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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

MICHELE COE A.K.A. MICHELLE COE;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. ;  
NORTHWEST MORTGAGE GROUP, INC. ;  
WELLS FARGO BANK, NATIONAL  
ASSOCIATION; BANK OF AMERICA,  
N.A.; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: CV15040081

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 Judgment Creditor:

NATIONSTAR MORTGAGE LLC  
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 \$189,663.56, plus post judgment interest at the statutory rate of 9.0% per annum from 7/26/2017 to 9/14/2017 in the amount of \$2,338.32, and continuing with a per diem of \$46.77, currently totaling \$192,001.88.

**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

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
2 about 7/10/2003, the date of the Deed of Trust, and also the interest that the Defendant had  
3 thereafter, in the real property described as shown in *Exhibit 1*; having APN No. 01750536; ; and  
4 commonly known as: 9381 SE White Hall Court, Portland, OR 97086.

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

10 **DATED:** 27 day of September 2017.

11 Clerk

12 Title

13 By: Wendy Watson



14 Dated: 9/14/17 and submitted by:

15 **McCarthy & Holthus, LLP**

16 [Signature]  
17 \_\_\_\_\_  
18 John Thomas OSB No. 024691  
19 Robert Hakari OSB No. 114082  
20 920 SW 3rd Ave, 1st Floor  
21 Portland, OR 97204  
22 Phone: (971) 201-3200  
23 Fax: (971) 201-3202  
24 rhakari@mccarthyholthus.com  
25 Of Attorneys for Plaintiff

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.

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF **CLACKAMAS**, STATE OF **OREGON**,  
AND IS DESCRIBED AS FOLLOWS:

**LOT 51, ALTAMONT, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.**

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

MICHELE COE A.K.A. MICHELLE COE;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
NORTHWEST MORTGAGE GROUP, INC.;  
WELLS FARGO BANK, NATIONAL  
ASSOCIATION; BANK OF AMERICA,  
N.A.; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: CV15040081

STIPULATED GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion for Default Judgment and the stipulation of the parties herein. Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., NORTHWEST MORTGAGE GROUP, INC., BANK OF AMERICA, N.A. and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against all Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, a protected persons, a respondent as defined in ORS 125.005, a minor, or in the military service of the United States. A Stipulated Limited Judgment has been entered in regard to Defendant WELLS FARGO BANK, NATIONAL ASSOCIATION. Plaintiff and Defendant MICHELE COE A.K.A. MICHELLE

1 COE ("Borrower") (collectively the "Parties") have settled all matters between themselves  
2 within this action and agreed to the entry of this Stipulated General Judgment.

3 2.

4 The Parties acknowledge that a dispute has arisen concerning the subject matter of this  
5 Complaint, and as a result, the Parties desire to fully resolve the dispute under the terms and  
6 conditions of this Judgment of Foreclosure.

7 **STIPULATED FINDINGS OF FACT:**

8 3.

9 SUBJECT PROPERTY: The real property to which this judgment relates is located and  
10 situated in Clackamas County, Oregon, and is commonly known as 9381 SE White Hall Court,  
11 Portland, OR 97086, and legally described as shown in the attached *Exhibit 1*, and having  
12 APN/Parcel No. 01750536.

13 4.

14 THE NOTE: Plaintiff is entitled to enforce original note dated 7/10/2003 and made,  
15 delivered, and executed by MICHELE COE A.K.A. MICHELLE COE in the amount of  
16 \$322,700.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
17 indorsement set forth on the Note

18 5.

19 DEED OF TRUST: A deed of trust was made, executed, and delivered by Defendant  
20 MICHELE COE A.K.A. MICHELLE COE on or about 7/16/2003 (the "Deed of Trust"). The  
21 Deed of Trust was recorded on 7/22/2003 as Instrument No. 2003-093840 in the official records  
22 of Clackamas County, Oregon.

23 6.

24 LOAN: Together the Deed of Trust and Note are herein referred to as the "Loan".

25 7.

