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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT F. GWYNN; THE UNKNOWN
HEIRS AND DEVISEES OF DONNA P.
GWYNN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV11942

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 19, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA
c/o Jeremy Clifford
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$164,328.53, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 9/19/2017 to 9/27/2017 in the amount of \$324.15, and continuing with
3 a per diem of \$40.52, currently totaling \$164,652.68.

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 July 25, 2013, 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 # 0004844, and
9 commonly known as (street address): 94893 Highway 99 W, Junction City, OR 97448-9340.

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
16 OCT - 5 2017 By: Angie Jones
17 COURT CLERK



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Dated October 2, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

_ Jeremy Clifford OSB No. 142987
X Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

Beginning at a point on the Easterly right of way line of the Monroe-Junction City section of the State Highway, opposite and 40.0 feet distant from Engineers Centerline Station 363+96.38 said beginning point being 793.83 feet North 30° 45' West from a point 481.65 feet South 89° 48' West from the East quarter corner of Section 30, Township 15 South, Range 4 West, Willamette Meridian; from said beginning point running thence South 89° 45' East 125.0 feet; thence North 0° 15' East 106.0 feet; thence North 89° 45' West 188.69 feet to the Easterly line of the Highway; thence South 30° 45' East 123.67 feet to the place of beginning, in Lane County, Oregon;
EXCEPT that certain tract of land described in Deed to the State of Oregon, recorded December 22, 1932, in Book 173, Page 457, Lane County Oregon Deed Records, in Lane County, Oregon.

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Plaintiff,

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ROBERT F. GWYNN; THE UNKNOWN
HEIRS AND DEVISEES OF DONNA P.
GWYNN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV11942

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 Lane County, Oregon, and is commonly known as 94893 Highway 99 W, Junction City, OR 97448-9340

1 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 0004844.

3 b. Plaintiff is entitled to enforce the note dated July 25, 2013 and made, delivered, and executed
4 by ROBERT F. GWYNN to BANK OF AMERICA, N.A. in the amount of \$154,500.00 (the
5 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
6 set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant ROBERT F. GWYNN on or
8 about July 25, 2013 (the "Deed of Trust"). The Deed of Trust was recorded on August 5,
9 2013 as Instrument No. 2013-042932 in the official records of Lane County, Oregon. The
10 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 May 1, 2016 and has not cured
14 the 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:	\$147,882.40
17	b) Prejudgment interest accruing from	
18	4/1/2016 through 8/29/2017 and	
19	continuing until the entry of	
	judgment at the current Note rate of	
	4.75%:	\$9,916.27
20	c) Additional amounts due under the	\$2,575.59
21	terms of the loan:	
22	d) Attorney fees and costs:	\$3,869.27
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
24	Total:	\$164,328.53

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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 Defendant ROBERT F. GWYNN had
9 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
11 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.

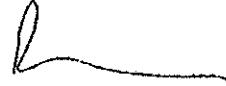
18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936(2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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.

Signed: 9/18/2017 03:26 PM



R. Curtis Conover, Circuit Court Judge

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

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

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

13 Dated: August 30, 2017 and submitted by:

14 **McCarthy & Holthus, LLP**

15 s/ Michael Scott

16 Michael Scott OSB No. 973947
17 920 SW 3rd Ave, 1st Floor
18 Portland, OR 97204
19 Phone: (971) 201-3200
20 Fax: (971) 201-3202
21 mscott@mccarthyholthus.com
22 Of Attorneys for Plaintiff
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