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LINN COUNTY
SHERIFFS OFFICE

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

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

Plaintiff,

vs.

GARY D. BROWN; ANN M. BROWN;
QUICK COLLECT, INC.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 16CV33300

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LINN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 6/15/2017. 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 Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$143,475.21, plus post judgment interest at the statutory rate of 9.0% per annum from 6/15/2017 to 8/18/2017 in the amount of \$2,264.16, and continuing with a per diem of \$35.38, currently totaling \$145,739.37.

16CV33300
WREX
Writ - Execution
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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 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about 11/19/2012, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows as shown in *Exhibit 1*; having APN No. 275004; and commonly known as: 28271 Harmony Rd, Sweet Home, OR 97386.

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



Signed 8/22/2017 08:09 AM

Elizabeth Fistel
Elizabeth Fistel, Administrative Authority

McCarthy & Holthus, LLP

s/ Robert B. Hakari 8/18/17

John Thomas OSB No. 024691
x Robert Hakari OSB No. 114082
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
rhakari@mccarthyholthus.com
Of Attorneys for Plaintiff

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Linn, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PARCEL OF LAND IN THE CITY OF SWEET HOME, IN LINN COUNTY, STATE OF OREGON, ID# 135 01W 23 02301, BEING KNOWN AND DESIGNATED AS:

BEGINNING AT A POINT WHICH IS NORTH 1° 41' EAST, 417.70 FEET FROM A 1/2" IRON ROD ON THE SOUTH LINE OF AND SOUTH 88° 36' EAST, 682.70 FEET FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23 SOUTH, RANGE 1, TOWNSHIP 13 SOUTH, WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE SOUTH 73° 26' EAST, 152.91 FEET TO A 3/4 INCH IRON PIPE; THENCE NORTH 62° 46' EAST, 172.94 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE SOUTH SANTIAM HIGHWAY; THENCE NORTH 33° 48' WEST ALONG SAID RIGHT OF WAY, 515.37 FEET TO A POINT NORTH 1° 41' EAST OF THE PLACE OF BEGINNING; THENCE SOUTH 1° 41' WEST 464.00 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THAT TRACT ON THE NORTH CONVEYED TO VERN C. KNOPF AND WIFE BY DEED RECORDED AUGUST 21, 1950, IN DEED BOOK 216, PAGE 583, AND SUBJECT TO THE RIGHTS OF THE PUBLIC IN THE USE OF THE EXISTING COUNTY ROAD.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION BY DEED RECORDED.

PARCEL 2:

BEGINNING AT A POINT WHICH IS NORTH 1° 41' EAST 417.70 FEET FROM A 1-1/2" IRON ROD ON THE SOUTH LINE OF AND SOUTH 88° 36' EAST, 682.70 FEET FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; RUNNING THENCE SOUTH 73° 26' EAST 152.91 FEET TO A 3/4 INCH IRON PIPE; THENCE SOUTH 16° 34' WEST 45.00 FEET; THENCE NORTH 73° 26' WEST 140.95 FEET; THENCE NORTH 1° 41' 46.56 FEET TO THE POINT OF BEGINNING.

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FOR THE COUNTY OF LINN

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

Plaintiff,

vs.

GARY D. BROWN; ANN M. BROWN; QUICK COLLECT, INC.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV33300

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants GARY D. BROWN, ANN M. BROWN, QUICK COLLECT, INC., 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 Linn County, Oregon, and is commonly known as 28271 Harmony Rd, Sweet Home, OR 97386 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0275004.

1 b. Plaintiff is entitled to enforce the note dated 11/19/2012 and made, delivered, and executed
2 by Gary D. Brown, Ann M. Brown to JP Morgan Chase Bank, N.A. in the amount of
3 \$133,154.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
4 and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendants Gary D. Brown, Ann M.
6 Brown on or about 11/19/2012 (the "Deed of Trust"). The Deed of Trust was recorded on
7 12/5/2012 as Instrument No. 2012-18828 in the official records of Linn County, Oregon.
8 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
9 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
10 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

11 d. The legal description in the Deed of Trust is reformed to that of the legal description listed in
12 *Exhibit 1*.

13 e. The Borrower failed to make the payment that was due for 12/1/2015 and has not cured the
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$ 125,443.63
17	b) Prejudgment interest accruing from	\$ 7,127.18
18	11/1/2015 through 6/9/2017 and	
19	continuing until the entry of judgment	
	at the current Note rate of 3.500%:	
20	c) Additional amounts due under the	\$ 6,278.19
21	terms of the loan:	
22	d) Attorney fees and costs:	\$ 4,541.21
23	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(2)(a)):	
24	TOTAL:	\$ 143,475.21

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- 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 f. 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 g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 8 h. All right, title and interest in the Subject Property that Defendants Gary D. Brown, Ann M.
9 Brown had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be
10 sold by the Linn County Sheriff's Office in accordance with the process for sale upon
11 execution, and 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 i. 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 j. 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 k. 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.
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- l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.
- m. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:
 - 1) Defendant QUICK COLLECT, INC. may claim a junior interest in Subject Property by virtue of a judgment lien in Case No. 140006493S recorded on October 27, 2014 as Instrument Number 2014-13879 in the official records of Multnomah County, Oregon.

Dated: June 14, 2017.

Signed: 6/14/2017 04:49 PM



David E. Delsman, Circuit Court Judge

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

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

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

Dated: June 9, 2017

Presented by:
McCarthy & Holthus, LLP

s/ Brady Godbout

Robert B. Hakari, OSB No. 114082
 Olga Groat, OSB No. 170174
 Brady Godbout, OSB No. 132708
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

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