

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

VENTURES TRUST 2013-I-H-R by MCM
Capital Partners, LLC, its trustee, a trust
company,

Plaintiff,

vs.

DAVID SHORT, an individual; SHARYL D.
SHORT, an individual; UNITED STATES OF
AMERICA, DEPARTMENT OF
TREASURY, INTERNAL REVENUE
SERVICE, a government entity; AMERICAN
EXPRESS CENTURION BANK; WEST
SLOPE CONDOMINIUM ASSOCIATION,
PORTFOLIO RECOVERY ASSOCIATES;
DISCOVER BANK.

Defendants.

CASE NO.: 15CV29896

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of Lane)

TO THE SHERIFF OF LANE COUNTY OREGON:

WHEREAS, on October 24, 2016 by consideration of the Lane County Circuit Court,
there was entered a General Judgment of Foreclosure as to Defendants. Said General Judgment
of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's Office in said
County on October 24, 2016; a true copy of the General Judgment of Foreclosure is attached
hereto and made a part hereof.

WRIT OF EXECUTION -1-

ZIEVE, BRODNAX & STEELE, LLP
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpetiprin@zbslaw.com

1 Judgment Creditor: VENTURES TRUST 2013-I-H-R by MCM Capital
2 Partners, LLC, its trustee, a trust company,

3 Judgment Creditor Address: 393 W North Avenue, Ste. 680
4 Chicago, IL 60642

5 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
6 commanded to sell the real property as by said General Judgment of Foreclosure according to
7 law (subject to redemption) all of the interest that the Defendant Sharyl D. Short & David Short
8 had on the 15th day of January 2008, the date of the Mortgage, and also all of the interest that
9 Defendants had thereafter, in the real property described in the Judgment as:
10 UNIT 2, WEST SLOPE CONDOMINIUMS, AS PLATTED AND RECORDED IN FILE 73,
11 SLIDES 710 AND 711, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
OREGON.

12 TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS
13 APPERTAINING TO SAID UNIT AS SET FORTH IN CONDOMINIUM DECLARATION
14 RECORDED DECEMBER 11, 1990, REEL 1668R, RECEPTION NO. 90-58998, LANE
COUNTY OREGON RECORDS.

15 Tax Parcel Number: 1456191

16 The street address of the real property to be levied upon is 941 Prescott Lane, Springfield,
17 OR 97477.

18 The above referenced property shall be sold to satisfy the following sums: The base
19 judgment amount of \$134,486.05, plus prejudgment interest in the amount of \$123,178.71, plus
20 Plaintiff's costs and reasonable attorney fees in the amount of \$7,441.47, for a grand total of
21 \$265,106.23 together with interest on those amount since October 24, 2016 (the date of entry of
22 judgment) at the rate of 8.99% per annum (\$33.58 per diem); Thus,

23 ///

24 ///

25 ///

26 WRIT OF EXECUTION -2-

ZIEVE, BRODNAX & STEELE, LLP
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpetiprin@zbslaw.com

1 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
2 THE DATE OF SUBMISSION (October 24, 2016) IS AS FOLLOWS:

3 Base Judgment: \$134,486.05
4 Prejudgment Interest: \$123,178.71
5 Plaintiff's Costs and Attorney Fees \$7,441.47
6 Total due as of October 24, 2016 \$265,106.23 plus \$16.68 per diem thereafter until
7 paid.

8 The proceeds of sale shall be applied, delivered, and distributed according to ORS
9 18.950.

10 The Sheriff is hereby authorized to continue execution under the writ and delay making a
11 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the
12 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
13 18.872.

14
15 MAY - 3 2017

16 By: *Angie Jones*
17 *court clerk*

18 For: *IS/Elizabeth Rambo*
19 *Trial Court Administrator*

20 Submitted by:

21 *B.D.P.*

22 Benjamin D. Petiprin, OSB No. 136031



26 WRIT OF EXECUTION -3-

27
28

ZIEVE, BRODNAX & STEELE, LLP
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpetiprin@zbslaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

VENTURES TRUST 2013-I-H-R by MCM
Capital Partners, LLC, its trustee, a trust
company,

Plaintiff,

vs.

DAVID SHORT, an individual; SHARYL D.
SHORT, an individual; UNITED STATES OF
AMERICA, DEPARTMENT OF
TREASURY, INTERNAL REVENUE
SERVICE, a government entity; AMERICAN
EXPRESS CENTURION BANK; WEST
SLOPE CONDOMINIUM ASSOCIATION,
PORTFOLIO RECOVERY ASSOCIATES;
DISCOVER BANK.

Defendants.

CASE NO. 15CV29896

GENERAL JUDGMENT OF
FORECLOSURE
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)

///
///
///

1 Based upon the Motion for Order of Default and Entry of a General Judgment of
2 Foreclosure filed by plaintiff, Ventures Trust 2013-I-H-R by MCM Capital Partners, LLC, its
3 Trustee ("Plaintiff") and against defendants David Short ("Borrower 1"), Sharyl D. Short
4 ("Borrower 2" together with Borrower 1, collectively "Borrowers"), United States of America,
5 Department of Treasury, Internal Revenue Service ("IRS"), American Express Centurion Bank
6 ("Centurion"), West Slope Condominium Association ("HOA"), Portfolio Recovery Associates
7 ("Portfolio"), and Discover Bank ("Discover" together with Borrowers, IRS, Centurion, HOA,
8 and Portfolio, collectively "Defendants"), and that Plaintiff has filed a Statement for Attorney
9 Fees, Costs, and Disbursements,

10 **IT IS HEREBY ORDERED AND ADJUDGED:**

11 1.

