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

WELLS FARGO BANK, NA, AS TRUSTEE,
ON BEHALF OF THE HOLDERS OF
STRUCTURED ASSET MORTGAGE
INVESTMENTS II, INC., BEAR STEARNS
MORTGAGE FUNDING, TRUST 2007-AR2,
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2007-AR2,

Case No.: 13CV0126

WRIT OF EXECUTION IN
FORECLOSURE

Plaintiff,

vs.

RONALD N. LENNON; SUSAN E. LENNON;
WELLS FARGO BANK, N.A.; OCCUPANTS
OF THE PROPERTY,

Defendants.

TO THE SHERIFF OF JOSEPHINE COUNTY, OREGON, GREETINGS:

A General Judgment of Foreclosure was entered and docketed in this case on May 22, 2014, and a Corrected General Judgment of Foreclosure dated October 8, 2015, was entered on March 23, 2016. Said Corrected General Judgment of Foreclosure was thereafter assigned by Assignment of General Judgment of Foreclosure as to All Defendants filed herein on September 7, 2017, assigning such Judgment in favor of the Assignee:

Lynn Shepard
c/o Donald J. Churnside
Gaydos, Churnside & Balthrop, P.C.
440 E. Broadway, Suite 300
Eugene, OR 97401

GAYDOS, CHURNISIDE & BALTHROP, P.C.
Attorneys at Law
440 E. Broadway, Suite 300
Eugene, Oregon 97401
(541) 343-8060 • Fax (541) 343-1599

GAYDOS, CHURNSIDE & BALTHROP, P.C.
Attorneys at Law
440 E. Broadway, Suite 300
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There is now due and owing pursuant to such Judgment, after credit for all payments, with interest accrued through October 5, 2017, and interest thereafter accruing at the rate of \$73.34 per day, the sum of \$387,807.24.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to satisfy said judgment and decree, a court-certified true and correct copy of which is hereto attached, by levying upon and selling in the manner provided by law for the sale of the real property in Josephine County, Oregon, under execution, all of the right, title and interest of the judgment debtor herein, as shown by said judgment, in and to said real property more particularly as follows:

4845 Lower River Road, Grants Pass, Oregon 97526, having APN# R318814, R344765, R344766, and more particularly described as follows:

See Exhibit 1, attached hereto, and by this reference incorporated herein as if set forth in full.

to satisfy the above described sums, with interest accruing thereon until such sums are paid, the costs of this Writ, and the additional costs of sale, and make due return thereon within 60 days after you receive this Writ, showing how you have executed the same. Should the sale be continued, the Writ may be automatically extended for 30 days.

The mailing address of the judgment creditor is: LYNN SHEPARD, c/o Donald J. Churnside, PO Box 1499, Eugene, Oregon 97440.

Witness my hand and seal of said Court dated: Oct. 6, 2017.

TRIAL COURT ADMINISTRATOR

By: B. Gasparri
Court Clerk



GAYDOS, CHURNISIDE & BALTHROP, P.C.
Attorneys at Law
440 E. Broadway, Suite 300
Eugene, Oregon 97401
(541) 343-8060 • Fax (541) 343-1599

1 Issued at request of:
2 Donald J. Churnside, OSB No. 791876
3 Gaydos Churnside & Balthrop PC
4 440 E. Broadway, Suite 300
5 Eugene, OR 97401
6 Telephone: 541-343-8060
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CERTIFICATE OF SERVICE

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I hereby certify that I served the foregoing WRIT OF EXECUTION IN FORECLOSURE upon:

Jeremy J. Clifford
Andreanna Smith
McCarthy Holthus LLP
920 SW 3rd Ave., 1st Floor
Portland, OR 97204
Of Attorneys for Plaintiff

R. Scott Taylor
Taylor & Tapper Attorneys
400 E. 2nd Ave., Ste. 103
Eugene, OR 97401
Of Attorneys for Defendants Lennon

Amy Edwards
Stoel Rives LLP
760 SW 9th Ave., Ste. 3000
Portland, OR 97205
Of Attorneys for Defendant
Wells Fargo Bank

- by mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Eugene, Oregon, on the date set forth below.
- by causing a full, true, and correct copy thereof to be hand-delivered to the attorney on the date set forth below.
- by sending a full, true, and correct copy thereof via overnight courier, Federal Express, in a sealed, prepaid envelope, addressed to the attorney as shown above, the last known office address of the attorney, on the date set forth below.
- by faxing a full, true, and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed, according to the confirmation report.

DATED: October 5, 2017.

GAYDOS CHURNSIDE & BALTHROP, P.C.

