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

DITECH FINANCIAL LLC,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF MARGARET I. LEWIS; TERRI
ALLMON ; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 16CV18392

WRIT OF EXECUTION IN
FORECLOSURE

RECEIVED
SEP 25 2017
LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR
JMA

TO THE LINCOLN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/19/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DITECH FINANCIAL LLC
c/o Brady Godbout, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$110,166.99, plus post judgment interest at the statutory rate of 9.0% per annum from 7/19/2017 to 9/7/2017 in the amount of \$1,358.22, and continuing with a per diem of \$27.16, currently totaling \$111,525.51.

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 8/19/2003, the date of the Deed of Trust, and also the interest that the Defendant had

1 thereafter, in the real property described as shown in *Exhibit 1*; having APN No. R285794; and
2 commonly known as: 236 SE 130th Court, South Beach, OR 97366.

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

Signed: 9/11/2017 10:44 AM

8 **DATED:** ____ day of ____



St. Jell.

9 _____
10 Title **Circuit Court Clerk Steven Zalewski**

11 By: _____
12

13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 9/7/17

15 _____
16 _ John Thomas OSB No. 024691
17 x Robert Hakari OSB No. 114082
18 920 SW 3rd Ave, 1st Floor
19 Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
22 rhakari@mccarthyholthus.com
23 Of Attorneys for Plaintiff
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EXHIBIT 1

Lot 5, Block 2, LOST CREEK PARK, County of Lincoln and State of Oregon.

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

RECEIVED

SEP 25 2017

LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

JMA

DITECH FINANCIAL LLC,

Case No.: 16CV18392

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF MARGARET I. LEWIS; TERRI
ALLMON; OCCUPANTS OF THE
PROPERTY,

Defendants.

1.

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

- a. A limited judgment has been entered with regards to Defendants THE UNKNOWN HEIRS AND DEVISEES OF MARGARET I. LEWIS and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants");
- b. An Order granting Summary Judgment has been entered with regard to Defendant TERRI ALLMON, now therefore,

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 Lincoln County, Oregon, and is commonly known as 236 SE 130th Court, South Beach, OR 97366 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R285794.
- b. Plaintiff is entitled to enforce the note dated August 19, 2003 and made, delivered, and executed by MARGARET I. LEWIS to GMAC MORTGAGE CORPORATION in the

1 amount of \$112,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
2 possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrower MARGARET I. LEWIS on
4 or about August 25, 2003 (the "Deed of Trust"). The Deed of Trust was recorded on
5 September 2, 2003 as Instrument No. 200314386 in the official records of Lincoln County,
6 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
7 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
8 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for June 1, 2015 and has not cured
10 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
11 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 12 | a) Unpaid principal balance: | \$87,362.87 |
| 13 | b) Prejudgment interest accruing from | |
| 14 | 5/1/2015 through 7/10/2017 and | |
| 15 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 5.875%: | \$11,251.51 |
| 16 | c) Additional amounts due under the | \$3,702.81 |
| 17 | terms of the loan: | |
| 18 | d) Attorney fees and costs: | \$7,764.80 |
| 19 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 20 | Total: | \$110,166.99 |

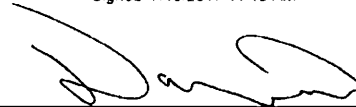
21 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
22 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
23 per annum.

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.
27
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- 1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Borrower MARGARET I. LEWIS had
3 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
4 Lincoln County Sheriff's Office in accordance with the process for sale upon execution, and
5 the 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 18.950 (4), the apparent priority of liens subsequent and inferior to the
26 Deed of Trust are as follows:
- 27
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1) Defendant TERRI ALLMON may claim a junior interest in Subject Property by virtue of a bargain and sale deed recorded on 11/12/2008 as Instrument No. 2008-13021 in the official records of Lincoln County, Oregon.

Signed 7/19/2017 11:10 AM



Circuit Court Judge David V. Cramer

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

On July 11, 2017 a copy of the Motion for Entry of Judgment, Declaration Of Attorney Fees and Costs for Plaintiff, Declaration of Amounts Due, Proposed Judgment of Foreclosure was:

Served on:

Dennis Bartoldus
380 SW 2nd St.
PO Box 1510
Newport, OR 97365
Attorney for Terri Allmon and Occupants of the Property

not less than 6 days prior to submission to the court.

Accompanied by a stipulation by Opposing Attorney: Dennis Bartoldus and Firm: Law Office of Dennis L. Bartoldus that no objection exists as to the judgment or order.

Mailed to:

The Unknown Heirs and Devisees of Margaret I. Lewis
236 SE 130th Court
South Beach, OR 97366

not less than 7 days prior to submission to the court with a notice of the time period to object.

This proposed Judgment Of Foreclosure is ready for judicial signature because:

1 [] Each opposing party affected by this order or judgment has stipulated to the order or
2 judgment, as shown by each opposing party's signature on the document being
submitted.

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

5 [x] I have served a copy of this order or judgment on all parties entitled to service and:

6 [x] No objection has been served on me.

7 [] 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.

8 [] After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

11 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
12 otherwise.

13 [] 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
14 by subsection (4) of this rule.

15 [] Other: _____

16 Dated: July 18, 2017 and submitted by:

17 **McCarthy & Holthus, LLP**

18 s/ Brady Godbout

19 Brady Godbout OSB No. 132708

20 920 SW 3rd Ave, 1st Floor

21 Portland, OR 97204

22 Phone: (971) 201-3200

23 Fax: (971) 201-3202

24 bgodbout@mccarthyholthus.com

25 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 5, Block 2, LOST CREEK PARK, County of Lincoln and State of Oregon.