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LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

JMA

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

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

Case No.: 16cv16445

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

LINDA GREY AKA LINDA GREY
RAMERT; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION;
OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE LINCOLN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/11/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST
c/o Brady Godbout
Attorney for Plaintiff

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

1 With the adjudicated amount due of \$145,743.48, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 7/11/2017 to 8/30/2017 in the amount of \$1,796.84, and continuing
3 with a per diem of \$35.94, currently totaling \$147,540.32.

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 of 180 days), all of the interest that the Defendant had on or
7 about 3/9/2009, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1*

10 and commonly known as: 14937 Hwy 20, Toledo, OR 97391.

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

Signed: 9/1/2017 02:20 PM



Circuit Court Clerk Steven Zalewski



1 Dated: August 29, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

- 4 _ John Thomas OSB No. 024691
5 _ Robert Hakari OSB No. 114082
6 _ Andreanna Smith OSB No. 131336
7 x Brady Godbout OSB No. 132708
8 _ Samuel Burton OSB No. 136522
9 _ Brian Kidder OSB No. 140459
10 _ Jeremy Clifford OSB No. 142987
11 _ Michael Scott OSB No. 973947

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

bgodbout@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT 1

PARCEL I:

A tract of land lying North of the Yaquina River in the Northeast quarter of the Southeast quarter of Section 31, Township 10 South, Range 9 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 31; thence East along the North line of said quarter section 500 feet; thence South to the Yaquina River; thence along the bank of the Yaquina River in a Westerly direction to the West line of the Northeast quarter of the Southeast quarter of said Section 31; thence North along said West line 8.50 chains, more or less, to the point of beginning.

EXCEPTING THEREFROM any portion lying within U.S. Highway 20.

PARCEL II:

Commencing at the East one-quarter corner of Section 31, Township 10 South, Range 9 West, Willamette Meridian, in Lincoln County, Oregon, as indicated on the Lincoln County Survey No. 15,503; thence North $89^{\circ} 19' 56''$ West, along the centerline of Section 31 to the Northeast corner of a tract of land as described in Microfilm Volume 298, page 1648, Lincoln County Film Records, a distance of 806.41 feet; thence due South, along the Easterly boundary of said tract to the Northwest corner of a tract of land as described in Microfilm Volume 365, Page 1904, Lincoln County Film Records, a distance of 240.00 feet; thence due East, along the Northerly boundary of said tract, a distance of 23.40 feet to the true point of beginning; thence continuing due East, a distance of 18.50 feet; thence South $05^{\circ} 48' 39''$ West to the Northerly right of way of Highway 20, a distance of 174.13 feet, more or less, thence North $78^{\circ} 59' 00''$ West, along said Northerly right of way to the Southeast corner of said tract described in Microfilm Volume 365, Page 1904, Lincoln County Film Records, a distance of 18.48 feet; thence North $05^{\circ} 48' 39''$ East, along the Easterly boundary of said tract, a distance of 170.90 feet to the point of beginning.

PARCEL III:

Commencing at the East one-quarter corner of Section 31, Township 10 South, Range 9 West, Willamette Meridian, in Lincoln County, Oregon; thence North $89^{\circ} 19' 56''$ West, along the centerline of Section 31 to the Northeast corner of a tract of land as described in Microfilm Volume 298, Page 1648, Lincoln County Film Records, a distance of 806.41 feet; thence due South, along the Easterly boundary of said tract, a distance of 240.00 feet to the true point of beginning; thence continuing due South along said Easterly boundary, to the Northerly right of way of Highway 20, a distance of 169 feet, more or less; thence South $79^{\circ} 59' 00''$ East, along said Northerly right of way, a distance of 6.19 feet; thence North $05^{\circ} 48' 39''$ East to a point that is due East from the point of beginning, a distance of 170.90 feet; thence due West, a distance of 23.40 feet to the point of beginning.

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FOR THE COUNTY OF LINCOLN

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

Case No.: 16cv16445

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE

vs.

LINDA GREY AKA LINDA GREY
RAMERT; OREGON AFFORDABLE
HOUSING ASSISTANCE
CORPORATION; OCCUPANTS OF THE
PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants LINDA GREY AKA LINDA GREY RAMERT, OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, 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 Lincoln County, Oregon, and is commonly known as 14937 Hwy 20, Toledo, OR 97391 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R383741, R520481.

1 b. Plaintiff is entitled to enforce the note dated March 9, 2009 and made, delivered, and
2 executed by Linda Grey to WEALTHBRIDGE MORTGAGE CORPORATION, an
3 OREGON COPORATION in the amount of \$131,000.00 (the "Note"). The Note was
4 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendant Linda Grey on or about
6 March 9, 2009 (the "Deed of Trust"). The Deed of Trust was recorded on March 13, 2009 as
7 Instrument No. 2009-03048 in the official records of Lincoln County, Oregon. The Deed of
8 Trust is a valid and perfected lien against all of the Property for and securing the Amount
9 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
10 shall remain in effect until issuance of a Sheriff's Deed.

11 d. The Borrower failed to make the payment that was due for December 1, 2014 and has not
12 cured the default. The amount of debt secured by the Deed of Trust that is now due and
13 owing is comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$ 123,725.57
15	b) Prejudgment interest accruing from	\$ 11,006.77
16	11/1/2014 through 7/6/2017 and	
17	continuing until the entry of	
	judgment at the current Note rate of	
	2.0000%:	
18	c) Additional amounts due under the	\$ 5,998.91
19	terms of the loan:	
20	d) Attorney fees and costs:	\$ 4,927.23
21	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(1)(a)):	
22	TOTAL:	\$ 145,743.48

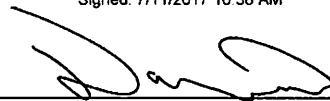
23 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
24 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
25 per annum.
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- 1 e. The interest of the Defendants and any successor in interest in the Subject Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.
- 4 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 5 g. All right, title and interest in the Subject Property that Defendant Linda Grey had as of the
6 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lincoln
7 County Sheriff's Office in accordance with the process for sale upon execution, and the
8 proceeds of sale shall be applied:
- 9 1) First, to the costs of sale not incurred by Plaintiff;
 - 10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;
 - 12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.
- 15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 18 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
19 Property from and after the date of the sale and is entitled to such remedies as are available at
20 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
21 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
22 possession to the purchaser immediately upon the purchaser's demand for possession.
- 23 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
24 entitled to any further or other judgment, including a judgment for the deficiency.
- 25 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
26 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
27 terminated.
- 28

1 1. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

- 3 1) Defendant Oregon Affordable Housing Assistance Corporation; Occupants of the
4 Property; may claim a junior interest in Subject Property by virtue of a deed of trust
5 recorded on May 3, 2013 as Instrument No. 2013-04441 in the official records of
6 Lincoln County, Oregon.

Signed: 7/11/2017 10:38 AM



Circuit Court Judge David V. Cramer

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

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

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

17 Dated: July 6, 2017 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Brady Godbout

20 _____
_ John Thomas OSB No. 024691
_ Robert Hakari OSB No. 114082
21 _ Andreanna Smith OSB No. 131336
x Brady Godbout OSB No. 132708
22 _ Samuel Burton OSB No. 136522
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