

Verified Correct Copy of Original 9/20/2017.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

JOHN FROGNER; DEBRA FROGNER;
TIM COLLINS; DISCOVER BANK;
STATE OF OREGON; OCCUPANTS OF
THE PROPERTY.

Defendants.

Case No.: 17CV02112

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. 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 Union County, Oregon, and is commonly known as 610 N 9th Avenue, Elgin, OR 97827 (the "Subject Property"), legally described as shown in *Exhibit 1*, and having APN/Parcel No. 12461.
b. Plaintiff is entitled to enforce the note dated July 14, 2003 and made, delivered, and executed by Patricia Lee Taylor to US Bank National Association ND in the amount of \$63,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by

1 indorsement set forth on the Note.
2 c. A deed of trust was made, executed, and delivered by Patricia Lee Taylor and Donald R.
3 Taylor ("Borrowers") on or about July 14, 2003 (the "Deed of Trust"). The Deed of Trust
4 was recorded on July 18, 2003 as Instrument No. 20034727 in the official records of Union
5 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
6 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
7 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

8 d. Borrowers failed to make the payment that was due for January 1, 2016 and have not cured
9 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
10 comprised of the following amounts (the "Amount Due"):

- 11 a) Unpaid principal balance: \$50,325.53
- 12 b) Prejudgment interest accruing from \$5,640.53
13 12/1/2015 through 8/10/2017 and
14 continuing until the entry of
judgment at the current Note rate of
6.625%:
- 15 c) Additional amounts due under the \$4,497.63
16 terms of the loan:
- 17 d) Attorney fees and costs: \$5,138.39
- 18 e) Prevailing party fee (ORS 20.190 \$85.00
19 (1)(a)):
- 20 **Total: \$65,687.08**

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%
per annum.

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

26 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

27 g. All right, title and interest in the Subject Property that Defendant(s) Patricia Lee Taylor,
28

1 Donald R. Taylor had as of the date of the Deed of Trust or thereafter acquired is hereby
2 ordered to be sold by the Union County Sheriff's Office in accordance with the process for
3 sale upon execution, and the proceeds of sale shall be applied:

- 4 1) First, to the costs of sale not incurred by Plaintiff;
- 5 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
6 entry of judgment through the date of the sale and any incurred costs of sale;
- 7 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
8 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
9 such party or parties as they may establish their right thereto.

10 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
11 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
12 the date of entry of judgment through the date of the sale and any incurred costs of sale.

13 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
14 Property from and after the date of the sale and is entitled to such remedies as are available at
15 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
16 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
17 possession to the purchaser immediately upon the purchaser's demand for possession.

18 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
19 entitled to any further or other judgment, including a judgment for the deficiency.

20 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
21 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
22 terminated.

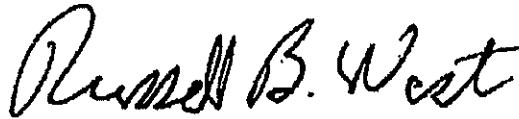
23 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
24 Deed of Trust are as follows:

- 25 1) DISCOVER BANK may claim a junior interest in Subject Property by virtue of a
26 judgment entered on 8/21/2009 as Case No. 090245568 in the Circuit Court of Union
27 County, Oregon.

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- 2) JOHN FROGNER, may claim a junior interest in Subject Property by virtue of a Small Estate Affidavit filed on 10/9/2015 as Case No. 15101038 in the Circuit Court of Union County, Oregon.
- 3) DEBRA FROGNER, may claim a junior interest in Subject Property by virtue of a Small Estate Affidavit filed on 10/9/2015 in Case No. 15101038 in the Circuit Court of Union County, Oregon.
- 4) TIM COLLINS, may claim a junior interest in Subject Property by virtue of a Small Estate Affidavit filed on 10/9/2015 as Case No. 15101038 in the Circuit Court of Union County, Oregon.
- 5) STATE OF OREGON may claim a junior interest in Subject Property by virtue of a Request for Notice of Transfer or Encumbrance recorded on 4/1/2016 as Document No. 20161050 in the official records of Union County, Oregon.

Signed 8/11/2017 08:58 AM



Circuit Court Judge Russell B. West

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

- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- 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.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - No objection has been served on me.
 - 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.
 - After conferring about objections, _____ agreed to independently file any remaining objection.

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- 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: _____

McCarthy & Holthus, LLP

s/ Robert B. Hakari 8/10/17
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Of Attorneys for Plaintiff

All of Lots 13, 14, 15, 16, 17, and 18, in Block 11 of HINDMAN'S ADDITION to the City of Elgin,
Union County, Oregon, according to the recorded plat thereof.