

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

SPECIALIZED LOAN SERVICING LLC,

Case No.: 16CV30320

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

JAMES CECIL BRADLEY; SELCO
COMMUNITY CREDIT UNION ;
OCCUPANTS OF THE PROPERTY;

Defendants.

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 5/9/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

SPECIALIZED LOAN SERVICING LLC
c/o Michael Scott
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$78,346.88, plus post judgment interest at the statutory rate of 9.0% per annum from 5/9/2017 to 7/13/2017 in the amount of \$1,255.70, and continuing with a per diem of \$19.32, currently totaling \$79,602.58.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about October 12, 2011, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described as follows:

6 SEE ATTACHED EXHIBIT 1

7 and commonly known as: 980 Sherwood Place, Eugene, OR 97401.

8 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
9 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
10 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
11 You are to make the return within 60 days after you receive this Writ. Should the sale be
12 continued, the writ may be automatically extended for 30 days.

13
14 JUL 18 2017

15 *Bv: Angie Jones*
16 *Court Clerk*

17
18
19 Dated July 13, 2017 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Michael S. Scott

22 Michael S. Scott OSB No. 973947

23 920 SW 3rd Ave, 1st Floor

24 Portland, OR 97204

25 Phone: (971) 201-3200

26 Fax: (971) 201-3202

27 mScott@mccarthyholthus.com

28 Of Attorneys for Plaintiff



EXHIBIT 1

Lot 4, Block 2, RIVER OAKS, as platted and recorded in Book 21, Page 11, Lane County Oregon Plat Records, in Lane County, Oregon.

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

SPECIALIZED LOAN SERVICING LLC,

Plaintiff,

vs.

JAMES CECIL BRADLEY; SELCO
COMMUNITY CREDIT UNION ;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV30320

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants JAMES CECIL BRADLEY and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;
- b. A Stipulated Limited Judgment has been entered with regard to Defendant SELCO COMMUNITY CREDIT UNION ("Stipulating Defendant") (collectively Defaulted and Stipulating Defendants are referred to as "Defendants"), 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 980 Sherwood Place, Eugene, OR 97401 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
2 0168433.

3 b. Plaintiff is entitled to enforce the note dated 10/12/2011 and made, delivered, and executed
4 by James Bradley to JPMorgan Chase Bank, N/A. in the amount of \$69,662.00 (the “Note”).
5 The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth
6 on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant James Cecil Bradley on or
8 about 10/12/2011 (the “Deed of Trust”). The Deed of Trust was recorded on 10/21/2011 as
9 Instrument No. 2011-047701 in the official records of Lane County, Oregon. The Deed of
10 Trust is a valid and perfected lien against all of the Property for and securing the Amount
11 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
12 shall remain in effect until issuance of a Sheriff’s Deed.

13 d. The Borrower failed to make the payment that was due for 3/1/2015 and has not cured the
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the “Amount Due”):

16	a) Unpaid principal balance:	\$62,088.93
17	b) Prejudgment interest accruing from	\$6,276.69
18	2/1/2015 through 5/2/2017 and	
19	continuing until the entry of judgment	
	at the current Note rate of 4.50000%:	
20	c) Additional amounts due under the	\$6,232.10
21	terms of the loan:	
22	d) Attorney fees and costs:	\$3,664.00
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(2)(a)):	
24	Total:	\$78,346.88

25
26
27
28

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

8 g. All right, title and interest in the Subject Property that Defendant James Cecil Bradley had as
9 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
11 proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

4 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
5 Trust are as follows:

- 6 1) Defendant SELCO COMMUNITY CREDIT UNION may claim a junior interest in
7 Subject Property by virtue of a judgment lien entered on 08/30/2016 as Case No.
8 16CV23059 in the Circuit Court of Lane County, Oregon.

Signed 5/8/2017 03:39 PM

9
10 

11
12 **Charles D. Carlson, Circuit Court Judge**

13
14
15 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

16
17 This proposed General Judgment of Foreclosure is ready for judicial signature because:

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

19 Dated: May 2, 2017

20 Presented by:

21 **McCarthy & Holthus, LLP**

22 s/ Brady Godbout

23

Brady Godbout, OSB No. 132708

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

27 Fax: (971) 201-3202

28 bgodbout@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT 1

Lot 4, Block 2, RIVER OAKS, as platted and recorded in Book 21, Page 11, Lane County Oregon Plat Records, in Lane County, Oregon.