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

NATIONSTAR MORTGAGE LLC ,

Plaintiff,

vs.

BARBARA K. PARMENTER; GERALD THOMAS; UNITED STATES OF AMERICA; STATE OF OREGON; BOBBI LLC; OCCUPANTS OF THE PROPERTY LOCATED AT 1920 SMITHOAK STREET, EUGENE, OR 97404; OCCUPANTS OF THE PROPERTY LOCATED AT 1922 SMITHOAK STREET, EUGENE, OR 97404,

Defendants.

Case No.: 15CV21825

WRIT OF EXECUTION IN FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 25, 2016.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NATIONSTAR MORTGAGE LLC
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 \$169,993.81, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 11/25/2016 to 8/28/2017 in the amount of \$11,568.89, and continuing
3 with a per diem of \$41.92, currently totaling \$181,562.70.

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 January 29, 2003, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # 0397263, and
9 commonly known as (street address): 1920 Smithoak Street, Eugene, OR 9740 and 1922
10 Smithoak Street, Eugene, OR 97404.

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.

16
17
18 AUG 30 2017

19 Angie Jones
20 court clerk



1 Dated: August 23, 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 _ Jeremy Clifford OSB No. 142987
10 _ Michael Scott OSB No. 973947
11 _ Bryan Kidder, OSB# 140459

12 920 SW 3rd Ave, 1st Floor
13 Portland, OR 97204
14 Phone: (971) 201-3200
15 Fax: (971) 201-3202
16 bgodbout@mccarthyholthus.com
17 Of Attorneys for Plaintiff
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EXHIBIT 1

Lot 7 in Block 1, SMITH'S OAK HILL ADDITION, as platted and recorded in Book 36, Page 10, 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

NATIONSTAR MORTGAGE LLC ,
Plaintiff,

vs.

BARBARA K. PARMENTER; GERALD THOMAS; UNITED STATES OF AMERICA; STATE OF OREGON; BOBBI LLC; OCCUPANTS OF THE PROPERTY LOCATED AT 1920 SMITHOAK STREET, EUGENE, OR 97404; OCCUPANTS OF THE PROPERTY LOCATED AT 1922 SMITHOAK STREET, EUGENE, OR 97404

Defendants.

Case No.: 15CV21825

[PROPOSED] GENERAL JUDGMENT OF FORECLOSURE

1.

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

- a. All Defendants ("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 Barbara K. Parmenter, 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 Lane County, Oregon, and is commonly known as 1920-1922 Smithoak Street, Eugene, OR 97404 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 0397263.

3 b. Plaintiff is the owner and holder of the beneficial interest in a deed of trust and original note
4 dated 1/29/2003 and made, delivered, and executed by Barbara K. Parmenter to Sierra Pacific
5 Mortgage Company, INC., A California Corporation in the amount of \$125,750.00 (the
6 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
7 set forth on the Note.

8 c. A deed of trust was made, executed, and delivered by Defendant(s) Barbara K. Parmenter on
9 or about 1/29/2003 (the "Deed of Trust"). The Deed of Trust was recorded on 2/3/2003 as
10 Instrument No. 2003-009853 in the official records of Lane County, Oregon. The Deed of
11 Trust is a valid and perfected lien against all of the Property for and securing the Amount
12 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
13 shall remain in effect until issuance of a Sheriff's Deed.

14 d. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of
15 the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$111,866.26
17	b) Prejudgment interest accruing from	\$42,340.96
18	6/01/2011 through 9/23/2016 and	
19	continuing until the entry of	
20	judgment at the current Note rate of	
21	7.125%:	
21	c) Additional amounts due under the	\$11,310.98
22	terms of the loan:	
22	d) Attorney fees and costs:	\$4,175.61
23	e) Prevailing party fee (ORS 20.190	\$300.00
24	(2)(a)):	
25	Total:	\$169,993.81

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. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
8 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
9 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

11 h. All right, title and interest in the Subject Property that Defendant Barbara K. Parmenter had
12 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
13 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
14 proceeds of sale shall be applied:

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

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

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

21 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

24 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
25 Property from and after the date of the sale and is entitled to such remedies as are available at
26 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
27

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

5 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
7 terminated.

8 m. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
9 Trust are as follows:

10 n. Defendant BOBBI LLC may claim a junior interest in Subject Property by virtue of a
11 warranty deed recorded on 01/13/2004 as Instrument No. 2004-002317 in the official records
12 of Lane County, Oregon

13 o. Defendant UNITED STATES OF AMERICA may claim an interest in the Subject Property
14 by virtue of a federal tax lien, notice of which was filed as follows:

15 Notice of federal tax lien in the amount of \$21,153.22, recorded on 1/8/2009, in the
16 official records of Lane County, Oregon as Instrument Number 2009-000952 wherein
17 Barbara K. Parmenter is named as taxpayer. The notice was filed by the Internal
18 Revenue Service and bears serial number 503738308.

19 p. Defendant GERALD THOMAS may claim a junior interest in Subject Property by virtue of
20 two judgments entered on 09/30/2010 in Case No. 120926379 of the Lane County Circuit
21 Court.

22 q. Defendant STATE OF OREGON may claim a junior interest in Subject Property by virtue of
23 a lien recorded on 11/16/2010 as Instrument No. 2010-058350 in the official records of Lane
24 County, Oregon

25 ///

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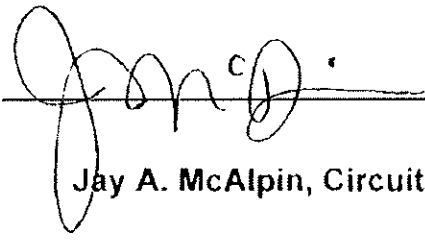
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r. Defendant BOBBI LLC may claim a junior interest in Subject Property by virtue of a bargain and sale deed recorded on 5/28/2015 as Instrument No. 2015-023612 in the official records of Lane County, Oregon

Signed 11/23/2016 02:26 PM



Jay A. McAlpin, Circuit Court Judge

Presented by:
McCarthy & Holthus, LLP
s/Carrie A. Majors-Staab
[] Casey C. Pence, OSB No. 975271
[X] Carrie A. Majors-Staab, OSB No.980785
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Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
cmajors-staab@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Lot 7 in Block 1, SMITH'S OAK HILL ADDITION, as platted and recorded in Book 36, Page 10, Lane County Oregon Plat Records, in Lane County, Oregon.

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AMERICA; STATE OF OREGON; BOBBI
LLC; OCCUPANTS OF THE PROPERTY
LOCATED AT 1920 SMITHOAK STREET,
EUGENE, OR 97404; OCCUPANTS OF
THE PROPERTY LOCATED AT 1922
SMITHOAK STREET, EUGENE, OR 97404,

Defendants.

Case No.: 15CV21825

CERTIFICATE OF READINESS

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

On September 29, 2016, a copy of the proposed General Judgment of Foreclosure was:

 Served on _____ not less than 3 days prior to submission to the court.

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

Barbara K. Parmenter
5409 Ivey St
Springfield, OR 97478

This proposed Default Judgment 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:

