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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST

Case No.: 16CV40169

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

THE UNKNOWN HEIRS AND DEVISEES OF
ORPHA M. MCCLINTOCK AKA ORPHA MAE
MCCLINTOCK; TRACY MCCLINTOCK; U-
LANE-O CREDIT UNION; CITY OF
JUNCTION CITY; OCCUPANTS OF THE
PROPERTY

Defendants.

TO THE LANE COUNTY SHERIFF

A Judgment of Foreclosure was entered and docketed in this case on 3/27/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment

Creditor:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST

Submitted By:
Robert Hakari
Attorney for Plaintiff

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

With a money award in the amount of **\$91,088.01**, plus post judgment interest at the statutory rate of 9.0% per annum from 3/27/2017 to 4/14/2017 in the amount of **\$404.28**, and continuing with a per diem of **\$22.46**, currently totaling **\$91,492.29**.

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about 12/9/2002, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property legally described in the attached *Exhibit 1* having APN/Parcel #
6 0006161 and commonly known as: 1025 Spruce Street, Junction City, OR 97448.

7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.

10
11 APR 24 2017

12 By: *Angie Jones*
13 *Court clerk*

14 For: *ISI Elizabeth Rambo*
15 *Trial Court Administrator*



EXHIBIT 1

Lot 8, Block 2, VISTA DALE ESTATES, as platted and recorded in Book 34, Page 30, Lane County
Oregon Plat Records, in Lane County, Oregon.
EXCEPT the North 10.00 feet thereof.

Exhibit 1
Page 1 of 1

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES
OF ORPHA M. MCCLINTOCK AKA
ORPHA MAE MCCLINTOCK; TRACY
MCCLINTOCK; U-LANE-O CREDIT
UNION; CITY OF JUNCTION CITY;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV40169

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 1025 Spruce Street, Junction City, OR 97448 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0006161.
- b. Plaintiff is entitled to enforce the note dated 12/1/2002 and made, delivered, and executed by Orpha M. McClintock ("Borrower") to GN MORTGAGE CORPORATION in the amount of

1 \$72,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and
2 by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrower on or about 12/9/2002 (the
4 "Deed of Trust"). The Deed of Trust was recorded on 12/19/2002 as Instrument No. 2002-
5 098986 in the official records of Lane County, Oregon. The Deed of Trust is a valid and
6 perfected lien against all of the Property for and securing the Amount Due. The lien of the
7 Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect
8 until issuance of a Sheriff's Deed.

9 d. Borrower failed to make the payment that was due for 7/1/2013 and has not cured the default.
10 The amount of debt secured by the Deed of Trust that is now due and owing is comprised of
11 the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$60,527.19
13	b) Prejudgment interest accruing from	\$15,202.00
14	6/1/2013 through 3/16/2017 and	
15	continuing until the entry of judgment	
	at the current Note rate of 6.625%:	
16	c) Additional amounts due under the	\$10,498.46
17	terms of the loan:	
18	d) Attorney fees and costs:	\$4,775.36
19	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
20	Total:	\$91,088.01

21 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
22 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
23 per annum.


24 e. The interest of the Defendants and any successor in interest in the Subject Property is
25 foreclosed and terminated excepting only any statutory right of redemption as provided by
26 Oregon law.

- 1 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendant Orpha M. McClintock had
3 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
4 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
5 proceeds of sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
16 Property from and after the date of the sale and is entitled to such remedies as are available at
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.
- 22 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
23 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
24 terminated.
- 25 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
26 Trust are as follows:
- 27 1) Defendant U-LANE-O CREDIT UNION may claim a junior interest in Subject
28

1 Property by virtue of a deed of trust recorded October 1, 1999 as Instrument
2 No. 1999-084056 in the official records of Lane County, Oregon, securing a
3 promissory note in the amount of \$20,000.00. A subordination agreement was then
4 recorded on December 19, 2002 as Instrument No. 2002-098987.

- 5 2) Defendant CITY OF JUNCTION CITY may have an interest in the property to the
6 extent that the borrowers have caused any damage to the property for which Junction
7 City may be able to recover.

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11 Signed: 3/27/2017 10:53 AM

12 

13

Karrie K. McIntyre, Circuit Court Judge

14
15 I hereby certify that the requirements of UTCR 5.100 have been satisfied.
16 This proposed General Judgment of Foreclosure is ready for judicial signature because:

17 Each opposing party affected by this order or judgment has stipulated to the order or
18 judgment, as shown by each opposing party's signature on the document being
19 submitted.

20 Each opposing party affected by this order or judgment has approved the order or
21 judgment, as shown by signature on the document being submitted or by written
22 confirmation of approval sent to me.

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

24 No objection has been served on me.

25 I received objections that I could not resolve with the opposing party despite
26 reasonable efforts to do so. I have filed a copy of the objections I received and
27 indicated which objections remain unresolved.

28 After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or

otherwise.

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.

Other: _____

Presented by:

McCarthy & Holthus, LLP

s/ Robert B. Hakari 3/16/2017

Casey C. Pence, OSB No. 975271

Robert B. 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

EXHIBIT 1

Lot 8, Block 2, VISTA DALE ESTATES, as platted and recorded in Book 34, Page 30, Lane County
Oregon Plat Records, in Lane County, Oregon.
EXCEPT the North 10.00 feet thereof.

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF LANE

7 U.S. BANK TRUST, N.A., AS TRUSTEE FOR
8 LSF9 MASTER PARTICIPATION TRUST

Case No.: 16CV40169

9 Plaintiff,

INSTRUCTIONS TO SHERIFF

10 vs.

