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

U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2003-AR15,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES OF ROY C. HAMPTON; LESLIE L. HAMPTON; BRIAN HAMPTON; SHIRLEY WILLIAMSON; CITIFINANCIAL, INC.; THORNTON FINANCIAL SERVICES, INC.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV18332

WRIT OF EXECUTION IN FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 31, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2003-AR15

c/o Jeremy Clifford
Attorney for Plaintiff

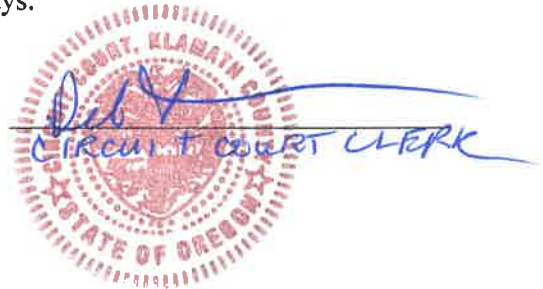
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$114,916.94, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 3/31/2017 to 5/17/2017 in the amount of \$1,331.78, and continuing
3 with a per diem of \$28.34, currently totaling \$116,248.72.

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 January 14, 2003, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R133796
9 and commonly known as: 147021 Bills Road, Gilchrist, OR 97737.

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

15
16 *June 6, 2017*



17
18
19 Dated: 5/15/2017 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Jeremy Clifford

22 _____
23 Jeremy Clifford OSB No. 142987
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 jlifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

Legal Description

Lot 12 in Block 7 of JACK PINE VILLAGE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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

U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2003-AR15,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES OF ROY C. HAMPTON; LESLIE L. HAMPTON; BRIAN HAMPTON; SHIRLEY WILLIAMSON; CITIFINANCIAL, INC.; THORNTON FINANCIAL SERVICES, INC.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV18332

GENERAL JUDGMENT OF FORECLOSURE

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF ROY C. HAMPTON, LESLIE L. HAMPTON, BRIAN HAMPTON, SHIRLEY WILLIAMSON, CITIFINANCIAL, INC., THORNTON FINANCIAL SERVICES, INC. and OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Klamath County,
 2 Oregon, and is commonly known as 147021 Bills Road, Gilchrist, OR 97737 (the "Subject
 3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
 4 R133796.
- 5 b. Plaintiff is entitled to enforce the note dated 1/14/2003 and made, delivered, and executed by
 6 ROY C. HAMPTON to FRONTIER INVESTMENT CO. DBA RAINLAND MORTGAGE
 7 COMPANY in the amount of \$89,300.00 (the "Note"). The Note was transferred to Plaintiff
 8 by delivery of possession and by indorsement set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Borrower ROY C. HAMPTON on or
 10 about 1/15/2003 (the "Deed of Trust"). The Deed of Trust was recorded on 2/5/2003 in Vol.
 11 M03 Page 07114 in the official records of Klamath County, Oregon. The Deed of Trust is a
 12 valid and perfected lien against all of the Property for and securing the Amount Due. The
 13 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
 14 remain in effect until issuance of a Sheriff's Deed.
- 15 d. The Borrower failed to make the payment that was due for 9/1/2015 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:	\$83,189.35
19	b) Prejudgment interest accruing from	
20	8/1/2015 through 3/28/2017 and	
21	continuing until the entry of judgment	
	at the current Note rate of 3.87%:	\$5,321.56
22	c) Additional amounts due under the	\$21,682.01
23	terms of the loan:	
24	d) Attorney fees and costs:	\$4,639.02
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
26	Total:	\$114,916.94

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 Defendants THE UNKNOWN HEIRS
9 AND DEVISEES OF ROY C. HAMPTON had as of the date of the Deed of Trust or
10 thereafter acquired is hereby ordered to be sold by the Klamath County Sheriff's Office in
11 accordance with the process for sale upon execution, and the proceeds of sale shall be
12 applied:

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

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

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

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

22 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
23 Property from and after the date of the sale and is entitled to such remedies as are available at
24 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
25 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
26 possession to the purchaser immediately upon the purchaser's demand for possession.
27

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.

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

8 1) Defendant CITIFINANCIAL, INC. may claim a junior interest in Subject Property by
9 virtue of a deed of trust recorded 08/22/2003 as Book M03, Page 61859 in the official
10 records of Klamath County, Oregon, securing a promissory note in the amount of
11 \$12,173.07.

12 2) Defendant THORNTON FINANCIAL SERVICES, INC. may claim an interest in
13 Subject Property by virtue of a judgment entered on 11/07/2007 in the Circuit Court
14 of Klamath County, Case No. 0703949CV, in the amount of \$9,583.58.

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Signed: 3/31/2017 09:39 AM

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

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

24 [] Each opposing party affected by this order or judgment has stipulated to the order or
25 judgment, as shown by each opposing party's signature on the document being
26 submitted.

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

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

5 [] No objection has been served on me.

6 [] I received objections that I could not resolve with the opposing party despite
7 reasonable efforts to do so. I have filed a copy of the objections I received and
8 indicated which objections remain unresolved.

9 [] After conferring about objections, _____ agreed to independently file
10 any remaining objection.

11 [x] The relief sought is against an opposing party who has been found in default.

12 [] An order of default is being requested with this proposed judgment.

13 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
14 otherwise.

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

18 [] Other: _____

19 Dated: March 28, 2017

20 Presented by:

21 **McCarthy & Holthus, LLP**

22 s/ Jeremy Clifford

23 _____
24 Jeremy Clifford, OSB No. 142987

25 920 SW 3rd Ave, 1st Floor

26 Portland, OR 97204

27 Phone: (971) 201-3200

28 Fax: (971) 201-3202

jclifford@mccarthyholthus.com

Of Attorneys for Plaintiff

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Legal Description

Lot 12 in Block 7 of JACK PINE VILLAGE, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.