD E. MYLES, ERNEST R. MYLES, and VIRGINIA KASHARE
17 may claim a vesting interest in Subject Property by virtue of a Small Estate Probate
18 judgment filed on 0910912013 as case No. 531316896 in the official records of Lane
19 County, Oregon.

Signed: 1/3/2017 04:28 PM


~~Suzanne B. Chaffin, Circuit Court Judge~~

27 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

1 This proposed General Judgment of Foreclosure is ready for judicial signature because:
2 The relief sought is against an opposing party who has been found in default.

3
4 Presented by:

5 **McCarthy & Holthus, LLP**

6 s/ Andreanna C. Smith for Jeremy Clifford

7 X Andreanna C. Smith, OSB No. 131336

8 Jeremy Clifford, OSB No. 142987

9 920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

10 Fax: (971) 201-3202

jclifford@mccarthyholthus.com

11 Of Attorneys for Plaintiff

EXHIBIT “1”

Lot 7, LYNNBROOK, as platted and recorded in Book 64, Page 28, Lane County Oregon Plat Records, in Lane County, Oregon.