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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"), A  
CORPORATION ORGANIZED AND  
EXISTING UNDER THE LAWS OF THE  
UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELISSA A. BLAIR; CARL L. BLAIR AKA  
CARL L. BLAIR, JR. AKA CARL BLAIR;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC;  
COUNTRYWIDE BANK, FSB ; THE BANK  
OF NEW YORK MELLON FKA THE BANK  
OF NEW YORK, AS TRUSTEE FOR THE  
BENEFIT OF THE CERTIFICATEHOLDERS  
OF THE CWHEQ INC., CWHEQ  
REVOLVING HOMEQUITY LOAN  
TRUST, SERIES 2007-C; CITIBANK  
SOUTH DAKOTA N.A.; PORTFOLIO  
RECOVERY ASSOCIATES, LLC; CACH,  
LLC; MIDLAND FUNDING, LLC; STATE  
OF OREGON; HOWARD'S COMMUNITY  
HOMEOWNERS ASSOCIATION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15090172

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE CLACKAMAS COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 7/26/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA

c/o Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$324,048.93, plus post judgment interest at the statutory rate of 9.0% per annum from 7/26/2017 to 8/30/2017 in the amount of \$2,796.59, and continuing with a per diem of \$79.90, currently totaling \$326,845.52.

**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 4/2/2007, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows:

*See attached Exhibit 1*

and commonly known as: 14600 SE Marci Way, Clackamas, OR 97015-8452.

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

**DATED:** 13 day of September, 2017.

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

*Clerk*

Title

By: *Wendy Peterson*



1 Dated: August 30, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

4 Michael Scott OSB No. 973947

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 mscott@mccarthyholthus.com

10 Of Attorneys for Plaintiff

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# Exhibit 1

LOT 47, HOWARD'S ESTATE, CLACKAMAS COUNTY, OREGON.

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELISSA A. BLAIR; CARL L. BLAIR AKA CARL L. BLAIR, JR. AKA CARL BLAIR; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC; COUNTRYWIDE BANK, FSB; THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOMEEQUITY LOAN TRUST, SERIES 2007-C; CITIBANK SOUTH DAKOTA N.A.; PORTFOLIO RECOVERY ASSOCIATES, LLC; CACH, LLC; MIDLAND FUNDING, LLC; STATE OF OREGON; HOWARD'S COMMUNITY HOMEOWNERS ASSOCIATION; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15090172

GENERAL JUDGMENT OF FORECLOSURE

1.

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

- a. Defendants MELISSA A. BLAIR, CARL L. BLAIR AKA CARL L. BLAIR, JR. AKA CARL BLAIR, CITIBANK SOUTH DAKOTA N.A., PORTFOLIO RECOVERY ASSOCIATES, LLC, CACH, LLC, MIDLAND FUNDING, LLC, STATE OF OREGON, HOWARD'S COMMUNITY HOMEOWNERS

1 ASSOCIATION, and OCCUPANTS OF THE PROPERTY (“Defaulted Defendants”)  
2 were duly served with process and failed to appear; the default has been entered  
3 against Defaulted Defendants, and it appearing that Defaulted Defendants are not  
4 incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or  
5 in the military service of the United States;

6 b. A Stipulated Limited Judgment has been entered with regard to Defendants  
7 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC,  
8 COUNTRYWIDE BANK, FSB, THE BANK OF NEW YORK MELLON FKA THE  
9 BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE  
10 CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING  
11 HOMEEQUITY LOAN TRUST, SERIES 2007-C (“Stipulating Defendants”);

12 2.

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

- 14 a. The real property to which this judgment relates is located and situated in Clackamas County,  
15 Oregon, and is commonly known as 14600 SE Marci Way, Clackamas, OR 97015-8452 (the  
16 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having  
17 APN/Parcel No. 05008667.
- 18 b. Plaintiff is the owner and holder of the beneficial interest in a deed of trust and original note  
19 dated 4/2/2007 and made, delivered, and executed by Carl L. Blair to America’s Wholesale  
20 Lender in the amount of \$293,600.00 (the “Note”). The Note was transferred to Plaintiff by  
21 delivery of possession and by indorsement set forth on the Note.
- 22 c. A deed of trust was made, executed, and delivered by Defendants Melissa A. Blair, Carl L.  
23 Blair on or about 4/2/2007 (the “Deed of Trust”). The Deed of Trust was recorded on  
24 4/9/2007 as Instrument No. 2007-030067 in the official records of Clackamas County,  
25 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
26 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
27 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