26 BORROWER'S DEFAULT AND ACCELERATION: Borrower failed to comply with  
27 the terms of the Loan, by failing to make payments as agreed. Under the provisions of the Loan,  
28

1 Plaintiff declared the entire balance of principal and interest due and payable.

2 8.

3 AMOUNTS DUE AND OWING: There is now due and owing the principal sum of  
4 \$131,840.89 together with accrued interest accruing at the rate of 4.7500% per annum thereafter,  
5 together with any other sums for expenses and fees due under the terms of the Loan or advanced  
6 for the protection of the Subject Property as provided in the Amount Due, *infra*.

7 9.

8 COSTS AND ATTORNEY FEES: The Note and Deed of Trust provide that Plaintiff is  
9 entitled to recover its reasonable attorney fees and all reasonable and necessary costs and  
10 expenses incurred in enforcing the Note and foreclosing the Deed of Trust.

11 10.

12 VALID FIRST LIEN: Plaintiff's lien is a valid first and prior lien against the Subject  
13 Property. Plaintiff is entitled to have its lien foreclosed and the Subject Property sold at a  
14 foreclosure sale by the Clackamas County Sheriff to satisfy any and all amounts due and owing  
15 upon the Deed of Trust and Note as adjudged below.

16 **OTHER TERMS**

17 11.

18 COMPLETE AGREEMENT: The terms of this Stipulated Judgment contain the entire  
19 agreement between the Parties and supersede any and all other agreements, either oral or written,  
20 between the Parties.

21 **STIPULATED GENERAL JUDGMENT:**

22 12.

23 Premised upon Plaintiff's motion for Default Judgment and the records and files herein,  
24 which reveal that an order of default was entered, and upon the above stipulations of the Plaintiff  
25 and Stipulating Defendants, the Court being fully advised and finding good cause exists so that  
26 this General Judgment may be entered in this matter, IT IS HEREBY ORDERED AND  
27 ADJUDGED that Plaintiff shall have judgment as follows:

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

3 Unpaid principal balance:	\$131,840.89
4 Prejudgment interest accruing from 5 09/01/2013 through 5/24/2017 and 6 continuing until the entry of judgment at the current Note rate of 4.75%:	\$23,331.17
7 Additional amounts due under the terms of 8 the loan:	\$26,675.20
9 Attorney fees and costs:	\$7,731.30
10 Prevailing party fee (ORS 20.190 (1)(b)):	\$85.00
11 <b>Total Judgment</b>	<b>\$189,663.56</b>

12 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from  
13 the date of entry of this judgment through the sale of the Subject Property at the rate of  
14 9.00% per annum.

15 b. Plaintiff's lien is a valid first lien upon the Subject Property and that lien is superior to  
16 any interest, lien or claim of the Defendants.

17 c. All right, title and interest in the Subject Property that the Stipulating Defendant had as of  
18 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
19 Clackamas County Sheriff's Office in accordance with the process for sale upon  
20 execution, and the proceeds of sale shall be applied:

- 21 1) First, to the costs of sale not incurred by Plaintiff;
- 22 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
23 entry of judgment through the date of the sale and any incurred costs of sale;
- 24 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
25 appear, described *infra*, or to the clerk of the court to be distributed by the Court  
26 to such party or parties as they may establish their right thereto.

- 1 d. Plaintiff's lien is foreclosed and the Property shall be sold at a foreclosure sale by the
- 2 Clackamas County Sheriff in the manner provided by law, and the proceeds thereof are to
- 3 be applied first toward the costs of sale, then toward the satisfaction of Plaintiff's
- 4 judgment awarded herein, and the surplus, if any, to such party or parties as may establish
- 5 their right thereto.
- 6 e. Stipulating Defendant is not entitled to a homestead exemption.
- 7 f. Defendants, and all persons claiming by, through, or under them, as purchasers,
- 8 encumbrancers, or otherwise, are adjudged inferior and subordinate to Plaintiff and are
- 9 forever foreclosed of all interest, lien, or claim in the real property described above and
- 10 every portion thereof, excepting only any statutory right of redemption as Defendants
- 11 may have therein.
- 12 g. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
- 13 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not
- 14 have a 28 U.S.C. § 2410(c) one-year redemption right in this case.
- 15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
- 16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing
- 17 from the date of entry of judgment through the date of the sale and any incurred costs of
- 18 sale.
- 19 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
- 20 Property from and after the date of the sale and is entitled to such remedies as are
- 21 available at law or in equity to secure possession. The purchaser at the sale may apply to
- 22 the Court for a writ of assistance if any Defendant, other party, or other person shall
- 23 refuse to surrender possession to the purchaser immediately upon the purchaser's demand
- 24 for possession.
- 25 j. In accordance with ORS 86.797(2), Plaintiff shall not be entitled to further execute upon
- 26 any amounts of the money judgment remaining unsatisfied by the proceeds of the
- 27
- 28



