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

MTGLQ INVESTORS, LP,

Plaintiff,

vs.

KATHY L. OSBORN; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; RAY KLEIN INC.;
OCCUPANTS OF THE PROPERTY;

Defendants

Case No.: 16CV18986

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on July 25, 2017 and amended on August 16, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MTGLQ INVESTORS, LP
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$224,364.61, plus post judgment interest at the statutory rate of 9.0% per annum from 7/25/2017 to 9/26/17 in the amount of \$3,485.34, and continuing with a per diem of \$55.32, currently totaling \$227,849.95.

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 August 6, 2007, the date of the Deed of Trust, and also the interest that the Defendant had

1 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 0356673 and
2 commonly known as: 60 Terra Linda Ave., Eugene, OR 97404.

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.

8 **DATED:** 2nd day of October, 2017.

9 _____
10 Title



13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 9/26/2017

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 1, BLOCK 2, TERRA LINDA, AS PLATTED AND RECORDED IN BOOK 51, PAGE 22, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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

MTGLQ INVESTORS, LP,
Plaintiff,
vs.
KATHY L. OSBORN; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; RAY KLEIN INC.;
OCCUPANTS OF THE PROPERTY;
Defendants.

Case No.: 16CV18986
CORRECTED GENERAL JUDGMENT OF
FORECLOSURE AS TO ALL
DEFENDANTS

1.

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

- a. Defendants OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION (service upon its registered agent at 1:31pm on 6/20/2016), RAY KLEIN INC. (service upon its authorized agent at 2:06pm on 6/20/2016), and OCCUPANTS OF THE PROPERTY (served by publication per order allowing alternative service on 8/15/2016) ("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;
- b. An Order granting Summary Judgment has been entered with regard to Defendant KATHY OSBORN, now therefore,

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 1. The real property to which this judgment relates is located and situated in Lane County,

1 Oregon, and is commonly known as 60 Terra Linda Ave., Eugene, OR 97404 (the "Subject
2 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
3 0356673.

4 2. Plaintiff is entitled to enforce the note dated August 6, 2007 and made, delivered, and
5 executed by Kathy Osborn to Countrywide Bank, FSB in the amount of \$199,200.00 (the
6 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
7 set forth on the Note.

8 3. A deed of trust was made, executed, and delivered by Defendant Kathy L. Osborn on or
9 about August 6, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on August 13,
10 2007 as Instrument No. 2007-056645 in the official records of Lane County, Oregon. The
11 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
12 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
13 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

14 4. The Borrower failed to make the payment that was due for April 1, 2013 and has not cured
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
16 comprised of the following amounts (the "Amount Due"):

- 17 a) Unpaid principal balance: \$134,336.75
- 18 b) Deferred principal balance: \$57,717.01
- 19 c) Prejudgment interest accruing from \$17,919.29
20 3/1/2013 through 7/25/2017 at the
current Note rate of 4.75%:
- 21 d) Additional amounts due under the terms \$10,042.29
22 of the loan:
- 23 e) Attorney fees and costs: \$4,264.35
- 24 f) Prevailing party fee (ORS 20.190 \$85.00
25 (1)(a)):
- 26 **Total: \$224,364.61**

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

4 5. The interest of the Defendants and any successor in interest in the Subject Property is
5 foreclosed and terminated excepting only any statutory right of redemption as provided by
6 Oregon law.

7 6. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 7. All right, title and interest in the Subject Property that Defendant Kathy L. Osborn had as of
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane
10 County Sheriff's Office in accordance with the process for sale upon execution, and the
11 proceeds of sale shall be applied:

12 a. First, to the costs of sale not incurred by Plaintiff;

13 b. Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 c. Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 8. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

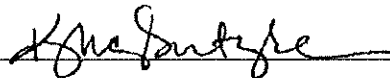
1 11. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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

6 a. Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION
7 may claim a junior interest in Subject Property by virtue of a deed of trust recorded
8 on July 10, 2012 as Instrument No. 2012-034615 in the official records of Lane
9 County, Oregon.

10 b. Defendant RAY KLEIN INC. may claim a junior interest in Subject Property by
11 virtue of a judgment entered on July 11, 2014 as Case No. 701401463 in the official
12 records of Lane County, Oregon

13
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16 Signed 8/15/2017 04:05 PM

17 

18 Karrie K. McIntyre, Circuit Court Judge

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

20 On 7/26/17 a copy of the Proposed Corrected Judgment of Foreclosure was served on:

21 Thomas Butcher
22 Butcher Law Office LLC
23 116 Highway 99 N #102
24 Eugene, OR, OR 97402
25 Attorney for Kathy Osborn

not less than 3 days prior to submission to the court.

