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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

DEAN LEE RECKARD; DARREN
RECKARD AKA DARREN LYN
RECKARD; RAY KLEIN, INC. DOING
BUSINESS AS PROFESSIONAL CREDIT
SERVICE; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY AT 4360
MONROE AV NE, SALEM, OR 97301;
OCCUPANTS OF THE PROPERTY AT 382
CORNERSTONE CT NE, SALEM, OR
97301,

Defendants.

Case No.: 16CV05067
~~Judge: Audrey D. Boyd~~

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 10, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST
c/o Olga Groat
Attorney for Plaintiff

1 Dated: June 12, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/Olga Groat

-
- 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 _ Jeremy Clifford OSB No. 142987
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11 Olga Groat, OSB# 170174
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13 920 SW 3rd Ave, 1st Floor
14 Portland, OR 97204
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18 Of Attorneys for Plaintiff
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EXHIBIT " 1 "

THE FOLLOWING PORTION OF THE WESTERLY ONE-HALF OF LOT 22, BLOCK 1, AUBURN ADDITION, IN MARION COUNTY, OREGON: THAT PORTION OF THE NORTHEAST CORNER THEREOF WHICH IS 80 FEET EAST AND WEST AND 120 FEET NORTH AND SOUTH, WHICH FRONTS ON MONROE STREET FOR A DISTANCE OF 80 FEET. SAVE AND EXCEPT THAT PORTION NOW USED FOR PUBLIC ROADWAY PURPOSES AND SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PORTION LYING IN MONROE STREET.

BEGINNING AT THE SOUTHWEST CORNER OF THAT PROPERTY HEREIN ABOVE DESCRIBED THENCE SOUTH, PARALLEL WITH THE EAST LINE OF THE WEST ONE-HALF OF LOT 22, BLOCK 1, AUBURN ADDITION, IN MARION COUNTY, OREGON, A DISTANCE OF 80 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID LOT 22, A DISTANCE OF 80 FEET TO THE EAST LINE OF THE WEST ONE-HALF OF LOT 22; THENCE NORTH ALONG SAID EAST LINE, A DISTANCE OF 80 FEET; THENCE WEST ALONG THE SOUTH LINE OF THE PROPERTY HEREIN ABOVE EXCEPTED, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING.

AND MORE PROPERLY DESCRIBED AS:

PARCEL 3 OF PARTITION PLAT NO. 93-73, RECORDED AUGUST 24, 1993 IN REEL 1095, PAGE 234, DEED RECORDS FOR MARION COUNTY, OREGON.

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

DEAN LEE RECKARD; DARREN
RECKARD AKA DARREN LYN
RECKARD; RAY KLEIN INC. DOING
BUSINESS AS PROFESSIONAL CREDIT
SERVICE; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY AT
4360 MONROE AV NE SALEM, OR 97301;
OCCUPANTS OF THE PROPERTY AT 382
CORNERSTONE CT NE SALEM, OR
97301,

Defendants.

Case No.: 16CV05067
Judge: Audrey J Broyles

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants ("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 4360 Monroe Ave NE, Salem, OR 97301 and 382

1 Cornerstone Ct, Salem, OR 97301 (the "Subject Property"), legally described as shown in the
2 attached *Exhibit 1*, and having APN/Parcel No. R42853 and R42855.

3 b. Plaintiff is entitled to enforce the note dated 10/21/2008 and made, delivered, and executed
4 by Dale L. Reckard and Doris L. Reckard to Countrywide Bank, FSB in the amount of
5 \$165,442.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Dale L. Reckard and Doris
8 L. Reckard on or about 10/21/2008 (the "Deed of Trust"). The Deed of Trust was recorded
9 on 11/14/2008 as Reel 3010, Page 340 in the official records of Marion County, Oregon.
10 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
11 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
12 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 11/1/2013 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: | \$153,936.37 |
| 17 | b) Prejudgment interest accruing from | \$31,727.61 |
| 18 | 10/1/2013 through 4/4/2017 and | |
| 19 | continuing until the entry of judgment | |
| | at the current Note rate of 5.875%: | |
| 20 | c) Additional amounts due under the | \$12,130.56 |
| 21 | terms of the loan: | |
| 22 | d) Attorney fees and costs: | \$7,822.71 |
| 23 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| 24 | (2)(a)): | |
| 25 | Total: | \$205,702.25 |

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 Dale L. Reckard and Doris
9 L. Reckard had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to
10 be sold by the Marion County Sheriff's Office in accordance with the process for sale upon
11 execution, and the proceeds of sale shall be applied:

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

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

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

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

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.

4 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
5 Trust are as follows:

6 1) Defendant DARREN RECKARD AKA DARREN LYN RECKARD may claim a
7 vesting interest in Subject Property by virtue of a Bargain and Sale Deed recorded on
8 06/10/2013 as Reel 3511 Page 206 in the official records of Marion County, Oregon.

9 2) Defendant DARREN RECKARD AKA DARREN LYN RECKARD may also claim
10 an interest in the Subject Property by virtue succession, devise, or other transfer of
11 interest.

12 3) Defendant RAY KLEIN, INC. DOING BUSINESS AS PROFESSIONAL CREDIT
13 SERVICE may claim a junior interest in Subject Property by virtue of a judgment lien
14 entered on 01/12/2015 as Case No. 14C21385 in the official records of Marion
15 County, Oregon.

16 4) Defendant STATE OF OREGON may claim a junior interest in Subject Property by
17 virtue of a judgment lien entered on 09/01/2015 as Case No. 15CR37759 in the
18 official records of Marion County, Oregon.

19
20
21 Signed: 4/7/2017 10:15 AM

22 

23 Circuit Court Judge Audrey J. Broyles

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

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

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

4 Dated: April 4, 2014

5 Presented by:

6 **McCarthy & Holthus, LLP**

7 s/ Brady Godbout

8 Brady Godbout, OSB No. 132708

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 bgodbout@mccarthyholthus.com

14 Of Attorneys for Plaintiff

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