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CLACKAMAS COUNTY SHERIFF

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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.

THE UNKNOWN HEIRS AND DEVISEES  
OF JAMES F. BREWSTER; GERALD P.  
BREWSTER AKA GERALD PATRICK  
BREWSTER; CHRISTINE KAY JONES;  
SHEILA CARLILE; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV23979

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE CLACKAMAS COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 7/25/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment

Creditor:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A  
CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE  
UNITED STATES OF AMERICA  
c/o Jeremy Clifford  
Attorney for Plaintiff

1           McCarthy & Holthus, LLP  
2           920 SW 3rd Ave, 1st Floor  
              Portland, OR 97204

3           With the adjudicated amount due of \$113,551.89, plus post judgment interest at the statutory rate  
4           of 9.0% per annum from 7/25/2017 to 8/25/2017 in the amount of \$867.97, and continuing with  
5           a per diem of \$28.00, currently totaling \$114,419.86.

6           **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
7           hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
8           execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
9           about 2/2/2011, the date of the Deed of Trust, and also the interest that the Defendant had  
10          thereafter, in the real property described as follows:

11           *See attached Exhibit 1*

12          and commonly known as: 22556 SE Dowty Rd, Eagle Creek, OR 97022.

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

18          **DATED:** 7 day of September, 2017.

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

23           Clerk  
24           Title

25           By: Wendy Paterson



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

Dated: 8/23/17 and submitted by:

**McCarthy & Holthus, LLP**



- 
- John Thomas OSB No. 024691
  - Robert Hakari OSB No. 114082
  - Andreanna Smith OSB No. 131336
  - Brady Godbout OSB No. 132708
  - Brian Kidder OSB No. 140459
  - Jeremy Clifford OSB No. 142987
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 jclifford@mccarthyholthus.com  
 Of Attorneys for Plaintiff

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# EXHIBIT "1"

Real property in the County of Clackamas, State of Oregon, described as follows:

Beginning at a point North 17° West 588 feet from an angle stone in the County Road at the Northeast corner of the J.E. Burnett's land in the Philip Foster Donation Land Claim in Section 31, Township 2 South, Range 4 East, of the Willamette Meridian, in Clackamas County, Oregon, as described in Deed recorded in Book 36, Page 347, Deed Records; thence North 61° East 284 feet to right of way of O.W.P. & Ry. Co.; thence along course of right of way, North 43°30' West 630 feet to the center of County Road; thence along said road South 17° East 619.5 feet to the place of beginning; being that part of the John P. Glover Donation Land Claim lying on the West side of the O.W.P. & Ry Co. right of way and between said right of way and the County Road known as Foster and Milwaukie County Road.

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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.

THE UNKNOWN HEIRS AND DEVISEES  
OF JAMES F. BREWSTER; GERALD P.  
BREWSTER AKA GERALD PATRICK  
BREWSTER; CHRISTINE KAY JONES;  
SHEILA CARLILE; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV23979

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

- a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF JAMES F. BREWSTER, GERALD P. BREWSTER AKA GERALD PATRICK BREWSTER, CHRISTINE KAY JONES, SHEILA CARLILE, 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. A Stipulated Limited Judgment has been entered with regard to Defendant STATE OF OREGON ("Stipulating Defendants")(Collectively the Defaulted and Stipulating Defendants are known as "Defendants");

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 Clackamas County, Oregon, and is commonly known as 22556 SE Dowty Rd, Eagle Creek, OR 97022 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00682693.
- b. Plaintiff is entitled to enforce the note dated 2/2/2011 and made, delivered, and executed by James F. Brewster to Quicken Loans Inc. in the amount of \$88,000.00 (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 James F. Brewster, Gerald P. Brewster on or about 2/2/2011 (the "Deed of Trust"). The Deed of Trust was recorded on 2/22/2011 as Instrument No. 2011-011920 in the official records of Clackamas 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 1/1/2014 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: \$ 84,139.77
- b) Prejudgment interest accruing from 12/1/2013 through 5/4/2017 and continuing until the entry of judgment at the current Note rate of 5.375%: \$ 15,491.31
- c) Additional amounts due under the terms of the loan: \$ 8,849.97
- d) Attorney fees and costs: \$ 4,985.84

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

3 **Total: \$ 113,551.89**

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

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

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

12 g. All right, title and interest in the Subject Property that Defendants James F. Brewster and  
13 Gerald P. Brewster had as of the date of the Deed of Trust or thereafter acquired is hereby  
14 ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process  
15 for sale upon execution, and the proceeds of sale shall be applied:

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

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

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

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

25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
26 Property from and after the date of the sale and is entitled to such remedies as are available at  
27 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 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
9 Trust are as follows:

10  
11 1) Defendants CHRISTINE KAY JONES and STATE OF OREGON may claim an  
12 interest in the Subject Property by virtue of a judgment entered on 10/08/2007, in the  
13 Circuit Court of Clackamas County, Case No. DR05030131 in the amount of \$486.00  
14 per month in child support.

15 2) Defendants SHEILA CARLILE and STATE OF OREGON may claim an interest in  
16 the Subject Property by virtue of a judgment entered on 10/08/2014, in the Circuit  
17 Court of Clackamas County, Case No. DR14050546 in the amount of \$228.00 per  
18 month in child support, and \$3,192.00 in judgment support arrears.

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1 3) Defendant STATE OF OREGON may claim an interest in the Subject Property by  
2 virtue of a judgment entered on 8/17/2015 under Case No. CR1512220 in the amount  
3 of \$490.00.  
4

Signed: 7/24/2017 04:17 PM

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10 **Circuit Court Judge Michael C. Wetzel**

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

12 On 5/4/2017, a copy of the proposed **General Judgment of Foreclosure** was:

13  Mailed to:

14 State of Oregon  
15 1162 Court St NE  
16 Salem, OR 97301

17 By placing a copy of the executed documents in the firm's outgoing mailbox.

18 This proposed **General Judgment of Foreclosure** is ready for judicial signature because:

19  Each opposing party affected by this order or judgment has stipulated to the order or  
20 judgment, as shown by each opposing party's signature on the document being  
21 submitted.

22  Each opposing party affected by this order or judgment has approved the order or  
23 judgment, as shown by signature on the document being submitted or by written  
24 confirmation of approval sent to me.

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

26  No objection has been served on me.

27  I received objections that I could not resolve with the opposing party despite  
28 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.

- 1            An order of default is being requested with this proposed judgment.
- 2            Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 3                           otherwise.
- 4            This is a proposed judgment that includes an award of punitive damages and notice
- 5                           has been served on the Director of the Crime Victims' Assistance Section as required
- 6                           by subsection (4) of this rule.
- 7            Other: \_\_\_\_\_

8 Dated: May 4, 2017

9 Presented by:  
10 **McCarthy & Holthus, LLP**

11 s/ Jeremy Clifford  
12 Jeremy Clifford, OSB No. 142987  
13 920 SW 3rd Ave, 1st Floor  
14 Portland, OR 97204  
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18 Of Attorneys for Plaintiff  
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