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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

DAVID F THOMPSON; JUDY A
THOMPSON; BANK OF AMERICA, N.A.;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV28342

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/13/2017. 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 \$222,369.01, plus post judgment interest at the statutory rate of 9.0% per annum from 7/13/2017 to 8/18/2017 in the amount of \$1,973.91, and continuing with a per diem of \$54.83, currently totaling \$224,342.92.

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 1/20/2005, the date of the Deed of Trust, and also the interest that the Defendant had

1 thereafter, in the real property described as shown in *Exhibit 1*; having APN No. 00514768; and
2 commonly known as: 4188 SE Boardman Avenue, Milwaukie, OR 97267.

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

8 **DATED:** 30 day of August, 2017.

9
10 Title Wendy Watson

11 By: Clerk



12
13 Dated: 8/18/17 and submitted by:

14 **McCarthy & Holthus, LLP**

15 [Signature]
16 John Thomas OSB No. 024691
17 Robert Hakari OSB No. 114082
18 920 SW 3rd Ave, 1st Floor
19 Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
22 rhakari@mccarthyholthus.com
23 Of Attorneys for Plaintiff
24
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27
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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

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.

PARCEL I:

A TRACT OF LAND BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO ROGER G. THOMPSON AND MARY THOMPSON, HUSBAND AND WIFE, RECORDED AS FEE NO. 74-16600, CLACKAMAS COUNTY DEED RECORDS, AND BEING ALSO A PART OF LOT 7, BOARDMAN'S ADDITION TO JENNINGS LODGE, IN THE SOUTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 1 EAST, AND THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2-INCH IRON PIPE AT THE MOST WESTERLY CORNER OF LOT 7, BOARDMAN'S ADDITION TO JENNINGS LODGE; THENCE SOUTH 46° 39' 27" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 7, A DISTANCE OF 150.33 FEET TO A 5/8 INCH IRON ROD AT THE MOST SOUTHERLY CORNER THEREOF; THENCE NORTH 63° 50' 31" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 7, A DISTANCE OF 79.17 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 46°36'34" WEST, 150.30 FEET TO THE NORTHWESTERLY LINE OF LOT 7; THENCE SOUTH 63° 50' 31" WEST ALONG THE NORTHWESTERLY LINE OF LOT 7, A DISTANCE OF 79.26 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION IS BASED ON RECORD SURVEY, P.S. 21137, CLACKAMAS COUNTY SURVEY RECORDS.

PARCEL II:

A TRACT OF LAND BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO ROGER G. THOMPSON AND MARY THOMPSON, HUSBAND AND WIFE, RECORDED IN BOOK 584, PAGE 276, CLACKAMAS COUNTY DEED RECORDS, AND BEING ALSO A PART OF LOT 4, BOARDMAN'S ADDITION TO JENNINGS LODGE, IN THE SOUTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A 2-INCH IRON PIPE AT THE MOST NORTHERLY CORNER OF LOT 4, BOARDMAN'S ADDITION TO JENNINGS LODGE; THENCE SOUTH 46°39'27" EAST ALONG THE NORTHEASTERLY LINE OF SAID LOT 4, A DISTANCE OF 150.33 FEET TO A 5/8 INCH IRON ROD AT THE MOST EASTERLY CORNER THEREOF; THENCE SOUTH 63° 50'31" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4, A DISTANCE OF 5.34 FEET TO A POINT; THENCE NORTH 46°38'27" WEST, BEING PARALLEL WITH AND 5.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF SAID LOT 4, A DISTANCE OF 150.53 FEET TO THE NORTHWESTERLY LINE OF LOT 4; THENCE NORTH 63°50'31" EAST 5.34 FEET TO THE POINT OF BEGINNING. THIS DESCRIPTION IS BASED ON RECORD SURVEY, P.S. 21137, CLACKAMAS COUNTY SURVEY RECORDS.

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NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

DAVID F THOMPSON; JUDY A THOMPSON; BANK OF AMERICA, N.A.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV28342

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear. The default has been entered or applied for against Defendants and it appearing that 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 4188 SE Boardman Avenue, Milwaukie, OR 97267 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00514768.

- 1 b. Plaintiff is entitled to enforce the note dated 1/20/2005 and made, delivered, and executed by
2 David Thompson and Judy A. Thompson ("Borrowers") to Pacific Lending, Inc. in the
3 amount of \$205,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
4 possession and by indorsement set forth on the Note.
- 5 c. A deed of trust was made, executed, and delivered by Borrowers on or about 1/21/2005 (the
6 "Deed of Trust"). The Deed of Trust was recorded on 1/26/2005 as Instrument No. 2005-
7 007232 in the official records of Clackamas County, Oregon. The Deed of Trust is a valid
8 and perfected lien against all of the Property for and securing the Amount Due. The lien of
9 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in
10 effect until issuance of a Sheriff's Deed.
- 11 d. The Borrowers failed to make the payment that was due for 4/1/2014 and has not cured the
12 default. The amount of debt secured by the Deed of Trust that is now due and owing is
13 comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$176,181.20
15	b) Prejudgment interest accruing from	\$33,773.08
16	4/1/2014 through 4/26/2017 and	
17	continuing until the entry of judgment	
	at the current Note rate of 6.250%:	
18	c) Additional amounts due under the	\$9,007.69
19	terms of the loan:	
20	d) Attorney fees and costs:	\$3,322.04
21	e) Prevailing party fee (ORS 20.190):	\$85.00
22	Total:	\$222,369.01

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

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

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

5 g. All right, title and interest in the Subject Property that Defendants David F Thompson and
6 Judy A Thompson had as of the date of the Deed of Trust or thereafter acquired is hereby
7 ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process
8 for sale upon execution, and the proceeds of sale shall be applied:

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

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 from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

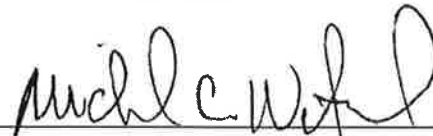
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 7/12/2017 04:16 PM



Circuit Court Judge Michael C. Wetzel

UTCRC 5.100 Certification

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

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

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

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

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

20 No objection has been served on me.

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

24 After conferring about objections, _____ agreed to independently file
25 any remaining objection.

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

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

28 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
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 Certified and Presented by:

6 **McCarthy & Holthus, LLP**

7 s/ Robert B. Hakari 4/26/2017

8 Robert B. Hakari, OSB No. 114082

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200 Fax: (971) 201-3202

12 rhakari@mccarthyholthus.com

13 Of Attorneys for Plaintiff

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