26 This proposed Corrected Judgment of Foreclosure is ready for judicial signature because:

27 Each opposing party affected by this order or judgment has stipulated to the order or
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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.

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 8/2/17

Robert Hakari OSB No. 114082
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
rhakari@mccarthyholthus.com
Of Attorneys for Plaintiff

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

MTGLQ INVESTORS, LP,

Plaintiff,

vs.

KATHY L. OSBORN; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; RAY KLEIN INC.;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV18986

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION (service upon its registered agent at 1:31pm on 6/20/2016), RAY KLEIN INC. (service upon its authorized agent at 2:06pm on 6/20/2016), and OCCUPANTS OF THE PROPERTY (served by publication per order allowing alternative service on 8/15/2016) ("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;
- b. An Order granting Summary Judgment has been entered with regard to Defendant KATHY L. OSBORN, now therefore,

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 1 a. The real property to which this judgment relates is located and situated in Lane County,
 2 Oregon, and is commonly known as 60 Terra Linda Ave., Eugene, OR 97404 (the "Subject
 3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
 4 0356673.
- 5 b. Plaintiff is entitled to enforce the note dated August 6, 2007 and made, delivered, and
 6 executed by Kathy L. Osborn (the "Borrower") to Countrywide Bank, FSB in the amount of
 7 \$199,200.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
 8 and by indorsement set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Borrower on or about August 7, 2007
 10 (the "Deed of Trust"). The Deed of Trust was recorded on August 13, 2007 as Instrument
 11 No. 2007-056645 in the official records of Lane County, Oregon. The Deed of Trust is a
 12 valid and perfected lien against all of the Property for and securing the Amount Due. The
 13 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
 14 remain in effect until issuance of a Sheriff's Deed.
- 15 d. The Borrower failed to make the payment that was due for April 1, 2013 and has not cured
 16 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
 17 comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$ 134,336.75
19	b) Prejudgment interest accruing from	\$ 60,496.68
20	3/1/2013 through 6/23/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	4.75%:	
22	c) Additional amounts due under the	\$ 24,954.58
23	terms of the loan:	
24	d) Attorney fees and costs:	\$ 3,381.85
25	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(1)(a)):	
26	TOTAL:	\$ 224,137.36

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

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

7 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant Kathy L. Osborn had as of
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane
10 County Sheriff's Office in accordance with the process for sale upon execution, and the
11 proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

6 1) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION
7 may claim a junior interest in Subject Property by virtue of a deed of trust recorded
8 on July 10, 2012 as Instrument No. 2012-034615 in the official records of Lane
9 County, Oregon.

10 2) Defendant RAY KLEIN INC. may claim a junior interest in Subject Property by
11 virtue of a judgment entered on July 11, 2014 as Case No. 701401463 in the official
12 records of Lane County, Oregon.

Signed: 7/24/2017 03:22 PM



Charles D. Carlson, Circuit Court Judge

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

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20 On 7/13/2017, a copy of the **Proposed Judgment of Foreclosure** was served on:

21 Thomas Butcher
22 Butcher Law Office LLC
23 116 Highway 99 N #102
24 Eugene, OR, OR 97402
25 Attorney for Kathy Osborn

26 not less than 3 days prior to submission to the court.

27 This proposed Judgment of Foreclosure is ready for judicial signature because:

28 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.

1 Each opposing party affected by this order or judgment has approved the order or
2 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:

4 No objection has been served on me.

5 I received objections that I could not resolve with the opposing party despite
6 reasonable efforts to do so. I have filed a copy of the objections I received and
7 indicated which objections remain unresolved.

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

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

11 An order of default is being requested with this proposed judgment.

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

14 This is a proposed judgment that includes an award of punitive damages and notice
15 has been served on the Director of the Crime Victims' Assistance Section as required
16 by subsection (4) of this rule.

17 Other: _____

18 **McCarthy & Holthus, LLP**

19 s/ Robert B. Hakari 7/20/17

20 _ John Thomas OSB No. 024691

21 x Robert Hakari OSB No. 114082

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 rhakari@mccarthyholthus.com

27 Of Attorneys for Plaintiff

EXHIBIT "1"

Legal Description

LOT 1, BLOCK 2, TERRA LINDA, AS PLATTED AND RECORDED IN BOOK 51, PAGE 22, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.