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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTORS TRUST,  
MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2006-OPT1,

Case No.: 15CV31582

WRIT OF EXECUTION IN  
FORECLOSURE

Plaintiff,

v.

SHAYNA EASTMAN; OCCUPANTS OF  
THE PROPERTY,

Defendants.

**TO THE JOSEPHINE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 13, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRILL LYNCH  
MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2006-OPT1  
c/o Bryan Kidder  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$715,908.37, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from June 13, 2017 to August 8, 2017 in the amount of \$9,885.42, and  
3 continuing with a per diem of \$176.53, currently totaling \$725,793.79.

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 June 22, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 36-06-30-00-  
9 000106 and commonly known as: 960 Riverbanks Rd, Grants Pass, OR 97527.

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.

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18 *Sarah M. [Signature]*  
19 August 15<sup>th</sup> 2017  
20 

20 Dated: August 4, 2017 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ Bryan Kidder  
23 \_\_\_\_\_  
24 Bryan Kidder, OSB No. 140495  
25 920 SW 3rd Ave, 1st Floor  
26 Portland, OR 97204  
27 Phone: (971) 201-3200  
28 Fax: (971) 201-3202  
[bkidder@mccarthyholthus.com](mailto:bkidder@mccarthyholthus.com)  
Of Attorneys for Plaintiff

# **EXHIBIT “1”**

## LEGAL DESCRIPTION

Lot 13, RIVERBANKS ESTATES, Josephine County, Oregon, according to the official plat thereof now of record.

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF JOSEPHINE

6 U.S. BANK NATIONAL ASSOCIATION,  
7 AS TRUSTEE FOR MERRILL LYNCH  
8 MORTGAGE INVESTORS TRUST,  
9 MORTGAGE LOAN ASSET-BACKED  
10 CERTIFICATES, SERIES 2006-OPT1,

11 Plaintiff,

12 v.

13 SHAYNA EASTMAN; OCCUPANTS OF  
14 THE PROPERTY.

15 Defendants.

Case No.: 15CV31582

GENERAL JUDGMENT OF  
FORECLOSURE

16 1.

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

18 All defendants ("Defaulted Defendants") were duly served with process and failed to appear; the  
19 default has been entered against Defaulted Defendants, and it appearing that Defaulted  
20 Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005,  
21 minors, or in the military service of the United States;

22 2.

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

- 24 a. The real property to which this judgment relates is located and situated in Josephine County,  
25 Oregon, and is commonly known as 960 Riverbanks Rd, Grants Pass, OR 97527 (the  
26 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
27 APN/Parcel No. 36-06-30-00-000106.
- 28 b. Plaintiff is entitled to enforce the note dated June 22, 2006 and made, delivered, and executed  
by SHAYNA EASTMAN to CAMBRIDGE HOME LOANS in the amount of \$616,500.00

1 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
2 indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendant(s) Shayna Eastman on or  
4 about June 23, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on January 29,  
5 2007 as Instrument No. 2007-002038 in the official records of Josephine County, Oregon.  
6 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
7 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
8 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for February 1, 2013 and has not  
10 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
11 owing is comprised of the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$580,037.52
13	b) Prejudgment interest accruing from	
14	1/1/2013 through 6/9/2017 and	
15	continuing until the entry of	
	judgment at the current Note rate of	
	5.0%:	\$128,897.07
16	c) Additional amounts due under the	\$3,658.09
17	terms of the loan:	
18	d) Attorney fees and costs:	\$3,230.69
19	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
20	<b>Total:</b>	<b>\$715,908.37</b>

21 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
22 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
23 per annum.

24 e. The interest of the Defendants and any successor in interest in the Subject Property is  
25 foreclosed and terminated excepting only any statutory right of redemption as provided by  
26 Oregon law.  
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- 1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendant SHAYNA EASTMAN had  
3 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
4 Josephine County Sheriff's Office in accordance with the process for sale upon execution,  
5 and the proceeds of sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
16 Property from and after the date of the sale and is entitled to such remedies as are available at  
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
21 entitled to any further or other judgment, including a judgment for the deficiency.

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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 Signed 6/12/2017 10:38 AM

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Circuit Court Judge Pat Wolke

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

9 This proposed Judgment is ready for judicial signature because:

10  Each opposing party affected by this order or judgment has stipulated to the order or  
11 judgment, as shown by each opposing party's signature on the document being  
submitted.

12  Each opposing party affected by this order or judgment has approved the order or  
13 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

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

15  No objection has been served on me.

16  I received objections that I could not resolve with the opposing party despite  
reasonable efforts to do so. I have filed a copy of the objections I received and  
indicated which objections remain unresolved.

17  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

18  The relief sought is against an opposing party who has been found in default.

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

20  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
21 otherwise.

22  This is a proposed judgment that includes an award of punitive damages and notice  
23 has been served on the Director of the Crime Victims' Assistance Section as required  
by subsection (4) of this rule.

24  Other: \_\_\_\_\_

25 **McCarthy & Holthus, LLP**

26 s/ Bryan Kidder 6/9/2017

27 Bryan Kidder, OSB No. 140459



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Of Attorneys for Plaintiff

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