

1 After recording return to:
2 Daniel Ross, OSB No. 112979
3 Weinstein & Riley, P.S.
4 2001 Western Ave, Suite 400
5 Seattle, WA 98121

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

8 NATIONSTAR MORTGAGE LLC,
9 Plaintiff,

10 vs.

11 PHIL J. MERWIN; CARMEN RENEE
12 YOUNG; ATLANTIC CREDIT &
13 FINANCE SPECIAL FINANCE UNIT,
14 LLC; JOHN AND JANE DOES, I
15 THROUGH V, OCCUPANTS OF THE
SUBJECT REAL PROPERTY, AND ALL
OTHER PERSONS OR PARTIES
UNKNOWN, CLAIMING ANY RIGHT,
TITLE, INTEREST, LIEN OR ESTATE IN
THE PROPERTY HEREIN DESCRIBED,
Defendants.

Case No. 16CV13005

WRIT OF EXECUTION ON REAL
PROPERTY

(Clerk's Action Required)

16 TO THE SHERIFF OF LANE COUNTY, OREGON:

17 WHEREAS, on March 10, 2017, in this Court, a General Judgment of Foreclosure
18 was enrolled and docketed in this cause, and on July 10, 2017, an Amended General
19 Judgment of Foreclosure, was enrolled and docketed in this cause, a true copy of which is
20 attached and made a part hereof; in favor of Plaintiff, Nationstar Mortgage LLC, regarding
21 the real property commonly known as 5322 Wales Dr, Eugene, OR 97402, legally
22 described property as follows:

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24 WRIT OF EXECUTION ON REAL PROPERTY-
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Telephone: (206) 269-3490
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1 LOT 128, AVALON VILLAGE, PHASE 3, AS PLATTED AND RECORDED
2 IN FILE 75, SLIDES 818, 819, 820, 821 AND 822, LANE COUNTY OREGON
3 PLAT RECORDS, IN LANE COUNTY, OREGON.


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), all of the interest that defendants had on August 12, 2009,
7 the date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the
8 real property described in the judgment, to satisfy the principal judgment amount of
9 \$181,105.14, together with interest accrued to January 31, 2017, of \$39,843.36 and thereafter
10 at the interest rate of 5.5%; other recovery amounts of \$17,720.51; attorneys' costs in the sum
11 of \$2,797.80, and attorneys' fees of \$2,600.00, which bear interest at 9% per annum, and the
12 costs of this writ, making due return within 60 days after you receive this writ. The total
13 amount due on money award including interest as of July 13, 2017, is \$249,200.31.

14 DATED this 18th day of July, 2017.

15 Clerk of the Court

16
17 By Angie Jones
18 By: Clerk
Deputy

19 Presented by:

20 
21 Daniel Ross, OSB No. 112979
22 Attorneys for Plaintiff
23 Weinstein & Riley, P.S.
24 2001 Western Avenue, Suite 400
Seattle, Washington 98121
DanielR@w-legal.com



25 WRIT OF EXECUTION ON REAL PROPERTY-

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

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NATIONSTAR MORTGAGE LLC,

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Plaintiff,

Case No.: 16CV13005

8

vs.

AMENDED GENERAL JUDGMENT
OF FORECLOSURE

9

PHIL J. MERWIN; CARMEN RENEE
YOUNG; ATLANTIC CREDIT & FINANCE
SPECIAL FINANCE UNIT, LLC; JOHN
AND JANE DOES, I THROUGH V,
OCCUPANTS OF THE SUBJECT REAL
PROPERTY, AND ALL OTHER PERSONS
OR PARTIES UNKNOWN, CLAIMING ANY
RIGHT, TITLE, INTEREST, LIEN OR
ESTATE IN THE PROPERTY HEREIN
DESCRIBED,

(Clerk's Action Required)

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Defendants.