By: /s/ Donald J. Churnside
Donald J. Churnside, OSB 791876
Of Attorneys for Assignee Lynn Shepard

GAYDOS, CHURNSIDE & BALTHROP, P.C.
Attorneys at Law
440 E. Broadway, Suite 300
Eugene, Oregon 97401
(541) 343-8060 • Fax (541) 343-1599

A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Beginning at the Northeast corner of said Section 21; thence West 121.50 feet along the North line of said Section 21 to an iron rod; thence South 379.69 feet to the Rogue River; thence South 89°12' East 121.57 feet along said Rogue River to a point on the East line of said Section 21; thence North 386.38 feet along the East line of said Section 21 to the point of beginning. ALSO: A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of said Section 21; thence West 121.50 feet along the North line of said Section 21 to an iron rod which is the true point of beginning; thence West 121.50 feet along the North line of said Section 21 to an iron rod; thence South 365.45 feet to the Rogue River; thence South 83°19' East 122.33 feet along said Rogue River; thence North 379.69 feet to the true point of beginning. ALSO: A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of said Section 21; thence West 243.00 feet along the North line of said Section 21 to an iron rod, which is the true point of beginning; thence West 121.00 feet along the North line of said Section 21 to an iron rod; thence South 357.38 feet to the Rogue River; thence South 86°11' East 121.27 feet along the Rogue River; thence North 365.45 feet to the true point of beginning.

PARCEL 2:

Easement for the benefit of Parcel No. 1, as created by Instrument Recorded: October 1, 1979, Volume 339, Page 745, Records of Josephine County, Oregon, for Ingress and Egress.

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

WELLS FARGO BANK, NA, AS TRUSTEE,
ON BEHALF OF THE HOLDERS OF
STRUCTURED ASSET MORTGAGE
INVESTMENTS II, INC., BEAR STEARNS
MORTGAGE FUNDING, TRUST 2007-AR2,
MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2007-AR2,

Case No.: 13CV0126

CORRECTED GENERAL JUDGMENT
OF FORECLOSURE AS TO ALL
DEFENDANTS

Plaintiff,

vs.

RONALD N. LENNON; SUSAN E. LENNON;
WELLS FARGO BANK, N.A.; OCCUPANTS
OF THE PROPERTY,

Defendants.

1.

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

Defendants RONALD N. LENNON, SUSAN E. LENNON, WELLS FARGO BANK, N.A., and the 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, now therefore,

2.

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

- 1. The real property to which this judgment relates is located and situated in Josephine County, Oregon, and is commonly known as 4845 Lower River Road, Grants Pass, OR 97526 (the

1 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel # R318814, R344765, R344766.

3 2. Plaintiff specifically releases any lien or encumbrance against the real property commonly
4 known as 4726 Lower River Road, Grants Pass, Oregon 97526, which may have resulted
5 from any prior judgment or money award in the above entitled case. The real property is
6 more specifically described in *Exhibit 2*, which is attached hereto and thereby incorporated.

7 3. Plaintiff is the owner and holder of the beneficial interest in a deed of trust and original note
8 dated 12/12/2006 and made, delivered, and executed by Ronald N. Lennon and Susan E.
9 Lennon to Gateway Business Bank DBA Mission Hills Mortgage Banks, A California
10 Corporation in the amount of \$215,000.00 (the “Note”). The Note was transferred to Plaintiff
11 by delivery of possession and by indorsement set forth on the Note. A true and correct copy
12 of the Note was attached to the complaint as Exhibit B.

13 4. A deed of trust was made, executed, and delivered by Defendants Ronald N. Lennon and
14 Susan E. Lennon to Lennon to Gateway Business Bank DBA Mission Hills Mortgage Banks,
15 A California Corporation on or about 12/12/2006 (the “Deed of Trust”). The Deed of Trust
16 was recorded on 12/22/2006 as Instrument No. 2006-025667 in the official records of
17 Josephine County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
18 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest,
19 lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

20 5. The amount of debt secured by the Deed of Trust that is now due and owing is \$297,448.19
21 (the “Amount Due”). The Amount Due is comprised of the following amounts:

- | | | |
|----|--|--------------|
| 22 | a) Unpaid principal balance: | \$246,612.91 |
| 23 | b) Prejudgment interest accruing from | \$28,998.44 |
| 24 | 4/01/2011 through 5/20/2014 and | |
| 25 | continuing until the entry of judgment | |
| 26 | at the current Note rate of 6.7500%: | |
| 27 | c) Additional amounts due under the | \$19,017.14 |
| | terms of the loan: | |
| | d) Attorney fees and costs: | \$2,819.70 |

1
2 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
3 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00% per
4 annum.

5
6 6. The interest of the Defendants and any successor in interest in the Subject Property is
7 foreclosed and terminated excepting only any statutory right of redemption as provided by
8 Oregon law.

