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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

JACQUELINE G. HENSLEY, THE  
UNKNOWN HEIRS AND DEVISEES OF  
WALTER E. HENSLEY; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 16CV40925

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

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

NATIONSTAR MORTGAGE LLC  
Submitted By:  
Robert Hakari  
Attorney for Plaintiff

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

With the adjudicated amount due of \$135,167.52, plus post judgment interest at the statutory rate of 9.0% per annum 5/10/2017 to 7/3/2017 in the amount of \$1,799.76, and continuing with a per diem of \$33.33, currently totaling \$136,967.28.

**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
2 about January 10, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
3 had thereafter, in the real property legally described in the attached *Exhibit 1* having APN/Parcel  
4 # 0938413 & 4270458 and commonly known as: 77841 S 6th St, Cottage Grove, OR 97424-  
5 9307.

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

9  
10 July 12, 2017 By: Maice  
11 Court Clerk

12  
13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 7/3/17  
15 Robert Hakari OSB No. 114082  
16 920 SW 3rd Ave, 1st Floor  
17 Portland, OR 97204  
18 Phone: (971) 201-3200  
19 Fax: (971) 201-3202  
20 [rhakari@mccarthyholthus.com](mailto:rhakari@mccarthyholthus.com)  
21 Of Attorneys for Plaintiff



# **EXHIBIT "1"**

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY BOUNDARY OF THE COUNTY ROAD, SAID POINT BEING 104.8 FEET SOUTH AND 3253.14 FEET WEST OF THE NORTHEAST CORNER OF THE WILLIAM CURRIN DONATON LAND CLAIM NO. 44; RUN THENCE EAST 420.0 FEET; THEN SOUTH 69.8 FEET TO THE WESTERLY RIGHT OF WAY BOUNDARY OF RELOCATED PACIFIC HIGHWAY 99; THENCE ALONG SAID WESTERLY HIGHWAY RIGHT OF WAY BOUNDARY ON A SPIRAL CURVE RIGHT, THE LONG CHORD OF WHICH BEARS SOUTH 21° 18' WEST 36.7 FEET; THENCE LEAVING SAID HIGHWAY RIGHT OF WAY, RUN WEST 406.7 FEET TO SAID EASTERLY COUNTY ROAD RIGHT OF WAY BOUNDARY; THENCE ALONG SAID COUNTY ROAD BOUNDARY, NORTH 104.0 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

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NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

JACQUELINE G. HENSLEY; THE  
UNKNOWN HEIRS AND DEVISEES OF  
WALTER E. HENSLEY; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 16CV40925

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants ("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:

- a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 77841 S 6th St, Cottage Grove, OR 97424-9307 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0938413 & 4270458.
- b. Plaintiff is entitled to enforce the note dated 1/10/2007 and made, delivered, and executed by Jacqueline G. Hensley and Walter E. Hensley ("Borrowers") to GMAC Mortgage, LLC dba

1 ditech.com in the amount of \$135,000.00 (the "Note"). The Note was transferred to Plaintiff  
2 by delivery of possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendant Walter E. Hensley on or  
4 about 1/10/2007 (the "Deed of Trust"). The Deed of Trust was recorded on 1/31/2007 as  
5 Instrument No. 2007-006788 in the official records of Lane County, Oregon. The Deed of  
6 Trust is a valid and perfected lien against all of the Property for and securing the Amount  
7 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and  
8 shall remain in effect until issuance of a Sheriff's Deed.

9 d. The Borrowers failed to make the payment that was due for 6/1/2016 and have not cured the  
10 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
11 comprised of the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$122,134.97
13	b) Prejudgment interest accruing from	\$8,044.61
14	5/1/2016 through 4/22/2017 and	
15	continuing until the entry of judgment	
	at the current Note rate of 6.750%:	
16	c) Additional amounts due under the	\$1,226.69
17	terms of the loan:	
18	d) Attorney fees and costs:	\$3,676.25
19	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
20	<b>Total:</b>	<b>\$135,167.52</b>

21  
22 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
23 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
24 per annum.

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

- 1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendants Jacqueline G. Hensley and  
3 Walter E. Hensley had as of the date of the Deed of Trust or thereafter acquired is hereby  
4 ordered to be sold by the Lane County Sheriff's Office in accordance with the process for  
5 sale upon execution, and the proceeds of sale shall be applied:
  - 6 1) First, to the costs of sale not incurred by Plaintiff;
  - 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
8 entry of judgment through the date of the sale and any incurred costs of sale;
  - 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
16 Property from and after the date of the sale and is entitled to such remedies as are available at  
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
21 entitled to any further or other judgment, including a judgment for the deficiency.

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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.

Signed: 5/8/2017 11:42 AM



R. Curtis Conover, Circuit Court Judge

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

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

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

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

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

18  No objection has been served on me.

19  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.

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

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

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

23  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
24 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/ Robert B. Hakari 4/22/2017

8            Robert B. Hakari, OSB No. 114082

9            920 SW 3rd Ave, 1st Floor

10           Portland, OR 97204

11           Phone: (971) 201-3200

12           Fax: (971) 201-3202

13           rhakari@mccarthyholthus.com

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