

Lane County
Sheriff's Office

SEP 18 2017

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

MTGLQ INVESTORS, L.P.

Case No. 15CV28816

Plaintiff,

WRIT OF EXECUTION

vs.

ERIC S. MAHAFFY; HOLLEY E.
WOODS-MAHAFFY; CHASE BANK
USA, N.A.; SELCO COMMUNITY
CREDIT UNION; PARTIES IN
POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on March 8, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on October 18, 2006, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 13-112426

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 DESCRIBED IN THE DEED OF TRUST AS:

2 BEGINNING AT A POINT THAT IS 141.69 FEET NORTH 0 DEGREES 13' WEST AND
3 1962.83 FEET NORTH 78 DEGREES 22' EAST OF THE SOUTHWEST CORNER OF THE
4 NELSON DAVIS DONATION LAND CLAIM NO. 50, TOWNSHIP 17 SOUTH, RANGE 2
5 WEST OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE SOUTH 0
6 DEGREES 13' EAST 435.6 FEET; THENCE NORTH 78 DEGREES 22' EAST 102.10 FEET;
7 THENCE NORTH 0 DEGREES 13' WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22'
8 WEST 102.10 FEET TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

9 ALSO: BEGINNING AT A POINT THAT IS 141.69 FEET NORTH 0 DEGREES 13' WEST
10 AND 1860.73 FEET NORTH 78 DEGREES 22' EAST OF THE SOUTHWEST CORNER OF
11 THE NELSON DAVIS DONATION LAND CLAIM NO. 50, TOWNSHIP 17 SOUTH,
12 RANGE 2 WEST OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE SOUTH
13 0 DEGREES 13' EAST 435.6 FEET; THENCE NORTH 78 DEGREES 22' EAST 102.10 FEET;
14 THENCE NORTH 0 DEGREES 13' WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22'
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16 AND MORE CORRECTLY DESCRIBED AS:

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28 0 DEGREES 13' EAST 435.6 FEET; THENCE NORTH 78 DEGREES 22' EAST 102.10 FEET;
THENCE NORTH 0 DEGREES 13' WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22'
WEST 102.10 FEET TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

29 ALSO:

30 A STRIP OF LAND 60.0 FEET IN WIDTH, 30.0 FEET ON EITHER SIDE WHEN
31 MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTER LINE:
32 BEGINNING AT A POINT 172.21 FEET N 0 DEGREES 13' EAST FROM THE SW CORNER
33 OF THE NELSON DAVIS D.L.C. NO. 50 IN SECTION 35, TOWNSHIP 17 SOUTH, RANGE
34 2 WEST OF THE WILLAMETTE MERIDIAN, THENCE N 78 DEGREES 22' EAST 2,385.00

35 2- WRIT OF EXECUTION
36 S&S No. 13-112426

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1 FEET, MORE OR LESS. EXCEPT THAT PORTION OF THE ABOVE DESCRIPTION
2 WHICH WAS CONVEYED TO LANE COUNTY BY INSTRUMENT RECORDED ON REEL
3 43-D, RECEPTION NO. 37115, LANE COUNTY OREGON DEED RECORDS. (MAP # 17-
02-36-30-00101)

4 and commonly known as 8089 South A Street, Springfield, OR 97478 to satisfy the sum of
5 \$260,081.21, as of August 23, 2017, together with additional post judgment interest of 9.00%
6 from that date (\$61.58 per day), and costs of this execution, making due return within 60 days
7 after you receive this writ.

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25 3- WRIT OF EXECUTION
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1 MTGLQ INVESTORS, L.P. is the Judgment Creditor, and its address for purpose of this
2 writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5

6
7 AUG 30 2017
8

9
10 Angie Jones
11 court clerk

12 Submitted by:
13 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

14 By: _____



15 [] James A. Craft #090146 [jcraft@logs.com]
16 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
17 [] Cara J. Richter #094855 [crichter@logs.com]
18 [] Holger Uhl #950143 [huhl@logs.com]*
19 [x] Joshua R. Orem # 116872 [jorem@logs.com]*
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7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

ERIC S. MAHAFFY; HOLLEY E. WOODS-
MAHAFFY; CHASE BANK USA, N.A.; SELCO
COMMUNITY CREDIT UNION; PARTIES IN
POSSESSION,

Defendants.

Case No. 15CV28816

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant, Chase Bank USA, N.A. and Defendant, Parties in Possession, having been dismissed and Defendant, SELCO Community Credit Union, having stipulated to entry of judgment and Plaintiff having prevailed against Defendants, Eric S. Mahaffy and Holley E. Woods-Mahaffy at Trial:

It is hereby

ORDERED AND ADJUDGED:

- 1. The real property to which this judgment relates (hereafter the "Property") is situated in Lane County, Oregon is commonly known as 8089 South A Street, Springfield, OR 97478 and is legally described as follows:

DESCRIBED IN THE DEED OF TRUST AS:

I - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 13-112426

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ksutherland@foss.com

1 BEGINNING AT A POINT THAT IS 141.69 FEET NORTH 0 DEGREES 13' WEST
2 AND 1962.83 FEET NORTH 78 DEGREES 22' EAST OF THE SOUTHWEST
3 CORNER OF THE NELSON DAVIS DONATION LAND CLAIM NO. 50,
4 TOWNSHIP 17 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN;
5 AND RUNNING THENCE SOUTH DEGREES 13' EAST 435.6 FEET; THENCE
6 NORTH 78 DEGREES 22' EAST 102.10 FEET; THENCE NORTH 0 DEGREES 13'
7 WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22' WEST 102.10 FEET TO
8 THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