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

- 3 a) Unpaid principal balance: \$ 276,567.27  
4 b) Prejudgment interest accruing from \$ 25,488.73  
5 12/1/2013 through 5/9/2017 and  
6 continuing until the entry of  
7 judgment at the current Note rate of  
8 6.250%:  
9 c) Additional amounts due under the \$ 15,540.48  
10 terms of the loan:  
11 d) Attorney fees and costs: \$ 6,367.45  
12 e) Prevailing party fee (ORS 20.190 \$ 85.00  
13 (2)(a)):

14 **TOTAL \$ 324,048.93**

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

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

21 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
22 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
23 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

25 h. All right, title and interest in the Subject Property that Defendants Melissa A. Blair, Carl L.  
26 Blair had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be  
27 sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon  
28 execution, and the proceeds of sale shall be applied:

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



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

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

6 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
7           18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
8           the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

21           1) Defendant MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC;  
22           COUNTRYWIDE BANK, FSB; and THE BANK OF NEW YORK MELLON FKA  
23           THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE  
24           CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING  
25           HOMEEQUITY LOAN TRUST, SERIES 2007-C may claim a junior interest in  
26           Subject Property by virtue of a deed of trust recorded April 9, 2007 as Instrument  
27           No. 2007-030068 in the official records of Clackamas County, Oregon.

- 1           2) Defendant CITIBANK SOUTH DAKOTA N.A. may claim a junior interest in  
2           Subject Property by virtue of a judgment lien entered October 6, 2010 as Case  
3           No. CV10080859 in the official records of Clackamas County, Oregon.
- 4           3) Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC may claim a junior  
5           interest in Subject Property by virtue of a judgment lien entered on November 5, 2013  
6           as Case No. LV13070770 in the official records of Clackamas County, Oregon.
- 7           4) Defendant CACH, LLC may claim a junior interest in Subject Property by virtue of a  
8           judgment lien entered on May 27, 2015 as Case No. CV14020625 in the official  
9           records of Clackamas County, Oregon.
- 10          5) Defendant MIDLAND FUNDING, LLC may claim a junior interest in Subject  
11          Property by virtue of a judgment lien entered on June 9, 2014 as Case  
12          No. LV14040117 in the official records of Clackamas County, Oregon.
- 13          6) Defendant STATE OF OREGON may also claim a junior interest in Subject Property  
14          by virtue of a judgment lien entered on October 31, 2014 as Case No. CR1412438 in  
15          the official records of Clackamas County, Oregon.
- 16          7) Defendant HOWARD'S COMMUNITY HOMEOWNERS ASSOCIATION may  
17          claim a junior interest in Subject Property by virtue of a lien recorded on April 10,  
18          2015 as Instrument No. 2015-020326 in the official records of Clackamas County,  
19          Oregon.

Signed: 7/24/2017 04:44 PM

  
\_\_\_\_\_  
**Circuit Court Judge Michael C. Wetzel**

1 Presented by:

2 **McCarthy & Holthus, LLP**

3 s / Michael S. Scott 5/17/2017

4  Robert B. Hakari, OSB No. 114082

5  Michael S. Scott, OSB No. 973947

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9 Of Attorneys for Plaintiff

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
MELISSA A. BLAIR; CARL L. BLAIR AKA CARL L. BLAIR, JR. AKA CARL BLAIR; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC; COUNTRYWIDE BANK, FSB; THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOMEQUITY LOAN TRUST, SERIES 2007-C; CITIBANK SOUTH DAKOTA N.A.; PORTFOLIO RECOVERY ASSOCIATES, LLC; CACH, LLC; MIDLAND FUNDING, LLC; STATE OF OREGON; HOWARD'S COMMUNITY HOMEOWNERS ASSOCIATION; OCCUPANTS OF THE PROPERTY,  
  
Defendants.

Case No.: CV15090172  
  
CERTIFICATE OF READINESS

I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
  
This proposed **General 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.

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

2                     No objection has been served on me.

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

6                     After conferring about objections, \_\_\_\_\_ agreed to independently file  
7                    any remaining objection.

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

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

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

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

15            Other: \_\_\_\_\_

16 DATED: May 17, 2017

17 **McCarthy & Holthus, LLP**

18 By: s / Michael S. Scott

19 Michael S. Scott, OSB# 973947

20 Attorney for Plaintiff

# Exhibit 1

LOT 47, HOWARD'S ESTATE, CLACKAMAS COUNTY, OREGON.