12 Plaintiff is awarded judgment against Defendants and all persons claiming through or
13 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
14 interest, lien or claim in the real property described above and every portion thereof excepting
15 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

16 2.

17 ~~Writ of execution upon this General Judgment of Foreclosure shall issue.~~ ^{sbc}

18 3.

19 The Deed of Trust executed by Borrowers and recorded on January 15, 2008, in the Lane
20 County Recorder's Office as document number 2008-002743, is a valid mortgage lien for the
21 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
22 Lane County, Oregon commonly referred to as 941 Prescott Lane, Springfield, OR 97477, with a
23 legal description as follows:

24 UNIT 2, WEST SLOPE CONDOMINIUMS, AS PLATTED AND RECORDED IN FILE 73,
25 SLIDES 710 AND 711, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
26 OREGON.

1
2 TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS
3 APPERTAINING TO SAID UNIT AS SET FORTH IN CONDOMINIUM DECLARATION
4 RECORDED DECEMBER 11, 1990, REEL 1668R, RECEPTION NO. 90-58998, LANE
5 COUNTY OREGON RECORDS.

6 4.

7 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
8 property, and all other interest in the property gained by him thereafter, or so much interest as
9 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Lane
10 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

11 5.

12 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
13 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
14 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
15 may establish their right thereto.

16 6.

17 Defendants and all persons claiming through or under Defendants, as purchasers,
18 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
19 property described above and every portion thereof excepting only any satisfactory right of
20 redemption as Defendants may have.

21 7.

22 Plaintiff or any other party to this suit or third party purchase may become the purchaser
23 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
24 property from and after the date of sale and is entitled to such remedies as are available at law to
25 secure possession, including writ of assistance, if the Defendants and any other party or person
26 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for

1 possession.

2 **SECURED DEBT**

3
4 1. Judgment Creditor: Ventures Trust 2013-I-H-R by MCM Capital
5 Partners, LLC, its Trustee, a trust company
6 c/o Zieve, Brodnax, & Steele, LLP
7 One World Trade Center
8 121 Southwest Salmon St., 11th Floor
9 Portland, OR 97204
10 503-946-6558

11 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
12 Zieve, Brodnax, & Steele, LLP
13 One World Trade Center
14 121 Southwest Salmon St., 11th Floor
15 Portland, OR 97204
16 503-946-6558

17 3. Borrowers: David Short
18 941 Prescott Lane
19 Springfield, OR 97477
20 Year of Birth: Unknown
21 Social Security No.: XXX-XX-3419
22 Drivers' License No: Unknown
23 Attorney of Record: None

24 Sharyl D. Short
25 941 Prescott Lane
26 Springfield, OR 97477
27 Year of Birth: Unknown
28 Social Security No.: XXX-XX-3818
Drivers' License No: Unknown
Attorney of Record: None

4. Person or public body entitled to any portion of money award herein: None

24 ///

25 ///

26 ///

1 **5. Total Amount of Secured Debt:**

2 **a. Lenders' Principal and Interest**

3 Principal Balance \$ 134,486.05

4 Accrued interest and fees on \$ 123,178.71

5 the principal balance through

6 9/30/16

7 **Total Principal and Interest**

8 **Through 9/30/16 at the rate of**

9 **8.99% per annum plus \$33.5842**

10 **per diem thereafter. \$257,664.76**

11 **b. Attorneys' Fees and Costs**

12 Attorney Fees Judicial Flat Rate \$ 2,430.00

13 FedEx Delivery Cost \$21.71

14 Advanced Mediation Program Fee \$200.00

15 Overnight mailing \$19.48

16 Overnight mailing (770565542441) \$19.48

17 S&C Service -

18 CT Corp ABC 30197370 \$75.00

19 S&C Service - US Dept. of

20 Treasury ABC 30197369 \$75.00

21 S&C Service - Corporation

22 Service Co. ABC 30197371 \$75.00

23 S&C Service - Marshall Pant

24 ABC 30197372 \$75.00

25 Litigation Guarantee \$558.00

26 Military Search (David) \$25.00

27 Military Search (Sharyl) \$25.00

1	Skip Trace (David)	\$50.00	
2	Skip Trace (Sharyl)	\$50.00	
3	Recording Fee for Lis Pendens	\$66.70	
4	Complaint Filing Fee	\$599.10	
5	Rush File motion ABC 30161461	\$50.00	
6	Motion to reinstate filing cost		
7	(do not bill)	\$100.00	
8	Recorded LP	\$67.00	
9	ABC Invoice 30161721	\$25.00	
10	ABC Invoice 30197368	\$225.00	
11	Provest Invoice 4262842;		
12	03/27/2015; certified mail	\$5.00	
13	Provest Invoice 4469189;		
14	02/03/2016; service S&C	\$1,155.00	
15	2016 03 25 - ServiceLink invoice		
16	to publish Summons	\$1,275.00	
17	Total Attorney Fees and Costs	\$ 7,441.47	
18			Total Secured Debt (Judgment) \$ 265,106.23

24 ///
25 ///
26 ///

CERTIFICATE

I HEREBY CERTIFY that this proposed order or judgment is ready for judicial signature because:

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

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

3. [X] I have served a copy of this order or judgment on all parties entitled to service and:

a. [X] No objection has been served on me.

b. [] I received objections that I could not resolve with the opposing 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.

4. [] The relief sought is against an opposing party who has been found in default.

5. [] An order of default is being requested with this proposed judgment.

6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

7. [] 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.

/s/Benjamin D. Petiprin
Benjamin D. Petiprin, OSB No.136031
Attorney for Plaintiff
Ventures Trust 2013-I-H-R by
MCM Capital Partners, LLC, its
Trustee, a trust company