9 ALSO: BEGINNING AT A POINT THAT IS 141.69 FEET NORTH 0 DEGREES 13'
10 WEST AND 1860.73 FEET NORTH 78 DEGREES 22' EAST OF THE
11 SOUTHWEST CORNER OF THE NELSON DAVIS DONATION LAND CLAIM
12 NO. 50, TOWNSHIP 17 SOUTH, RANGE 2 WEST OF THE WILLAMETTE
13 MERIDIAN; AND RUNNING THENCE SOUTH 0 DEGREES 13' EAST 435.6
14 FEET; THENCE NORTH 78 DEGREES 22' EAST 102.10 FEET; THENCE NORTH
15 0 DEGREES 13' WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22' WEST
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FEET; THENCE NORTH 78 DEGREES 22' EAST 102.10 FEET; THENCE NORTH
0 DEGREES 13' WEST 435.6 FEET; THENCE SOUTH 78 DEGREES 22' WEST
102.10 FEET TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

ALSO:

A strip of land 60.0 feet in width, 30.0 feet on either side when measured at right angles to the following described center line: Beginning at a point 172.21 feet N 0 degrees 13' East from the SW corner of the Nelson Davis D.L.C. No. 50 in Section 35,

2 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 13-112426

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Township 17 South, Range 2 West of the Willamette Meridian, thence N 78 degrees 22' East 2,385.00 feet, more or less. EXCEPT that portion of the above description which was conveyed to Lane County by instrument recorded on Reel 43-D, Reception No. 37115, Lane County Oregon Deed Records. (Map # 17-02-36-30-00101)

2. The Deed of Trust executed and delivered by Defendant, Eric S Mahaffy and Holley E Woods-Mahaffy, husband and wife ("Borrower") on or about October 18, 2006 and recorded on October 23, 2006 as Reception No. 2006-076650 in the official records of Lane County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
3. The Plaintiff is the holder of the original note dated October 18, 2006 and made by Eric S Mahaffy in the amount of \$185,000.00. A copy of the Note was attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.
6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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3 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
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1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
3 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
4 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
5 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
6 may appear or to the clerk of the court to be distributed to such party of parties as may
7 establish their right thereto.
8

9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
13

14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
15 any person holding possession under or through such Defendant(s) shall refuse to surrender
16 possession to the purchaser immediately on the purchaser's demand for possession.

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26 4 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 13-112426

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$156,294.11	
3	Prejudgment interest at 6% through January			\$66,080.25
4	19, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$25.69 per diem)			
7	Late Charges		\$0.00	
8	Other Costs and fees (recoverable)		26,128.29	
9		Fees and	\$7,897.50	
10		expenses incurred		
11		by the Note		
12		holder not		
13		applicable to		
14		ORCP 68		
15		Escrow	\$18,687.73	
16		Advancements		
17		Less funds owed	\$-456.94	
18		to borrower		
19		Subtotal		\$182,422.40
20		Total plus Prejudgment Interest		\$248,502.65

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14 12. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
15 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

17 13. This Judgment shall not create a personal lien or liability against Borrower except as is
18 customary or necessary to execute on such Judgment and for purposes of redemption. In no
19 event should it be construed as establishing personal liability for any persons whose debt has
20 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
21 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
22 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
23 entitled to any further judgment, including a judgment for deficiency.

24 //

25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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1 14. Execution may issue against the subject property for the aggregate amount found due
2 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
3 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
4 ORS 18.936 or other applicable law.
5

6 15. If before sale such amount, including sheriff's fees for the execution, is tendered to the
7 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
8 judgment as to the amounts due shall be terminated.

9 16. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
10 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
12 18.936.
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1 17. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.

4 DENIED


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6 GRANTED
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Signed: 3/7/2017 02:28 PM



Karsten H. Rasmussen, Circuit Court Judge

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14 Submitted by:
15 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

16 By: 
17 Holger Uhl #956143 [huhl@logs.com]
18 7632 SW Duffham Road, Suite 350, Tigard, OR 97224
19 (360)260-2253; Fax (360)260-2285
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26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 13-112426

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

MTGLQ INVESTORS, L.P.

Case No. 15CV28816

Plaintiff,

CERTIFICATE OF READINESS

vs.

ERIC S. MAHAFFY; HOLLEY E. WOODS-
MAHAFFY; CHASE BANK USA, N.A.; SELCO
COMMUNITY CREDIT UNION; PARTIES IN
POSSESSION

Defendants.

Certificate of Readiness under UTCR 5 100

I certify that on February 28th, 2017, this proposed judgment/order is ready for judicial signature because:

 Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order is being submitted in **open court** with all parties present.

 Each party affected by this judgment/order has **stipulated** to or **approved** the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.

I have **served** (complete service section below) a copy of this judgment/order and the *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

No objection has been served on me within the 7-day time frame.

CERTIFICATE OF READINESS
S&S No. 13-112426

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1 ____ I received objections that I could not resolve with the other party despite reasonable efforts
2 to do so. I have filed with the court a copy of the objections I received and indicated which
3 objections remain unresolved.

4 ____ After conferring about objections, the other party agreed to file any remaining objection
5 with the court.

6 DATED: Feb 22, 2017

7 Attorneys for Plaintiff
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____
10 [] James A. Craft #090146 [jcraft@logs.com]
11 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
12 [] Cara J. Richter #094855 [crichter@logs.com]
13 [] Holger Uhl #950143 [huhl@logs.com]*
14 [] Joshua R. Orem # 116872 [jorem@logs.com]*
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