1 below are not be entitled to a deficiency judgment against the borrower  
2 deficient amounts

3 Pursuant to ORS 88.60 the apparent priority of liens subsequent and inferior to the  
4 Deed of Trust are as follows

5 1) Defendant WELLS FARGO NATIONAL ASSOCIATION has a junior  
6 interest in Subject Property by virtue of a deed of trust recorded as  
7 Instrument No. 03986 in the official records of Clatsop County,  
8 Oregon, being a promissory note.

9 2) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
10 and NORTHEAST MORTGAGE GROUP, INC. may claim a junior interest in  
11 Subject Property by virtue of a deed of trust recorded as Instrument  
12 No. 03986 in the official records of Clatsop County, Oregon, being  
13 a promissory note.

14 3) Defendant BNYF AMERICA, N.A. may claim a junior interest in Subject  
15 Property by virtue of a deed of trust recorded as Instrument No. 0  
16 0998 in the official records of Clatsop County, Oregon, being a  
17 promissory note.

18  
19 I. The Stipulated Judgment shall inure to the benefit of Plaintiff and Stipulating Defendant,  
20 times and/or signs

21 IT IS SO STIPULATED:

22 Signed: 7/24/2017 05:02 PM

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28  
  
Circuit Court Judge Michael C. Wetzel

1 **Stipulated to by:**

2 By: s/ Robert B. Hakari

By: \_\_\_\_\_

3  
4 Dated: 2nd day of June 2017  
5 Robert B. Hakari, OSB No. 114082  
6 920 SW 3rd Ave, 1st Floor  
7 Portland, OR 97204  
8 Phone: (971) 201-3200  
9 Fax: (971) 201-3202  
10 rhakari@mccarthyholthus.com  
11 Of Attorneys for Plaintiff

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017  
M. Bradley Blommer, OSB No. 105499  
522 SW 5th Avenue, Suite 1390  
Portland, OR 97204  
Phone: 503 972-1590  
Fax: 888 817-4658  
Email: brad@gl-lg.com  
Attorney for Stipulating Defendant Michele  
Coe A.K.A. Michelle Coe

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**Stipulated to by:**

By: \_\_\_\_\_

By:  \_\_\_\_\_

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017  
Robert B. 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

Dated: \_\_\_\_ day of \_\_\_\_\_, 2017  
M. Bradley Blommer, OSB No. 105499  
522 SW 5th Avenue, Suite 1390  
Portland, OR 97204  
Phone: 503 972-1590  
Fax: 888 817-4658  
Email: brad@gl-lg.com  
Attorney for Stipulating Defendant Michele  
Coe A.K.A. Michelle Coe

# Exhibit 1

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF **CLACKAMAS**, STATE OF **OREGON**,  
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MICHELE COE A.K.A. MICHELLE COE;  
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NORTHWEST MORTGAGE GROUP, INC.;  
WELLS FARGO BANK, NATIONAL  
ASSOCIATION; BANK OF AMERICA,  
N.A.; OCCUPANTS OF THE PROPERTY

Defendants.

Case No.: CV15040081

CERTIFICATE OF READINESS

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

This proposed Stipulated 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.

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.

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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: \_\_\_\_\_

DATED: June 2, 2017

McCarthy & Holthus, LLP

By: s/ Robert B. Hakari  
Robert Hakari, Attorney