11 THE UNKNOWN HEIRS AND DEVISEES OF
12 ORPHA M. MCCLINTOCK AKA ORPHA MAE
13 MCCLINTOCK; TRACY MCCLINTOCK; U-
14 LANE-O CREDIT UNION; CITY OF
PROPERTY

15 Defendants,

16 **TO: Lane County Sheriff:**

17
18 You are hereby instructed to carry out the terms of the writ of execution of foreclosure of
19 real property, subject to redemption of 180 days, which has been forwarded to you by the Circuit
20 Court in and for the County of Lane, and to levy and sell the real property legally described in
21 the attached *Exhibit 1* having APN/Parcel # 0006161 and commonly known as: 1025 Spruce
22 Street, Junction City, OR 97448.

23 You are directed to sell the above referenced property to the highest bidder to satisfy the
24 sum of the total money award as listed in the General Judgment entered with this court on
25 3/27/2017 in the amount of \$91,088.01, plus post judgment interest at the statutory rate of 9.0%
26 per annum from 3/27/2017 to 4/14/2017 in the amount of **\$404.28**, and continuing with a per
27 diem of **\$22.46**, currently totaling **\$91,492.29**.

1 The property described in the writ of execution is residential property. A copy of the
2 order regarding the sale of this property is attached. No portion of the property to be levied on is
3 a condominium unit, manufactured dwelling or floating home held as inventory for sale or lease
4 in the regular course of business. No portion of the property to be levied on is intangible personal
5 property.

6 Notice of the sale shall be given in the manner described by and in accordance with ORS
7 18.924. Pursuant to ORS 18.924, you must include the following notice in conspicuous language
8 in the notice of sale:

9 **Before bidding at the sale a prospective bidder should independently investigate:**

- 10 **(a) The priority of the lien or interest of the judgment creditor;**
- 11 **(b) Land use laws and regulations applicable to the property;**
- 12 **(c) Approved uses for the property;**
- 13 **(d) Limits on farming or forest practices on the property;**
- 14 **(e) Rights of neighboring property owners; and**
- 15 **(f) Environmental laws and regulations that affect the property.**

16 Pursuant to and in accordance with ORS 18.924(2) and (3), the notice of sale shall be
17 mailed in the manner provided by statute. The names and addresses of the judgment debtor and
18 other parties entitled to notice under ORS 18.924(2) are listed on the following page(s).

19 Pursuant to and in accordance with ORS 18.924(4), notice of the sale shall be posted at
20 the common street address listed above.

21 Pursuant to and in accordance with ORS 18.924(5) and (6), notice of sale may be given
22 by publishing a notice of sale via Internet posting if a website has been established under ORS
23 18.926 in this jurisdiction. Subject to ORS 18.926(3), the notice must be posted on the Internet
24 not less than 28 days before the date identified in the notice of sale and remain posted until that
25 date. In addition, a notice of sale is to be published once a week for four successive weeks in a
26 newspaper of general circulation in the county where the real property is located. The sale may
27 not be conducted until the expiration of the four-week period.

28 ///

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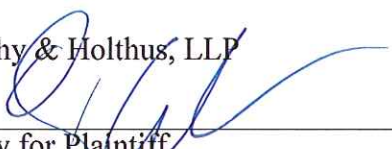
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1
2 **Please direct any questions and correspondence regarding this sale to the following:**
3 **For Sale-scheduling/Documentation and Payment inquiries:**

4 **Firm Contact: Dustin Burroughs**
5 **Phone: (971) 201-3200 Ext. 1835**
6 **Fax No: (971) 201-3202**
7 **Email: ORSale@mccarthyholthus.com**

8 DATED: April 14, 2017

9 McCarthy & Holthus, LLP

10 
11 _____
12 Attorney for Plaintiff

- 13 Robert B. Hakari, OSB# 114082
14 Andreanna C. Smith, OSB# 131336
15 Brady Godbout, OSB# 132708
16 Jeremy Clifford, OSB# 142987
17 Michael Scott, OSB# 973947
18 Olga Groat, OSB# 170174

1 **Judgment Debtor and Other Parties of Interest Entitled to Notice:**

2 **I. Judgment Debtor(s): 1st Class and Certified Mail per ORS 18.924(2)**

3 No Judgment Debtor per 2015 OR SB 368

4 **II. Attorney for Judgment Debtor (if applicable): 1st Class Mail per ORS 18.924(2)**

5 None Known

6 **III. Other Parties Entitled to Notice: 1st Class Mail per ORS 18.924(2)**

7 McCarthy & Holthus, LLP
8 920 SW 3rd Avenue, 1st Floor
9 Portland, OR 97204

10 The Unknown Heirs and devisees of Orpha McClintock
11 1025 Spruce Street
12 Junction City, OR 97448

13 City of Junction City
14 680 Greenwood
15 Junction City, OR 97448

16 Occupants of the Property
17 1025 Spruce Street
18 Junction City, OR 97448

19 Tracy McClintock
20 1350 Kalmia St
21 Junction City, OR 97448

22 U-Lane-O Credit Union
23 2880 Chad Dr
24 Eugene, OR 97408

25 **Dated:** ___ Day of _____, 2017

26 _____
27 Title
28 By: _____
Deputy

EXHIBIT 1

Lot 8, Block 2, VISTA DALE ESTATES, as platted and recorded in Book 34, Page 30, Lane County
Oregon Plat Records, in Lane County, Oregon.
EXCEPT the North 10.00 feet thereof.