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LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINCOLN**

AMERICAN FINANCIAL RESOURCES,  
INC,

Plaintiff,

vs.

WILLIAM D. PARRETT, an individual; and  
all other persons, parties, or occupants  
unknown claiming any legal or equitable  
right, title, estate, lien, or interest in the real  
property described in the complaint herein,  
adverse to Plaintiff's title, or any cloud on  
Plaintiff's title to the Property.

Defendants.

**CASE NUMBER: 15CV16266**

**WRIT OF EXECUTION IN FORECLOSURE**

TO: THE SHERIFF OF LINCOLN COUNTY, OREGON:

1.

WHEREAS, on May 17, 2016, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 upon (subject to

1 redemption, if applicable), all of the interest which the Defendant WILLIAM D. PARRETT  
2 (“Defendant”) had on May 5, 2010, the date of the foreclosed Deed of Trust which was recorded on  
3 May 7, 2010, as Instrument No. 2010-04734 in the official records of the Lincoln County Recorder’s  
4 Office, and/or all of the interest which Defendant had thereafter, in the real property described in the  
5 Judgment to satisfy the Judgment as follows:

6  
7 **Lender’s Principal Judgment:**

8 Unpaid Principal Balance:	\$109,008.56
9 Pre-Judgment Interest from September 10 1, 2014 to February 1, 2016, the date set 11 forth in the Judgment at 3.750%, per 12 annum, (\$11.16 per diem):	\$6,611.63
13 Lender’s Fees and Costs:	\$3,060.94
14 Attorney’s Fees and Costs:	\$3,439.00

15 ***Total Judgment Entered:*** ***\$122,120.13***

16  
17 **Additional Pre-Judgment Interest:**

18 Accrued Interest from February 2, 19 2016, the day after the date set forth in 20 the Judgment through May 18, 2016, 21 the date of entry of the Judgment, at 22 3.750%, per annum (\$11.16 per diem):	\$1,182.96
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23  
24 ***Total Judgment Entered Including  
25 Additional Pre-Judgment  
26 Interest:***

***\$123,303.09***

27  
28 3.

29 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on ***\$123,303.09*** at  
30 the legal rate of interest of 9% per annum, \$30.40 per diem, from May 19, 2016 to the date the real  
31 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of  
32 this Writ, Sherriff’s fees and sale costs, and all other recovered costs pursuant to law.

33 4.

34 The real property subject to this writ of execution is commonly known as 1345 SW FOREST  
35 PKWY, WALDPOR, OR 97394 (“Property”) and described in Exhibit “1” attached hereto.

36 5.

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The Judgment Creditor's name and address is:

American Financial Resources, Inc

c/o LoanCare

3637 Sentara Way

Virginia Beach, Virginia 23452-4262

The Judgment Creditor's name and address for the purpose of this Writ is:

American Financial Resources, Inc

c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

2112 Business Center Drive

Irvine, CA 92612

949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.



Signed: 7/6/2017 04:33 PM

*Tracey Becker*

Circuit Court Clerk Tracey Becker

Submitted by

*Nathan P. Smith*

Dated:

*6/23/17*

Nathan P. Smith, OSB #120112  
Attorney for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: nathan@mclaw.org



# EXHIBIT 1

Lot 4, Block 5, CEDAR HEIGHTS PARK - PHASE 2, in the City of Waldport, County of Lincoln and State of Oregon.

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINCOLN**

AMERICAN FINANCIAL RESOURCES,  
INC,

Plaintiff,

vs.

WILLIAM D. PARRETT, an individual; and  
all other persons, parties, or occupants  
unknown claiming any legal or equitable  
right, title, estate, lien, or interest in the real  
property described in the complaint herein,  
adverse to Plaintiff's title, or any cloud on  
Plaintiff's title to the Property.

Defendants.

**CASE NUMBER: 15CV16266**

**GENERAL JUDGMENT OF  
FORECLOSURE AGAINST DEFENDANT:**

**(1) WILLIAM D. PARRETT**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, American Financial Resources, Inc ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant WILLIAM D. PARRETT ("Defendant") was duly served with the Summons and Complaint as required by law; that Defendant failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANT WILLIAM D. PARRETT has been entered against him on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 1345 SW

1 FOREST PARKWAY, WALDPORT, OR 97394 ("Property") and extinguishing any and all interest  
2 of the Defendant in the Property.

3 2.

4 The Court being fully advised; it is hereby  
5 ORDERED AND ADJUDGED that:

6 3.

