

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  
IN AND FOR THE COUNTY OF LANE

CARRINGTON MORTGAGE SERVICES,  
LLC

Case No. 16CV41832

Plaintiff,

WRIT OF EXECUTION

vs.

AARON W. BENNETT; PARTIES IN  
POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on June 7, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on April 10, 2009, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

LOT 1, BLOCK 1, HIGH BANKS PARK, AS PLATTED AND RECORDED IN BOOK 47, PAGE 6, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

1- WRIT OF EXECUTION  
S&S No. 16-119521

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 and commonly known as 5454 J Street, Springfield, OR 97478 to satisfy the sum of \$101,679.66,  
2 as of June 9, 2017, together with additional post judgment interest of 9.00% from that date  
3 (\$25.06 per day), and costs of this execution, making due return within 60 days after you receive  
4 this writ.

5  
6 Carrington Mortgage Services, LLC is the Judgment Creditor, and its address for purpose  
7 of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,  
8 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the  
9 Judgment Creditor.

10  
11 June 12, 2017

12  
13  
14 By: Pierce  
15 Court Clerk

16 Submitted by:  
17 Attorneys for Plaintiff,  
18 SHAPIRO & SUTHERLAND, LLC

19 By:

20  James A. Craft #090146 [jcraft@logs.com]  
21  Kelly D. Sutherland #873575 [ksutherland@logs.com]  
22  Cara J. Richter #094855 [crichter@logs.com]  
23  Holger Uhl #950143 [huhl@logs.com]\*  
24  Joshua R. Orem # 116872 [jorem@logs.com]\*  
25 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
26 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
27 (360)260-2253; Fax (360)260-2285



28 2- WRIT OF EXECUTION  
S&S No. 16-119521

SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.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  
IN AND FOR THE COUNTY OF LANE

CARRINGTON MORTGAGE SERVICES, LLC,

Plaintiff,

vs.

AARON W. BENNETT; PARTIES IN  
POSSESSION,

Defendants.

Case No. 16CV41832

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Aaron W. Bennett:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Lane County, Oregon is commonly known as 5454 J Street, Springfield, OR 97478 and is legally described as follows:

Lot 1, Block 1, HIGH BANKS PARK, as platted and recorded in Book 47, Page 6, Lane County Oregon Plat Records, in Lane County, Oregon.

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119521

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@jlogs.com

- 1 2. The Deed of Trust executed and delivered by Defendant, Aaron W Bennett ("Borrower") on  
2 or about April 10, 2009 and recorded on April 30, 2009 as Reception No. 2009-023082 in  
3 the official records of Lane County, Oregon, is a valid and perfected lien against all of the  
4 Property for the amount of Plaintiff's judgment as provided herein.  
5  
6 3. The Plaintiff is the holder of the original note dated April 10, 2009 and made by Aaron W.  
7 Bennett in the amount of \$105,311.00. A copy of the Note was attached to the complaint as  
8 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust  
9 (together the "Loan").  
10  
11 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
12 interest in the Property is foreclosed and terminated excepting only any statutory right of  
13 redemption as provided by Oregon law.  
14  
15 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
16 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
17 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
18 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
19 interests and priorities.  
20  
21 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.  
22  
23 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
24 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County  
25 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of  
26 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded  
27  
28

1 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest  
 2 may appear or to the clerk of the court to be distributed to such party of parties as may  
 3 establish their right thereto.

- 4 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.  
 5  
 6 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
 7 from and after the date of the sale and is entitled to such remedies as are available at law or  
 8 in equity to secure possession.  
 9  
 10 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
 11 any person holding possession under or through such Defendant(s) shall refuse to surrender  
 12 possession to the purchaser immediately on the purchaser's demand for possession.  
 13  
 14 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

|  |                              |             |             |
|--|------------------------------|-------------|-------------|
| Principal  |                              | \$92,241.05 |             |
| Prejudgment interest at 4.875% through<br>March 1, 2017<br>(accruing thereafter until entry of judgment<br>at \$379.90 per mensem) |                              |             | \$3,747.30  |
| Late Charges   |                              | \$0.00      |             |
| Other Costs and fees (recoverable)   |                              | 1,282.49    |             |
|  | Property Tax                 | \$2,619.39  |             |
|  | Hazard Insurance             | \$128.34    |             |
|  | PMI/MIP                      | \$74.82     |             |
|  | Appraisal/BPO                | \$253.57    |             |
|  | Property<br>Inspections      | \$100.00    |             |
|  | Additional<br>Escrow: Hazard | \$64.17     |             |
|  | Beginning<br>Escrow Balance  | \$-1,920.56 |             |
|  | Suspense Balance             | (\$37.24)   |             |
| Subtotal   |                              |             | \$93,523.54 |
| Total plus Prejudgment Interest  |                              |             | \$97,270.84 |

15 3 - GENERAL JUDGMENT OF FORECLOSURE AND  
 16 SALE  
 17 S&S No. 16-119521

18 SHAPIRO & SUTHERLAND, LLC  
 19 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
 20 Telephone (360)260-2253 (800)970-5647  
 21 Fax (360)260-2285  
 22 ksutherland@logs.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

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

|               |                           |          |            |
|---------------|---------------------------|----------|------------|
| Costs         |                           |          | \$619.00   |
|               | Filing Fee                | \$531.00 |            |
|               | Lis Pendens Recording Fee | \$52.00  |            |
|               | Service Costs             | \$36.00  |            |
| Attorney fees |                           |          | \$2,600.00 |
| Total         |                           |          | \$3,219.00 |

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

15. Execution may issue against the subject property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or other applicable law.

1 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
2 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
3 judgment as to the amounts due shall be terminated.

4 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
5 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
6 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
7 18.936.  
8

9 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
10 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
11 foreclosure sale to obtain possession.  
12

13  GRANTED

14  DENIED

15  
16 Signed: 8/5/2017 12:58 PM

17 

18  
19 

---

Charles D. Carlson, Circuit Court Judge

20 **Certificate of Readiness under UTCR 5 100**

21 This proposed order or judgment is ready for judicial signature because:

- 22 1. [ ] Each party affected by this order or judgment has stipulated to the order or judgment, as  
23 shown by each party's signature on the document being submitted.  
24 2. [ ] Each party affected by this order or judgment has approved the order or judgment, as  
25 shown by each party's signature on the document being submitted or by written confirmation of  
26 approval sent to me.

27 //

28 5 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119521


*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

- 1 3.  I have served a copy of this order or judgment on each party entitled to service and:  
2 a.  No objection has been served on me.  
3 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
4 so. I have filed a copy of the objections I received and indicated which objections remain  
5 unresolved.  
6 c.  After conferring about objections, [role and name of objecting party] agreed to  
7 independently file any remaining objection.  
8 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
9 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
10 5.  This is a proposed judgment that includes an award of punitive damages and notice has  
11 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
12 (5) of this rule.  
13 6.  Other: \_\_\_\_\_

10 Dated: June 1, 2017.

12 Submitted by:

13 Attorneys for Plaintiff,  
14 SHAPIRO & SUTHERLAND, LLC

15 By:   
16  James A. Craft #090146 [jcraft@logs.com]  
17  Kelly D. Sutherland #873575 [ksutherland@logs.com]  
18  Cara J. Richter #094855 [crichter@logs.com]  
19  Holger Uhl #950143 [huhl@logs.com]\*  
20  Joshua R. Orem # 116872 [jorem@logs.com]\*  
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
23 (360)260-2253; Fax (360)260-2285