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

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

Plaintiff,

v.

CHRISTOPHER BEERS; CROOKED RIVER  
RANCH CLUB AND MAINTENANCE  
ASSOCIATION; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 17CV10391

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JEFFERSON COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on July 5, 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  
c/o Bryan Kidder  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$96,088.98, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from July 5, 2017 to August 25, 2017 in the amount of \$1,208.35, and  
3 continuing with a per diem of \$23.69, currently totaling \$97,297.33.



4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about November 19, 2002, the date of the Deed of Trust, and also the interest that the Defendant  
8 had thereafter, in the real property described as follows:

9 ***See attached Exhibit 1 and commonly known as: 8883 SW Sand Ridge Rd,***  
10 ***Crooked River Ranch, OR 97760.***

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

16 This writ does not apply to a bona fide tenant who is subject to protection under the  
17 federal Protecting Tenants at Foreclosure Act.

Signed: 8/22/2017 11:34 AM

18   
19 **Amy Bonkosky, Trial Court Administrator**  
20 

21 Dated: August 21, 2017 and submitted by:

22 **McCarthy & Holthus, LLP**

23 s/ Bryan Kidder

24 Bryan Kidder, OSB No. 140459

25 920 SW 3rd Ave, 1st Floor

26 Portland, OR 97204

27 Phone: (971) 201-3200

28 Fax: (971) 201-3202

[bkidder@mccarthyholthus.com](mailto:bkidder@mccarthyholthus.com)

Of Attorneys for Plaintiff

# EXHIBIT 1

Lot 191, Crooked River Ranch No. 8, recorded in Plat Book 4, Page 6, Jefferson County, Oregon.

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

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

Plaintiff,

vs.

CHRISTOPHER BEERS; CROOKED  
RIVER RANCH CLUB AND  
MAINTENANCE ASSOCIATION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV10391

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants CHRISTOPHER BEERS, CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION, 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;

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 Jefferson County, Oregon, and is commonly known as 8883 SW Sand Ridge Rd, Crooked River Ranch, OR

1 97760 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and  
2 having APN/Parcel No. 7032.

3 b. Plaintiff is entitled to enforce the note dated November 19, 2002 and made, delivered, and  
4 executed by Christopher Beers to CAPITOL COMMERCE MORTGAGE CO., A  
5 CALIFORNIA CORPORATION in the amount of \$74,700.00 (the "Note"). The Note was  
6 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Christopher Beers on or  
8 about November 19, 2002 (the "Deed of Trust"). The Deed of Trust was recorded on  
9 December 2, 2002 as Instrument No. 2002-5523 in the official records of Jefferson County,  
10 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
11 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
12 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for September 1, 2013 and has not  
14 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
15 owing is comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$ 62,090.62
17	b) Prejudgment interest accruing from	\$ 16,072.63
18	8/1/2013 through 6/28/2017 and	
19	continuing until the entry of	
20	judgment at the current Note rate of	
21	6.625%:	
22	c) Additional amounts due under the	\$ 14,100.49
23	terms of the loan:	
24	d) Attorney fees and costs:	\$ 3,740.24
25	e) Prevailing party fee (ORS 20.190	\$ 85.00
26	(1)(a)):	
27	<b>TOTAL:</b>	<b>\$ 96,088.98</b>


- 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 Christopher Beers had as of  
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
10 Jefferson County Sheriff's Office in accordance with the process for sale upon execution, and  
11 the 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.
- 28

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 18.950 (4), the apparent priority of liens subsequent and inferior to the  
5 Deed of Trust are as follows:

6 1) Defendant CROOKED RIVER RANCH CLUB AND MAINTENANCE  
7 ASSOCIATION may claim a junior interest in Subject Property by virtue of a lien  
8 recorded on 07/23/2014 as Instrument No. 2014-2246 in the official records of  
9 Jefferson County, Oregon.

Signed: 7/3/2017 04:28 PM



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Annette C. Hillman, Circuit Court Judge

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

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

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

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

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Dated: June 28, 2017 and submitted by:

**McCarthy & Holthus, LLP**

s/Brady Godbout  
Brady Godbout OSB No. 132708  
920 SW 3rd Ave, 1st Floor  
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bgodbout@mccarthyholthus.com  
Of Attorneys for Plaintiff



# EXHIBIT 1

Lot 191, Crooked River Ranch No. 8, recorded in Plat Book 4, Page 6, Jefferson County, Oregon.