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THIS MATTER came on before the undersigned Judge on the Motion of the Plaintiff for entry of a General Judgment of Foreclosure. An Order of Default as to All Defendants was entered on November 23, 2016. The Court, having read and considered the Affidavits in support of entry of judgment, and further appearing that said Defendants were not at the time of said service in the military service of the United States; it further appearing that the Defendants are not believed to be financially incapable as defined by ORS 125.005(3), are not minors, a protected or incapacitated person, or a respondent as defined by ORS 125.005.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

AMENDED GENERAL JUDGMENT OF
FORECLOSURE - I

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1 1. The real property to which this Judgment relates is commonly known as
2 28504 20th Ave S, Federal Way, WA 98003, situated in Lane County, Oregon, legally
3 described as follows:

4 LOT 128, AVALON VILLAGE, PHASE 3, AS PLATTED AND
5 RECORDED IN FILE 75, SLIDES 818, 819, 820, 821 AND 822, LANE
6 COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
7 OREGON.

8 (hereinafter the "Property").

9 2. The Deed of Trust dated August 12, 2009, was made and delivered by the
10 Defendants, Phil J. Merwin, to Mortgage Electronic Registration Systems, Inc., a separate
11 corporation that is acting solely as a nominee for Summit Funding, Inc., a California
12 Corporation, and its successors and assigns, and recorded by the Clerk of Lane County, Oregon,
13 on August 18, 2009, as File No. 2009-047755, and is a valid and perfected lien against all of
14 the real property for the amount of Plaintiff's Judgment as provided herein.

15 3. The Deed of Trust was subsequently assigned to Plaintiff, Nationstar Mortgage,
16 LLC under a Corporation Assignment of Deed of Trust dated January 25, 2013, recorded by
17 the Clerk of Lane County, Oregon, on February 6, 2013, as File No. 2013-007530.

18 4. The Note is endorsed from Summit Funding, Inc., a California Corporation
19 to Bank of America, N.A., and then is endorsed in blank by Bank of America, N.A. Plaintiff,
20 Nationstar Mortgage LLC, is the true and legal holder of said Note, and beneficiary of the
21 Deed of Trust. *Id.*

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24 AMENDED GENERAL JUDGMENT OF
25 FORECLOSURE - 2

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1 5. The interest of each of the Defendants and any successor in the Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.

4 6. The lien of the Plaintiff is superior to any interest, lien, or claim of the
5 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

6 7. The Defendants are not entitled to a homestead exception as against
7 Plaintiff's Judgment.

8 8. All rights, title and interest that Defendant Phil J. Merwin had as of the date
9 of the Deed of Trust, or thereafter acquired in the subject Property, is hereby ordered to be
10 sold by the Lane County Sheriff in accordance with the process for sale upon execution, and
11 the proceeds of sale shall be applied in the following order: first, to the costs of sale; second
12 to the satisfaction of the amounts awarded to Plaintiff herein; third, any surplus, to the
13 Defendants in the priority as their interest may appear or to the Clerk of the Court to be
14 distributed to such party or parties as may establish their right thereto.

15 9. Plaintiff shall be entitled to recover any advances that plaintiff may be
16 required to pay after the entry of judgment herein for taxes, assessment, other items
17 constituting liens against the property, insurance and/or repairs for the protection and
18 preservation of the subject property;

19 10. Plaintiff or any other junior lienholders may become the purchaser at the sale
20 of the Property.

21 11. The purchaser at the sale is entitled to such remedies as are available at law
22 or in equity to secure possession.

23 AMENDED GENERAL JUDGMENT OF
24 FORECLOSURE - 3

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1 12. The purchaser at the sale may apply to the Court for a writ of assistance if
2 any Defendants or any other party or person holding possession shall refuse to surrender
3 possession to the purchaser immediately on the purchaser's demand for possession.

