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

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON,

Plaintiff,

vs.

CURTIS D. TATOM; KATHERINE J. TATOM; FIDELITY NATIONAL TITLE COMPANY; MAN-DATA INC DBA PACIFIC COAST CREDIT; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 15CV23158

WRIT OF EXECUTION IN FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on July 10, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON  
c/o Jeremy Clifford  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$248,937.32, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from July 10, 2017 to September 15, 2017 in the amount of \$4,112.58, and  
3 continuing with a per diem of \$61.38, currently totaling \$253,049.90.

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 August 23, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 1634383 and  
9 commonly known as: 979 Killingsworth Avenue, Creswell, OR 97426.

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

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16 SEP 18 2017

17 Angie Jones  
18 court clerk



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Dated September 15, 2017 and submitted by:

**McCarthy & Holthus, LLP**

s/ Michael Scott

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Michael Scott OSB No. 973947

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

msscott@mccarthyholthus.com

Of Attorneys for Plaintiff

# EXHIBIT 1

Lot 2, GEMMEL'S GARDEN SUBDIVISION, in the City of Creswell, as platted and recorded in File 75, Slides 761 and 762, 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

OREGON HOUSING AND  
COMMUNITY SERVICES  
DEPARTMENT, STATE OF OREGON,

Plaintiff,

vs.

CURTIS D. TATOM, KATHERINE J.  
TATOM; FIDELITY NATIONAL TITLE  
COMPANY; MAN-DATA INC DBA  
PACIFIC COAST CREDIT; OREGON  
AFFORDABLE HOUSING ASSISTANCE  
CORPORATION; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 15CV23158

GENERAL JUDGMENT OF  
FORECLOSURE

I.

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

- a. Defendants CURTIS D. TATOM, FIDELITY NATIONAL TITLE COMPANY, MAN-DATA INC DBA PACIFIC COAST CREDIT, 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;
- b. An Order granting Summary Judgment as to Plaintiff's claim and Defendant's Counterclaims has been entered with regard to Defendant KATHERINE J. TATOM, now therefore.

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 979 Killingsworth Avenue , Creswell, OR 97426 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1634383.
- b. Plaintiff is entitled to enforce the note dated August 23, 2006 and made, delivered, and executed by KATHERINE J. TATOM and CURTIS D. TATOM to GMAC MORTGAGE CORPORATION in the amount of \$180,664.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendants KATHERINE J. TATOM and CURTIS D. TATOM on or about August 24, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on August 28, 2006 as Instrument No. 2006-062255 in the official records of Lane County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for December 1, 2011 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$166,281.90
- b) Prejudgment interest accruing from 11/1/2011 through 6/28/2017 and continuing until the entry of judgment at the current Note rate of 5.4%: \$50,832.47
- c) Additional amounts due under the terms of the loan: \$18,379.52
- d) Attorney fees and costs: \$13,358.3

1 e) Prevailing party fee (ORS 20.190 (1)(a)): \$85.00

2 **Total: \$248,937.32**

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

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

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

10 g. All right, title and interest in the Subject Property that Defendants KATHERINE J. TATOM  
11 and CURTIS D. TATOM had as of the date of the Deed of Trust or thereafter acquired is  
12 hereby ordered to be sold by the Lane County Sheriff's Office in accordance with the process  
13 for sale upon execution, and the proceeds of sale shall be applied:

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

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

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

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

23 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
24 Property from and after the date of the sale and is entitled to such remedies as are available at  
25 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
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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 j. 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 k. 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 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
9 Deed of Trust are as follows:

10 1) Defendant FIDELITY NATIONAL TITLE COMPANY may claim a junior interest  
11 in Subject Property by virtue of a deed of trust recorded 06/04/2007 as Instrument  
12 No.2007-037547 in the official records of Lane County, Oregon.

13 2) Defendant MAN-DATA INC dba Pacific Coast Credit may claim an interest in  
14 Subject Property by virtue of a judgment entered on 04/27/2009 in the Circuit Court  
15 of Lane County, Case No.700827844.

16 3) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION  
17 may claim a junior interest in Subject Property by virtue of a deed of trust recorded  
18 06/07/2011 as Instrument No.2011-051447 in the official records of Lane County,  
19 Oregon.

Signed 7/7/2017 03:12 PM



**Karsten H. Rasmussen, Circuit Court Judge**

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



1 On 6/29/2017, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney  
2 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure  
was:

3 [x] Served on:

4 Lane County Legal Aid and Advocacy Center  
5 Stephen C. Kanaga  
6 376 E. 11th Ave  
Eugene, OR 97401  
Attorney for Katherine Tatom

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

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

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

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

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

14 [ ] No objection has been served on me.

15 [ ] 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.

16 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
17 any remaining objection.

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

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

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

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

4           [ ] Other: \_\_\_\_\_

5 Dated: July 5, 2017 and submitted by:

6           **McCarthy & Holthus, LLP**

7           s/ Jeremy Clifford

8           Jeremy Clifford OSB No. 142987

9           920 SW 3rd Ave, 1st Floor

10          Portland, OR 97204

11          Phone: (971) 201-3200

12          Fax: (971) 201-3202

13          jclifford@mccarthyholthus.com

14          Of Attorneys for Plaintiff

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