7 Plaintiff is the holder of that certain promissory note ("Note"), dated May 5, 2010, in the  
8 amount of \$117,727.00, and executed by WILLIAM D. PARRETT.

9 4.

10 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about May  
11 5, 2010, by WILLIAM D. PARRETT. The Deed of Trust was recorded on May 7, 2010 under the  
12 recording number 2010-04734 of the Official Records of Lincoln County, Oregon, against the  
13 Property, which is legally described as:

14 **Please see Exhibit "1," attached hereto.**

15 ("Property") and constitutes a valid lien against the Property.

16 5.

17 Defendant WILLIAM D. PARRETT failed to comply with the terms of the Note and Deed of  
18 Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant  
19 to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note  
20 and Deed of Trust immediately due and payable.

21 6.

22 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
23 interest, lien, or claim of the Defendant and any other party in the Property, which are hereby  
24 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendant  
25 may be entitled under Oregon law.

26 7.

27 A judgment of foreclosure in the amount of \$122,120.03 shall be granted in favor of Plaintiff,  
28 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –

1 Not a Money Award (“Amount Owed”).

2 8.

3 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
4 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be  
5 disbursed to such party or parties as may establish their right thereto.

6 9.

7 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary  
8 costs and expenses incurred to enforcing the Note and Deed of Trust.

9 10.

10 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
11 assessments, municipal charges, and such other items as may constitute liens on the Property,  
12 together with insurance and repairs necessary to prevent the impairment of the Property, together  
13 with interest thereon from the date of payment may also be added to the Amount Owed and paid  
14 from the proceeds from the sale of the Property.

15 11.

16 Defendant and all parties claiming an interest in the Property as purchasers, encumbrancers,  
17 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and  
18 every portion thereof, excepting only any statutory right of redemption provided by the laws of the  
19 State of Oregon.

20 12.

21 Defendant WILLIAM D. PARRETT is not entitled to a homestead exemption in the  
22 Property.

23 13.

24 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the  
25 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

26 14.

27 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate  
28 possession of the Property from and after the date of the sale, and is entitled to such remedies as are



1 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a  
2 writ of assistance, if Defendant, or any other party or person shall refuse to surrender possession of  
3 the Property to the purchaser immediately on the purchaser's demand for possession.

4 15.

5 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to  
6 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to  
7 obtain possession of the Property.

8 16.

9 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
10 hereinafter described as the Amount Owed.

11 17.

12 This suit does not constitute an attempt to collect the debt against Defendant WILLIAM D.  
13 PARRETT. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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**5. Pre-Judgment Interest:**

Simple interest to accrue on \$109,008.56 from February 2, 2016 to the date the Judgment is entered into the Court's register at 3.75000% per annum, \$11.16 per diem.

**6. Post-Judgment Interest:**

Simple interest to accrue on \$122,120.03 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

**7. Periodic accrual:**

N/A

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**8. Attorney's Fees and Costs:**

An award of \$3,439.00 in attorney's fees and costs is made.

Attorney's Fees	\$1,775.00
Litigation Guarantee	\$555.00
Filing Cost	\$531.00
Recording Cost - Lis Pendens	\$68.00
Process Service Cost	\$310.00
Mediation	\$200.00

Signed: 5/17/2016 04:30 PM

Circuit Court Judge David V. Cramer

**Submitted by:**

Dated:

4/4/16

- Nathan F. Smith, OSB #120112
  - Richard J. Bayless, OSB #101826
- Attorneys for Plaintiff  
MALCOLM ♦ CISNEROS, ALC  
2112 Business Center Drive  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: [nathan@mclaw.org](mailto:nathan@mclaw.org)  
[Rbayless@mclaw.org](mailto:Rbayless@mclaw.org)



# EXHIBIT 1

Lot 4, Block 5, CEDAR HEIGHTS PARK - PHASE 2, in the City of Waldport, County of Lincoln and State of Oregon.

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**CERTIFICATE OF READINESS**

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required under UTCR 5.100 because the other party has been found in default or an order of default is being requested with this proposed Order or Judgment; because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this Order or Judgment is being submitted in open court with all parties present.
- Each party affected by this Order or Judgment has stipulated to or approved the Order or Judgment, as shown by the signatures on the Order or Judgment.
- I have served a copy of this Order or Judgment and written notice of the objection period set out in UTCR 5.100 on all parties entitled to service and:
  - No objections have been served on me within that time frame;
  - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved.
  - After conferring about objections, the other party agreed to file any remaining objection with the Court.