

RECEIVED
CLACKAMAS CNTY SHERIFF

17 OCT 19 PM 2:47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CITIMORTGAGE, INC.,

Plaintiff,

vs.

CHRISTINA M. GREEN; BRIAN T.
HENRICH; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV24133

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:

CITIMORTGAGE, INC.
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 \$330,130.22, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 7/25/2017 to 9/4/2017 in the amount of \$3,337.48, and continuing with
3 a per diem of \$81.40, currently totaling \$333,467.70.

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 2/14/2007, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1*

10 and commonly known as: 14995 Glen Oak Rd, Oregon City, OR 97045.

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

17
18 **Court Administrator relies on the information
19 provided by the person seeking issuance of
20 this writ of execution and is not liable for any
21 errors or omissions in the information**

22
23
24
25
26
27
28
Title

By: Randy Watson



29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
**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.**

1 Dated: August 31, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 *Brady Godbout*

-
- 4 _ John Thomas OSB No. 024691
5 _ Robert Hakari OSB No. 114082
6 _ Andreanna Smith OSB No. 131336
7 Brady Godbout OSB No. 132708
8 _ Samuel Burton OSB No. 136522
9 _ Brian Kidder OSB No. 140459
10 _ Jeremy Clifford OSB No. 142987
11 _ Michael Scott OSB No. 973947

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

Lot 1, Block 1, GLEN OAKS CREST ADDITION, Oregon City, Clackamas County, Oregon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CITIMORTGAGE, INC.,

Plaintiff,

vs.

CHRISTINA M. GREEN; BRIAN T.
HENRICH; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV24133

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants CHRISTINA M. GREEN, BRIAN T. HENRICH, 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; 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 Clackamas County, Oregon, and is commonly known as 14995 Glen Oak Rd, Oregon City, OR 97045 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 00870917 .

3 b. Plaintiff is entitled to enforce the note dated 2/14/2007 and made, delivered, and executed by
4 Christina Green and Brian Henrichs to Decision One Mortgage Company, LLC in the
5 amount of \$250,800.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
6 possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants, Christina M. Green and
8 Brian T. Henrichs, on or about 2/14/2007 (the "Deed of Trust"). The Deed of Trust was
9 recorded on 2/21/2007 as Instrument No. 2007-014727 in the official records of Clackamas
10 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
11 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
12 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for 4/1/2013 and has not cured the
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$235,715.41
17	b) Prejudgment interest accruing from	\$67,018.55
18	3/1/2013 through 4/19/2017 and	
19	continuing until the entry of judgment	
20	at the current Note rate of 7.125%:	
21	c) Additional amounts due under the	\$23,538.64
22	terms of the loan:	
23	d) Attorney fees and costs:	\$3,772.62
24		
25	e) Prevailing party fee (ORS 20.190	\$85.00
26	(1)(b)):	
27	Total:	\$330,130.22

1
2 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
3 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
4 per annum.

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

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

9 g. All right, title and interest in the Subject Property that Defendants, Christina M. Green and
10 Brian T. Henrichs, had as of the date of the Deed of Trust or thereafter acquired is hereby
11 ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process
12 for sale upon execution, and the proceeds of sale shall be applied:

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

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

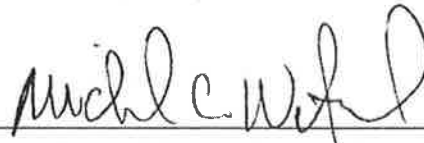
16 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
17 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
18 such party or parties as they may establish their right thereto.

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

22 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
23 Property from and after the date of the sale and is entitled to such remedies as are available at
24 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
25 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
26 possession to the purchaser immediately upon the purchaser's demand for possession.
27
28

- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
5 terminated.

Signed: 7/24/2017 03:01 PM



Circuit Court Judge Michael C. Wetzel

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:

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

Presented by:

McCarthy & Holthus LLP

s/ Bryan Kidder 4/19/2017

Bryan Kidder, OSB No. 140459

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

bkidder@mccarthyholthus.com

Of Attorneys for Plaintiff

Lot 1, Block 1, GLEN OAKS CREST ADDITION, Oregon City, Clackamas County, Oregon.