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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DONALD H. FINLAYSON;
OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV15684

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on May 8, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA

Submitted By:

Michael Scott

Attorney for Plaintiff

McCarthy & Holthus, LLP

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

With the adjudicated amount due of \$25,599.18, plus post judgment interest at the statutory rate of 9.0% per annum from 5/8/2017 to 7/3/2017 in the amount of \$353.48, and continuing with a per diem of \$6.31, currently totaling \$25,952.66.

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 April 11, 2001, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property legally described in the attached *Exhibit 1* having APN/Parcel #
6 1577251 and commonly known as: 26037 Clay Dr, Veneta, OR 97487.

7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.

10
11 *July 12, 2017*

12 *By: M. Perce*
13 _____
14 *Court Clerk*

15
16
17
18 Dated: July 3, 2017 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Michael S. Scott

21 Michael S. Scott, OSB No. 973947

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 mscott@mccarthymholtus.com

27 Of Attorneys for Plaintiff



Exhibit 1

Beginning at a 5/8 inch iron rod on the Easterly line of a public road (Timberline Drive), from which point the Southwest corner of the Levi Zumwalt Donation Land Claim No. 52, in Township 17 South, Range 5 West of the Willamette Meridian is South 625.73 feet and West 792.32 feet, run thence along said Easterly line 82.68 feet along the arc of a 439.30 foot radius curve to the left (the long chord of which bears North 42° 09' 05" East 82.56 feet) to a 5/8 inch iron rod; thence leaving said Easterly line South 79° 07' 01" East 596.36 feet to a 5/8 inch iron rod; thence South 29° 55' 10" West 116.40 feet to a 5/8 inch iron rod; thence West 430.70 feet to a 5/8 inch iron rod; thence North 45° 00' 00" West 215.35 feet to the point of beginning; all in Lane County, Oregon.

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FOR THE COUNTY OF LANE

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DONALD H. FINLAYSON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV15684

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF DONALD H. FINLAYSON were served by publication in the Guard Publishing Company on which ran four consecutive weeks starting on January 1, January 8, January 15, January 22, 2017 with follow up on January 29, 2017, and OCCUPANTS OF THE PROPERTY were served by publication in the Guard Publishing Company on which ran four consecutive weeks starting on January 1, January 8, January 15, January 22, 2017 with follow up on January 29, 2017 ("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;

2.

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

- 1 a. The real property to which this judgment relates is located and situated in Lane County,
 2 Oregon, and is commonly known as 26037 Clay Dr., Veneta, OR 97487 (the "Subject
 3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
 4 1577251 .
- 5 b. Plaintiff is entitled to enforce the note dated 4/11/2001 and made, delivered, and executed by
 6 Donald H. Finlayson to Washington Mutual Bank in the amount of \$143,000.00 (the
 7 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
 8 set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Defendant Donald H. Finlayson on or
 10 about 4/11/2001 (the "Deed of Trust"). The Deed of Trust was recorded on 4/23/2001 as
 11 Instrument No. 2001-023132 in the official records of Lane County, Oregon. The Deed of
 12 Trust is a valid and perfected lien against all of the Property for and securing the Amount
 13 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
 14 shall remain in effect until issuance of a Sheriff's Deed.
- 15 d. The Borrower failed to make the payment that was due for 6/1/2015 and has not cured the
 16 default. The amount of debt secured by the Deed of Trust that is now due and owing is
 17 comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$ 12,056.16
19	b) Prejudgment interest accruing from	\$ 1,439.07
20	5/1/2015 through 4/27/2017 and	
21	continuing until the entry of judgment	
	at the current Note rate of 6.000%:	
22	c) Additional amounts due under the	\$ 7,948.32
23	terms of the loan:	
24	d) Attorney fees and costs:	\$ 4,070.63
25	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(1)(b)):	
26	TOTAL:	\$ 25,599.18

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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 Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant Donald H. Finlayson 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;

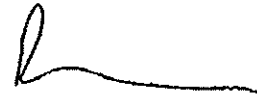
15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

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.
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- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
5 terminated.

Signed 5/4/2017 02:26 PM



R. Curtis Conover, Circuit Court Judge

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

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

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

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

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

20 No objection has been served on me.

21 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.

22 After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

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

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

4 Other: _____

5 Presented by:
6 **McCarthy & Holthus, LLP**

7 s/Olga Groat 5/1/17

8 Robert B. Hakari, OSB No. 114082

9 Michael Scott, OSB No. 973947

10 Olga Groat, OSB No. 170174

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

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16 Of Attorneys for Plaintiff

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