4 13. Plaintiff is awarded Judgment of the following amounts due and owing under
5 the Note and Deed of Trust:

Principal		\$181,105.14
Prejudgment interest from 2/1/2013 to 1/31/2017 at 5.5% per annum		\$39,843.36
Other Costs and fees (recoverable)		\$17,720.51
Property Tax	\$11,034.06	
Hazard Insurance	\$2,791.33	
Property Inspection	\$600.00	
Mortgage Insurance	\$3,295.12	
Subtotal (Principal and Costs)		\$198,825.65
Total (plus prejudgment interest)		\$238,669.01

13 14. Attorneys fees and costs are awarded to Plaintiff as follows:

Costs			\$2,797.80
	Mediation Costs:	\$400.00	
	Title Fees:	\$655.00	
	Filing Fees:	\$531.00	
	Recording Fees:	\$119.00	
	Prevailing Party Fee:	\$275.00	
	Process Service:	\$817.80	
Attorney Fees			\$2,600.00
	Reasonable Fee Amount for Uncontested Judicial Foreclosure	\$2,600.00	
Total			\$5,397.80

21 15. Interest shall accrue on Principal Judgment amount of \$181,105.14 at the
22 interest rate of 5.5%, from February 1, 2017. Interest shall accrue on the Other Recovery
23 Amounts at the rate of 9.00% per annum from the date of Judgment. Interest shall accrue on

24 AMENDED GENERAL JUDGMENT OF
25 FORECLOSURE - 4

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1 Attorneys Fees and Costs totaling \$5,122.80 at the rate of 9.00% per annum from the date
2 of judgment pursuant to ORS 82.010.

3 16. This Judgment shall not create a personal lien or liability against Defendant
4 Phil J. Merwin except as is customary or necessary to execute such Judgment and for
5 purposes of redemption. In no event should it be construed as establishing personal liability
6 for any persons whose debt has been extinguished in bankruptcy or by an In Rem order
7 granting relief from stay, but only to foreclose the Deed of Trust mortgage. In the event the
8 proceeds of sale are insufficient to pay the amounts due to Plaintiff, Plaintiff shall not be
9 entitled to any further judgment, including a Judgment for deficiency.

11 17. Execution may issue for the aggregate amount found due Plaintiff herein as
12 detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may credit
13 bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or
14 other applicable law.

15 18. If before sale such amount, including sheriff's fees for the execution, is
16 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and the
17 effect of the judgment as to the amounts due shall be terminated.

18 19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in
19 Foreclosure for the sale of the Property.

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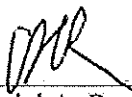
20. The Court shall retain jurisdiction to enter such additional order or judgment as necessary to enforce this judgment, the writ of execution or for the purchaser at the execution sale to obtain possession.

Signed: 7/7/2017 03:12 PM



Karsten H. Rasmussen, Circuit Court Judge

Presented by:



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Attorneys for Plaintiff
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AMENDED GENERAL JUDGMENT OF
FORECLOSURE - 6
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

PHIL J. MERWIN; CARMEN RENEE
YOUNG; ATLANTIC CREDIT & FINANCE
SPECIAL FINANCE UNIT, LLC; JOHN
AND JANE DOES, I THROUGH V,
OCCUPANTS OF THE SUBJECT REAL
PROPERTY, AND ALL OTHER PERSONS
OR PARTIES UNKNOWN, CLAIMING
ANY RIGHT, TITLE, INTEREST, LIEN OR
ESTATE IN THE PROPERTY HEREIN
DESCRIBED,

Defendants.

Case No. 16CV13005

CERTIFICATE OF READINESS

UTCR 5.100(2)

Based on the requirements presented in UTCR 5.100(2), Daniel Ross of Weinstein and Riley, P.S., attorney for the Plaintiff herein, states that the proposed order or judgment is ready for judicial signature for the following reasons:

Pursuant to UTCR 5.100(2)(b), Plaintiff asserts that this proposed order or judgment is ready for judicial signature because of the following:

- 1. [] Each opposing party affected by this order or judgment has stipulated to

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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 objection has been served on me.
- b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
- c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

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. Pursuant to UTCR 5.100(3)(b) "A proposed order or judgment that may be presented *ex parte* by law or rule and is so submitted."

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.

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As the Plaintiff has satisfied the requirements of UTCR 5.100, the attached proposed judgment or order is ready for judicial signature.

Executed this 8th day of July, 2017, at Seattle, Washington.



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Attorneys for Plaintiff
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CERTIFICATE OF READINESS
PURSUANT TO UTCR 5.100(2) - 3

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