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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

CITIMORTGAGE, INC.,

Plaintiff,

vs.

BRAD G. WHITE AKA MARK WILLIAM
SHAY AKA BRAD GILBERT WHITE AKA
WILLIAM MARCUS BUSH; PACIFIC
WESTERN INVESTMENTS, LLC ;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV30900

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/28/2017. 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 \$295,918.54, plus post judgment interest at the statutory rate of
2 9.0% per annum from 7/28/2017 to 9/11/2017 in the amount of \$3,283.48, and continuing with a
3 per diem of \$72.97, currently totaling \$299,202.02.

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 1/30/2009, 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
11 and commonly known as: 439 Roosevelt, Oregon City, OR 97045.

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

17 **DATED:** 21 day of September, 2017.

18
19 **COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
20 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
21 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
22 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
23 THIS WRIT BY FILING A CLAIM OF EXEMPTION.**

24 **Court Administrator relies on the information
25 provided by the person seeking issuance of
26 this writ of execution and is not liable for any
27 errors or omissions in the information**

28
29 Clerk

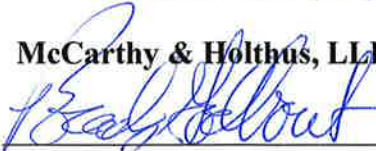
Title

By: Wendy Watson



1 Dated: September 6, 2011 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

-
- 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 17, Block 13, PLEASANT HILL ADDITION TO OREGON CITY, in the City of Oregon City,
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

CITIMORTGAGE, INC.,

Plaintiff,

v.

BRAD G. WHITE AKA MARK WILLIAM SHAY AKA BRAD GILBERT WHITE AKA WILLIAM MARCUS BUSH; PACIFIC WESTERN INVESTMENTS, LLC; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV30900

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 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 439 Roosevelt, Oregon City, OR 97045 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00590220.
- b. Plaintiff is entitled to enforce the note dated 1/30/2009 and made, delivered, and executed by Brad White ("Borrower") to Megastar Financial Corp., A Colorado Corporation in the amount

1 of \$236,625.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
2 and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrower on or about 1/30/2009 (the
4 "Deed of Trust"). The Deed of Trust was recorded on 2/9/2009 as Instrument No. 2009-
5 008082 in the official records of Clackamas County, Oregon. The Deed of Trust is a valid
6 and perfected lien against all of the Property for and securing the Amount Due. The lien of
7 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in
8 effect until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for 2/1/2016 and has not cured the
10 default. The amount of debt secured by the Deed of Trust that is now due and owing is
11 comprised of the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$276,537.84
13	b) Prejudgment interest accruing from	\$10,454.65
14	1/1/2016 through 3/1/2017 and	
15	continuing until the entry of judgment	
16	at the current Note rate of 3.25000%:	
17	c) Additional amounts due under the	\$4,771.78
18	terms of the loan:	
19	d) Attorney fees and costs:	\$4,069.27
20	e) Prevailing party fee (ORS 20.190	\$85.00
21	(1)(b)):	
22	Total:	\$ 295,918.54

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

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

- 1 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendant Brad G. White had as of the
3 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
4 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,
5 and the proceeds of sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
16 Property from and after the date of the sale and is entitled to such remedies as are available at
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.

22 ///

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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: 7/27/2017 10:56 AM



Circuit Court Judge Michael C. Wetzel

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

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

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

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

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

21 No objection has been served on me.

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

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

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

26 An order of default has been requested prior to this proposed judgment.

27 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
28 otherwise.

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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: _____

Presented by:

McCarthy & Holthus, LLP

s/ Robert B. Hakari 3/1/2017

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 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

Lot 17, Block 13, PLEASANT HILL ADDITION TO OREGON CITY, in the City of Oregon City,
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