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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS INC., ASSET-BACKED
CERTIFICATES, SERIES 2007-12,

Plaintiff,

vs.

HEATHER FISCUS; JASON FISCUS;
UNITED FINANCE CO.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 16CV23952

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on August 24, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-12
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$228,150.63, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 8/24/2017 to 9/28/2017 in the amount of \$1,969.10, and continuing
3 with a per diem of \$56.26, currently totaling \$231,119.73.

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 May 8, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # 0767150, and
9 commonly known as 12318 Hwy 126, Mapleton, OR 97453.

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

15 **DATED:** 2nd day of October, 2017.

16 _____
17 Title cod & clerk



Dated: 9/26/2017 and submitted by:

McCarthy & Holthus, LLP

s/ Andreanna C. Smith

Andreanna Smith OSB No. 131336
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
ansmith@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Beginning at a point 583.94 feet South and 1009.64 feet West of the Northeast corner of Section 12, in Township 18 South Range 10 West of the Willamette Meridian, and run thence North 45° 24' West 100.0 feet; thence South 41° 07' West 250.0 feet to the centerline of Knowles Creek; thence South 54° 32' East along said centerline 153.98 feet to a point South 28° 01' West of the place of beginning; thence North 28° 01' East 235.0 feet to the place of beginning, in Lane County, Oregon.

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

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS
INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-12,

Plaintiff,

vs.

HEATHER FISCUS; JASON FISCUS;
UNITED FINANCE CO.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 16CV23952

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants JASON FISCUS, UNITED FINANCE CO. 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;
- b. An Order granting Summary Judgment has been entered with regard to Defendant HEATHER FISCUS, now therefore,

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

1 a. The real property to which this judgment relates is located and situated in Lane County,
2 Oregon, and is commonly known as 12318 Hwy 126, Mapleton, OR 97453 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 0767150.

5 b. Plaintiff is entitled to enforce the note dated May 8, 2007 and made, delivered, and executed
6 by Heather Fiscus and Jason Fiscus to WILMINGTON FINANCE INC. in the amount of
7 \$131,250.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
8 and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendants Heather Fiscus and Jason
10 Fiscus on or about May 8, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on
11 May 16, 2007 as Instrument No. 2007-033092 in the official records of Lane County,
12 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
13 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
14 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for December 1, 2010 and has not
16 cured the default. The amount of debt secured by the Deed of Trust that is now due and
17 owing is comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$132,848.91
19	b) Prejudgment interest accruing from	\$58,710.74
20	11/1/2010 through 8/1/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	6.550%:	
22	c) Additional amounts due under the	\$ 31,217.76
23	terms of the loan:	
24	d) Attorney fees and costs:	\$5,382.28
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	TOTAL:	\$228,150.63

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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 Heather Fiscus, Jason
9 Fiscus had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be
10 sold by the Lane 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.

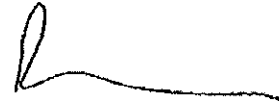
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k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.

l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:

1) Defendant UNITED FINANCE CO. may claim a junior interest in Subject Property by virtue of a judgment entered on 07/15/2015 as Instrument No. 701502996 in the official records of Lane County, Oregon.

Signed: 8/22/2017 10:18 AM



R.Curtis Conover, Circuit Court Judge

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

On 8/1/2017, a copy of the **Motion for Entry of Judgment, Declaration of Attorney Fees and Costs for Plaintiff, Declaration of Amounts Due, Proposed Judgment of Foreclosure** was:

Mailed to:
Heather Fiscus
88108 Riverview Ave
Mapleton, OR 97453

not less than 7 days prior to submission to the court with a notice of the time period to object.

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

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

No objection has been served on me.

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Dated: 8/17/2017 and submitted by:

McCarthy & Holthus, LLP

s/ Andreanna C. Smith
Andreanna Smith OSB No. 131336
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
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