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

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF VERNON R. NICHOLS; UNITED  
STATES OF AMERICA; STATE OF  
OREGON; WILLIAM V. NICHOLS;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV29002

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on April 10, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY  
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 \$210,727.55, plus post judgment interest at the statutory rate of 9.0% per annum from 4/10/2017 to 5/17/2017 in the amount of \$1,922.53, and continuing with a per diem of \$51.96, currently totaling \$212,650.08.



# EXHIBIT "1"

LOT 3, BLOCK 8, SECOND ADDITION TO GROVEDALE, AS PLATTED AND RECORDED IN BOOK  
23, PAGE 29, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
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NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF VERNON R. NICHOLS; UNITED  
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OREGON; WILLIAM V. NICHOLS;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV29002

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

2.

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 129 Hayden Bridge Way, Springfield, OR 97477 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0217495.
- b. Plaintiff is entitled to enforce the note dated 1/14/2008 and made, delivered, and executed by Vernon R. Nichols ("Borrower") to Countrywide Bank, FSB for valuable consideration. Under the terms of the Note, Plaintiff agreed to advance funds up to and including the

1 amount of \$307,500.00 (the "Note"). The Note is commonly referred to as a "Reverse  
2 Mortgage" and is based on a Home Equity Conversion Loan Agreement. The Note was  
3 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

4 c. A deed of trust was made, executed, and delivered by Borrower on or about 1/14/2008 (the  
5 "Deed of Trust"). The Deed of Trust was recorded on 1/18/2008 as Instrument No. 2008-  
6 003587 in the official records of Lane County, Oregon. Plaintiff is the beneficiary of the  
7 Deed of Trust, which was assigned to Plaintiff on 11/26/2012 as Instrument Number 2012-  
8 060504, which was prior to the filing of the Complaint. As a result, Plaintiff is entitled to  
9 enforce the Deed of Trust and corresponding Note. The Deed of Trust is a valid and  
10 perfected lien against all of the Property for and securing the Amount Due. The lien of the  
11 Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect  
12 until issuance of a Sheriff's Deed.

13 d. Under the terms of the Loan all amounts due under the Note, including principal, interest,  
14 fees and costs, are due and payable immediately upon the death of the borrower. Based upon  
15 information and belief the Borrower passed away on 9/10/2015. The amount of debt secured  
16 by the Deed of Trust that is now due and owing is comprised of the following amounts (the  
17 "Amount Due"):

18	a) Unpaid principal balance:	\$176,227.85
19	b) Prejudgment interest accruing from	\$10,784.88
20	9/30/2012 through 1/31/2017 and	
21	continuing until the entry of judgment	
22	at the current Note rate of 1.375%:	
23	c) Additional amounts due under the	\$19,984.11
24	terms of the loan:	
25	d) Attorney fees and costs:	\$3,645.71
26	e) Prevailing party fee (ORS 20.190	\$85.00
27	(1)(b)):	
28	<b>Total:</b>	<b>\$210,727.55</b>

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

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
8 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
9 28 U.S.C. § 2410(c) one-year redemption right in this case.

10 g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

11 h. All right, title and interest in the Subject Property that Borrowers Vernon R. Nichols had as  
12 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
13 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the  
14 proceeds of sale shall be applied:

- 15 1) First, to the costs of sale not incurred by Plaintiff;
- 16 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
17 entry of judgment through the date of the sale and any incurred costs of sale;
- 18 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
19 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
20 such party or parties as they may establish their right thereto.

21 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

24 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
25 Property from and after the date of the sale and is entitled to such remedies as are available at  
26 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
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1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
2 possession to the purchaser immediately upon the purchaser's demand for possession.

3 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
4 entitled to any further or other judgment, including a judgment for the deficiency.

5 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
7 terminated.

8 m. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
9 Trust are as follows:

10 1) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject  
11 Property under the terms of an additional, subordinate note and deed of trust,  
12 associated with this loan issued to the Secretary of Housing and Urban Development  
13 (the "HUD Loan") in the amount of \$307,500.00. The deed of trust associated with  
14 the HUD Loan is recorded in the official records of Lane County as Instrument No.  
15 2008-003588 on 01/18/2008.

16 2) Defendant STATE OF OREGON has or may have a lien against the Property under  
17 the State of Oregon tax deferral program.

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Signed: 4/7/2017 01:59 PM



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**Charles D. Carlson, Circuit Court Judge**

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

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

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

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

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

8                 No objection has been served on me.

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

12                 After conferring about objections, \_\_\_\_\_ agreed to independently file  
13                any remaining objection.

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

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

16         Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
17        otherwise.

18         This is a proposed judgment that includes an award of punitive damages and notice  
19        has been served on the Director of the Crime Victims' Assistance Section as required  
20        by subsection (4) of this rule.

21         Other: \_\_\_\_\_

22        Presented by:

23        **McCarthy & Holthus, LLP**

24        s/ Robert B. Hakari 3/30/17

25         Casey C. Pence, OSB No. 975271

26         Robert B. Hakari, OSB No. 114082

27        920 SW 3rd Ave, 1st Floor

28        Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff



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