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

MTGLQ INVESTORS, LP

Plaintiff,

vs.

DOUGLAS C. HIPPE aka DOUGLAS
CLARENCE HIPPE; MARY J. HIPPE aka
MARY JANE HIPPE; OCCUPANTS OF THE
PROPERTY

Defendants,

Case No.: 15CV30340

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF

A Judgment of Foreclosure was entered and docketed in this case on 3/1/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment

Creditor:

MTGLQ INVESTORS, LP
c/o Brady Godbout
Attorney for Plaintiff

McCarthy & Holthus, LLP,
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With a money award in the amount of **\$192,797.44**, plus post judgment interest at the statutory rate of 9.0% per annum from 3/1/2017 to 4/14/2017 in the amount of **\$2,091.72**, and continuing with a per diem of **\$47.54**, currently totaling **\$194,889.16**.

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 8/18/2003, the date of the Deed of Trust, and also the interest that the Defendant had

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thereafter, in the real property legally described in the attached *Exhibit 1* having APN/Parcel # R30668 and commonly known as: 7553 Olney Street , Salem, OR 97301.

Sale of the property is to satisfy the sum listed above, plus the costs incurred in performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.

Signed: 5/5/2017 10:06 AM



J. Tolman, Court Clerk



EXHIBIT 1

THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MARION, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 3349.50 FEET SOUTH AND 287.0 FEET EAST OF THE QUARTER SECTION CORNER BETWEEN SECTIONS 22 AND 23, IN TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON, SAID POINT ALSO BEING IN THE CENTER OF OLNEY STREET 3325.08 FEET SOUTH OF THE SOUTH BOUNDARY OF THE DONATION LAND CLAIM OF CHARLES CRAFT AND WIFE, BEING CLAIM NO. 43 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 223.0 FEET; THENCE EAST 115.0 FEET; THENCE SOUTH 223.0 FEET; THENCE WEST 115.0 FEET TO THE POINT OF BEGINNING, SAID POINT BEING 230.24 FEET EAST OF THE SOUTHWEST CORNER OF THE ROBERT L. WALLACE PARCEL.

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

MTGLQ INVESTORS, LP,

Plaintiff,

vs.

DOUGLAS C. HIPPE aka DOUGLAS
CLARENCE HIPPE; MARY J. HIPPE aka
MARY JANE HIPPE; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 15CV30340
Judge: Judge Thomas M. Hart

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants DOUGLAS C. HIPPE aka DOUGLAS CLARENCE HIPPE, MARY J. HIPPE aka MARY JANE HIPPE 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;

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 Marion County, Oregon, and is commonly known as 7553 Olney Street , Salem, OR 97301 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R30668.

1 b. Plaintiff is entitled to enforce the note dated 8/18/2003 and made, delivered, and executed by
2 DOUGLAS C. HIPPE aka DOUGLAS CLARENCE HIPPE and MARY J. HIPPE aka
3 MARY JANE HIPPE to BANK OF AMERICA, N.A. in the amount of \$145,600.00 (the
4 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
5 set forth on the Note.

6 c. A deed of trust was made, executed, and delivered by Defendants DOUGLAS C. HIPPE aka
7 DOUGLAS CLARENCE HIPPE and MARY J. HIPPE aka MARY JANE HIPPE on or
8 about 8/20/2003 (the "Deed of Trust"). The Deed of Trust was recorded on 8/22/2003 on
9 REEL 2182 PAGE 403 in the official records of Marion County, Oregon. The Deed of Trust
10 is a valid and perfected lien against all of the Property for and securing the Amount Due.
11 The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
12 remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for 10/1/2012 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: | \$123,392.66 |
| 17 | b) Prejudgment interest accruing from | |
| 18 | 9/1/2012 through 2/27/2017 and | |
| 19 | continuing until the entry of judgment | |
| | at the current Note rate of 5.625%: | \$31,149.70 |
| 20 | c) Additional amounts due under the | \$33,684.90 |
| 21 | terms of the loan: | |
| 22 | d) Attorney fees and costs: | \$4,485.18 |
| 23 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (2)(a)): | |
| 24 | Total: | \$192,797.44 |

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

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

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

8 g. All right, title and interest in the Subject Property that Defendants DOUGLAS C. HIPPE aka
9 DOUGLAS CLARENCE HIPPE and MARY J. HIPPE aka MARY JANE HIPPE had as of
10 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
11 Marion County Sheriff's Office in accordance with the process for sale upon execution, and
12 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;

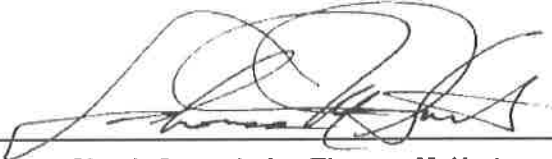
16 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
17 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
18 such party or parties as they may establish their right thereto.

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.

- 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: 3/1/2017 10:06 AM

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Circuit Court Judge Thomas M. Hart

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.

Dated: February 27, 2017

Presented by:

McCarthy & Holthus, LLP

s/ Brady Godbout

Brady Godbout, OSB No. 132708

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

bgodbout@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT "1"

THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MARION, STATE OF OREGON, DESCRIBED AS FOLLOWS:

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