9
10 7. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

11
12 8. All right, title and interest in the Subject Property that Defendants Ronald N. Lennon and
13 Susan E. Lennon had as of the date of the Deed of Trust or thereafter acquired is hereby
14 ordered to be sold by the Josephine County Sheriff's Office in accordance with the process for
15 sale upon execution, and the proceeds of sale shall be applied:

- 16
17 a. First, to the costs of sale not incurred by Plaintiff;
18 b. Second, to the Amount Due, plus post-judgment interest accruing from the date of
19 entry of judgment through the date of the sale and any incurred costs of sale;
20 c. Third, the surplus, if any, to the Defendants in the priority as their interest may
21 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
22 such party or parties as they may establish their right thereto.

23
24 9. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
25 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
26 the date of entry of judgment through the date of the sale and any incurred costs of sale.

27
28 10. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
Property from and after the date of the sale and is entitled to such remedies as are available at
law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
writ of assistance if any Defendant, other party, or other person shall refuse to surrender
possession to the purchaser immediately upon the purchaser's demand for possession.

1 11. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.

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

6 13. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
7 Trust are as follows:

8 a. Defendant WELLS FARGO BANK, N.A. may claim a junior interest in Subject
9 Property by virtue of a deed of trust recorded 07/26/2005 as Instrument No. 2005-
10 016744 in the official records of Josephine County, Oregon, securing a promissory note
11 in the amount of \$600,000.00.

12 b. The OCCUPANTS OF THE PROPERTY are persons residing in the Property or
13 claiming a right to possession in the Property. The Occupants of the Property may
14 claim some interest in the Subject Property that is subsequent, subject, and inferior to
15 Plaintiff's interest.

Signed: 10/8/2015 11:05 AM

16 Dated: ____ day of _____, 2015



17 JUDGE

18 Presented by:

19 **McCarthy & Holthus, LLP**

20 s/ Amber Labrecque

21 Casey Pence, OSB No. 975271
22 Robert B. Hakari, OSB No. 114082
23 Amber Labrecque, OSB No. 094593
24 Carrie A. Majors-Staab, OSB No. 980785
25 Andreanna C. Smith, OSB No. 131336
26 Ellis W. Wilder, OSB No. 124995
27 Brady Godbout, OSB No. 132708

920 SW 3rd Ave, 1st Floor
Portland, OR 97204

Phone: (855) 809-3977

Fax: (971) 201-3202

Email: alabrecque@mccarthyholthus.com

Of Attorneys for Plaintiff

28 Plaintiff's Corrected General Judgment of Foreclosure - 5
MH OR-12-523802-JUD
CASE NO.: 13CV0126

MCCARTHY & HOLTHUS, LLP
920 SW 3RD AVE, 1ST FLOOR
PORTLAND, OR 97204
PH: (855) 809-3977
FX: (971) 201-3202

Exhibit 1

A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Beginning at the Northeast corner of said Section 21; thence West 121.50 feet along the North line of said Section 21 to an iron rod; thence South 379.69 feet to the Rogue River; thence South 89°12' East 121.57 feet along said Rogue River to a point on the East line of said Section 21; thence North 386.38 feet along the East line of said Section 21 to the point of beginning. ALSO: A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of said Section 21; thence West 121.50 feet along the North line of said Section 21 to an iron rod which is the true point of beginning; thence West 121.50 feet along the North line of said Section 21 to an iron rod; thence South 365.45 feet to the Rogue River; thence South 83°19' East 122.33 feet along said Rogue River; thence North 379.69 feet to the true point of beginning. ALSO: A parcel of land in Government Lot 1 in the Northeast Quarter of Section 21, Township 36 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, more particularly described as follows: Commencing at the Northeast corner of said Section 21; thence West 243.00 feet along the North line of said Section 21 to an iron rod, which is the true point of beginning; thence West 121.00 feet along the North line of said Section 21 to an iron rod; thence South 357.38 feet to the Rogue River; thence South 86°11' East 121.27 feet along the Rogue River; thence North 365.45 feet to the true point of beginning.

PARCEL 2:

Easement for the benefit of Parcel No. 1, as created by instrument Recorded: October 1, 1979, Volume 339, Page 745, Records of Josephine County, Oregon, for ingress and Egress.

EXHIBIT "2"

Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 15, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon; thence East along the South line of said Northwest Quarter of the Southwest Quarter 132 feet to the true point of beginning; thence North and parallel to the West line of said Section, 660 feet to the North line of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 15; thence East along the North line of said Southwest Quarter of the Northwest Quarter of the Southwest Quarter, 132 feet; thence South and parallel to the West line of said Section 15, 660 feet to the South line of said Northwest Quarter of the Southwest Quarter; thence West along the South line of said Northwest Quarter of the Southwest Quarter, 132 feet to the true point of beginning. EXCEPTING THEREFROM any portion lying within Lower River Road.