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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP**

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

v.

MARGARET D. TOMITA,
INDIVIDUALLY AND AS TRUSTEE OF
THE MARGARET D. TOMITA TRUST
DATED AUGUST 27, 1996; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
91507 RAILROAD RD, WARRENTON, OR
97146,

Defendants.

Case No. 17CV05095

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB 368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

EX PARTE

Based upon the Court's Order of Default against defendants MARGARET D. TOMITA,
INDIVIDUALLY AND AS TRUSTEE OF THE MARGARET D. TOMITA TRUST DATED
AUGUST 27, 1996; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING
ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY
KNOWN AS 91507 RAILROAD RD, WARRENTON, OR 97146, the records on file herein,
and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")
("Plaintiff"),

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1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 91507 Railroad Road,
3 Warrenton, OR 97146 ("Subject Property"), as evidenced by the Deed of Trust recorded
4 December 29, 2003 in the official records of CLATSOP County as instrument number
5 200318849 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
6 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
7 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
8 legally described as follows:

9 BLOCK 3, CLATSOP GARDENS, IN THE COUNTY OF CLATSOP, STATE OF
10 OREGON.

11 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
12 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
13 in the manner provided by law;

14 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
15 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
16 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
17 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

18 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
19 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
20 68(C), which amount may be added to the outstanding obligation due and owing under the Note
21 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
22 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
23 by sale of the Subject Property as directed under this Judgment;

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1 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
2 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
3 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
4 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
5 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

6 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
7 sale of the Subject Property as directed under this Judgment.

8 7. The Sheriff shall make a return on the writ of execution to the court administrator
9 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
10 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
11 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
12 parties as may establish their right thereto. The Defendants and all persons claiming through or
13 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
14 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
15 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
16 every part of the Subject Property when the time for redemption has elapsed;

17 8. Plaintiff or any other party to this action may become a purchaser at the
18 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
19 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
20 successor in interest may apply to this Court for a writ of assistance to gain possession of the
21 subject property if Defendants or any other party or person refuses to surrender possession;

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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DECLARATION OF AMOUNT DUE BY DEFAULT
(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$117,451.72.
2. Simple interest at the rate currently at 5.375% (\$16.10 *per diem*) after March 28, 2017, through the date of sale.
3. Attorney fees of \$3,095.00, plus \$305.00, through the date of sale.
4. Costs of \$1,206.21, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 3/24/2017 01:27 PM



Circuit Court Judge Paula Brownhill

CERTIFICATE OF READINESS

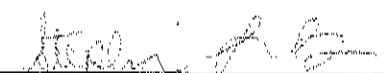
This proposed Order or Judgment is ready for judicial signature because:

1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;

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- b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
- c. After conferring about objections, **[Opposing Party]** agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: March 21, 2017

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Of Attorneys for Plaintiff