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LANE COUNTY S.O. CIVIL
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

PHH MORTGAGE CORPORATION

Case No. 16CV23862

Plaintiff,

WRIT OF EXECUTION

vs.

RICHARD J. TURNER; DIANNE S.
TURNER; PEPPERTREE
HOMEOWNER'S ASSOCIATION; STATE
OF OREGON; PARTIES IN POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on September 11, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 execution (subject to redemption) all of the interest which the defendants had on February 24, 2010, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

LOT 23, PEPPERTREE, AS PLATTED AND RECORDED IN BOOK 70, PAGE 41, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

1- WRIT OF EXECUTION
S&S No. 16-118672

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 and commonly known as 3804 Peppertree Drive, Eugene, OR 97402 to satisfy the sum of
2 \$173,241.02, as of September 14, 2017, together with additional post judgment interest of 9.00%
3 from that date (\$42.69 per day), and costs of this execution, making due return within 60 days
4 after you receive this writ.
5

6 PHH Mortgage Corporation is the Judgment Creditor, and its address for purpose of this
7 writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
8 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
9 Judgment Creditor.
10

11
12
13 OCT - 2 2017
14

15 By: Angie Jones
16 court clerk

17 Submitted by:
18 Attorneys for Plaintiff
SHAPIRO & SUTHERLAND, LLC

19 By: _____



20
21 [] James A. Craft #090146 [jcraft@logs.com]
22 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
23 [] Cara J. Richter #094855 [crichter@logs.com]
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26 2- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

PHH MORTGAGE CORPORATION,
Plaintiff,

Case No. 16CV23862

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

RICHARD J. TURNER; DIANNE S. TURNER;
PEPPERTREE HOMEOWNER'S ASSOCIATION;
STATE OF OREGON; PARTIES IN
POSSESSION,
Defendants.

Defaults being granted contemporaneously against Defendant(s), Richard J. Turner,
Dianne S. Turner a/k/a Dianne Susan Song, Parties in Possession, Peppertree Homeowner's
Association and State of Oregon:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Lane County, Oregon is commonly known as 3804 Peppertree Drive, Eugene, OR 97402

and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
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Lot 23, PEPPERTREE, as platted and recorded in Book 70, Page 41, Lane County Oregon Plat Records, in Lane County, Oregon.

2. The Deed of Trust executed and delivered by Defendant, Richard J Turner and Dianne S Turner, husband and wife, as tenants by the entirety ("Borrower") on or about February 24, 2010 and recorded on February 26, 2010 as Reception No. 2010-009907 in the official records of Lane County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein. The relief sought is foreclosure of the Subject Property to recover the outstanding debt under the terms of the loan in the amount of \$166,181.55, for principal and pre judgment interest. (\$166,181.52 is the total on page 3 of the Affidavit of Indebtedness and is a miscalculation-scriveners error; actual amount totals \$166,181.55).
3. The Plaintiff is the holder of the original note dated February 24, 2010 and made by Richard J Turner and Dianne S Turner in the amount of \$168,294.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.

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2 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
11 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
12 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
13 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
14 may appear or to the clerk of the court to be distributed to such party of parties as may
15 establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
any person holding possession under or through such Defendant(s) shall refuse to surrender
possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$152,084.20	
3	Prejudgment interest at 5% through April 1, 2017			\$10,138.88
4	(accruing thereafter until entry of judgment at \$633.68 per mensum)			
5	Late Charges		\$190.56	
6	Other Costs and fees (recoverable)		3,767.91	
	Property Tax	\$2,525.72		
7	Hazard Insurance	\$462.00		
	PMI/MIP	\$582.78		
8	Property Inspections	\$197.41		
9		Subtotal		\$156,042.67
10	Total plus Prejudgment Interest			\$166,181.55

11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

13	Costs			\$763.00
	Filing Fee		\$531.00	
14	Lis Pendens Recording Fee		\$52.00	
	Service Costs		\$180.00	
15	Attorney fees			\$3,000.00
16	Total			\$3,763.00

17 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
18 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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4 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

9 15. Execution may issue against the subject property for the aggregate amount found due
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
12 ORS 18.936 or other applicable law.
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21

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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
4

5 GRANTED
6 DENIED
7

Signed: 9/8/2017 02:00 PM


8
9 **Karsten H. Rasmussen, Circuit Court Judge**
10 **Certificate of Readiness under UTCR 5 100**

11 This proposed order or judgment is ready for judicial signature because:

- 12 1. [] Each party affected by this order or judgment has stipulated to the order or judgment, as
13 shown by each party's signature on the document being submitted.
14 2. [] Each party affected by this order or judgment has approved the order or judgment, as
15 shown by each party's signature on the document being submitted or by written confirmation of
16 approval sent to me.
17 3. [] I have served a copy of this order or judgment on each party entitled to service and:
18 a. [] No objection has been served on me.
19 b. [] I received objections that I could not resolve with a party despite reasonable efforts to do
20 so. I have filed a copy of the objections I received and indicated which objections remain
21 unresolved.
22 c. [] After conferring about objections, [role and name of objecting party] agreed to
23 independently file any remaining objection.

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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND
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- 1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
- 3 5. This is a proposed judgment that includes an award of punitive damages and notice has
- 4 been served on the Director of the Crime Victims' Assistance Section as required by subsection
- 5 (5) of this rule.
- 6 6. Other: _____

5 Dated: Aug 25, 2017

7 Submitted by:
8 Attorneys for Plaintiff,
9 SHAPIRO & SUTHERLAND, LLC

10 By: 
11 James A. Craft #090146 [jcraft@logs.com]
12 Kelly D. Sutherland #873575
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14 Cara J. Richter #094855 [crichter@logs.com]
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