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

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

12 Plaintiff,

13 vs.

14 GARY H. JANSIK; LINDA JANSIK AKA
15 LINDA L. JANSIK; SONAS
16 INVESTMENTS; CLACKAMAS COUNTY;
OCCUPANTS OF THE PROPERTY,

17 Defendants.

Case No.: CV15110037

WRIT OF EXECUTION IN
FORECLOSURE

18
19 **TO THE CLACKAMAS COUNTY SHERIFF:**

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

22 FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
23 CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA
24 c/o Andreanna Smith
Attorney for Plaintiff
25 McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
26 Portland, OR 97204

1 With the adjudicated amount due of \$231,585.90, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 7/25/2017 to 8/31/2017 in the amount of \$2,112.70, and continuing
3 with a per diem of \$57.10, currently totaling \$233,698.60.

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 1/26/1998, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as attached in Exhibit 1 and commonly known as: 20326
9 SE Walgren Road, Clackamas, OR 97015.

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.

15 **DATED:** 7 day of Sept, 2017.

16 Wendy Peterson
17 Title

18 By: Clark



19
20 Dated: Aug. 25, 2017 and submitted by:

21 **McCarthy & Holthus, LLP**

22 ASmith

23 Andreanna Smith OSB No. 131336
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 ansmith@mccarthyholthus.com
Of Attorneys for Plaintiff

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

PARCEL I:

Part of the Southwest Quarter of the Southwest Quarter of Section 9, and the Southeast Quarter of the Southeast Quarter of Section 8, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the East line of that certain tract of land conveyed to Sydney M. Lister and Elizabeth J. Lister, his wife, by Deed recorded March 5, 1935, in Deed Book 226, at Page 352, Records of Clackamas County, Oregon, said point being 921.5 feet West and South $1^{\circ} 07'$ West 953.0 feet from the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 9, Township 2 South, Range 3 East of the Willamette Meridian, and being the true place of beginning of the herein tract; thence, leaving the East line of said Lister Tract and running West, parallel with the South line of said Section 9, a distance of 267.0 feet; thence North $1^{\circ} 07'$ East, parallel with the East line of said Southwest Quarter of the Southwest Quarter of Section 9, 310.0 feet; thence West 130.0 feet to the Section line; thence South on Section line to a point that is North 132.0 feet from the Southwest corner of Section 9, Township 2 South, Range 3 East of the Willamette Meridian; thence East 400 feet, more or less, to a point that 235.0 feet South from the true place of beginning; thence North 235.0 feet to the true place of beginning.

PARCEL II:

TOGETHER WITH AND SUBJECT to a perpetual and exclusive easement for roadway purposes and for installation and maintenance of public utility pipes and lines, across the following described tract, to-wit:

a 20.00 foot wide strip of land lying 20.00 feet West of 20.0 feet Northerly of the following described line, when measured at right angles thereto:

Beginning at the Northeast corner of that tract of land conveyed to Sidney M. Lister and wife by Deed recorded March 5, 1935 in Clackamas County Deed Book 226, Page 352, said point being 921.5 feet West and South $1^{\circ} 07'$ West 15.0 feet from the Northeast corner of the Southwest one-quarter of the Southwest one-quarter of Section 9, Township 2 South, Range 3 East of the Willamette Meridian, said point being the true place of beginning of the herein described roadway; thence along the East line of said Lister Tract, South $1^{\circ} 07'$ West 571.75 feet; thence South $70^{\circ} 53' 30''$ West 171.79 feet; thence West parallel with the North line of the Southwest one-quarter of the Southwest one-quarter of said Section 9, 155.76 feet to the terminus of this easement.

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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.

GARY H. JANSIK; LINDA JANSIK AKA
LINDA L. JANSIK; SONAS
INVESTMENTS; CLACKAMAS COUNTY;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15110037

GENERAL JUDGMENT OF FORECLOSURE

1.

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

- a. Defendants SONAS INVESTMENTS 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 CLACKAMAS COUNTY ("Stipulating Defendants");
- c. An Order granting Summary Judgment has been entered with regard to Defendants GARY H. JANSIK and LINDA JANSIK AKA LINDA L. JANSIK, 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 Clackamas County, Oregon, and is commonly known as 20326 SE Walgren Road, Clackamas, OR 97015 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00619851.
- b. Plaintiff is the owner and holder of the beneficial interest in a deed of trust and original note dated 1/26/1998 and made, delivered, and executed by Gary H. Jansik and Linda Jansik to FT Mortgage Companies D/B/A Premier Mortgage Resources in the amount of \$227,150.00 (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 Gary H. Jansik and Linda Jansik on or about 1/26/1998 (the "Deed of Trust"). The Deed of Trust was recorded on 1/30/1998 as Instrument No. 98-007106 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 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: \$ 202,437.49
- b) Prejudgment interest accruing from 5/1/2014 through 4/12/2017 and continuing until the entry of judgment at the current Note rate of 7.250%: \$ 11,923.30
- c) Additional amounts due under the terms of the loan: \$ 12,672.65
- d) Attorney fees and costs: \$ 4,467.46

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

2 **TOTAL** **\$ 231,585.90**

3
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 e. The interest of the Defendants and any successor in interest in the Subject Property is
8 foreclosed and terminated excepting only any statutory right of redemption as provided by
9 Oregon law.

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

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

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

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

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

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

24 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
25 Property from and after the date of the sale and is entitled to such remedies as are available at
26 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
27
28

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 1) Defendant SONAS INVESTMENTS may claim an interest in Subject Property by
11 virtue of a Trustee's Deed, recorded on March 7, 2005, in the official records of
12 Clackamas County, Oregon, as Instrument No. 2005-019604; and

13 2) Defendant CLACKAMAS COUNTY may claim an interest in Subject Property by
14 virtue of a Lien Record Abstract, recorded on December 22, 2010, in the official
15 records of Clackamas County, Oregon, as Instrument No. 2010-082150, in the total
16 amount of \$4,125.00.

17
18
19 Signed: 7/24/2017 04:22 PM

20 

21 _____
22 Circuit Court Judge Michael C. Wetzel

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

24 On April 13, 2017, a copy of the Motion For Entry Of Judgment, Declaration Of
25 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of
26 Foreclosure was:

27 [x] Mailed to:

28 Gary H. Jansik

1 20326 SE Walgren Road
Clackamas, OR 97015

2 Linda Jansik
3 20326 SE Walgren Road
4 Clackamas, OR 97015

5 not less than 7 days prior to submission to the court with a notice of the time period to
6 object.

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

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

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

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

13 No objection has been served on me.

14 I received objections that I could not resolve with the opposing party despite
15 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
any remaining objection.

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

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

19 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
20 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 Presented by:

6 **McCarthy & Holthus, LLP**

7 s/ Andreanna C. Smith 4/25/2017

8 [X] Andreanna C. Smith, OSB No. 131336

9 [] Olga Groat, OSB No. 170174

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 ansmith@mccarthyholthus.com

15 Of Attorneys for Plaintiff

EXHIBIT "1"

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