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

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR NRZ PASS-
THROUGH TRUST VIII,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
MEREDITH LYN PHELPS; STACY JAMES;
TAMMY BALL; OCCUPANTS OF THE
PROPERTY

Defendants.

Case No.: 17CV13450

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 8/16/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY
BUT SOLELY AS TRUSTEE FOR NRZ PASS-THROUGH TRUST VIII
c/o Robert Hakari
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$164,979.52, plus post judgment interest at the statutory rate of 9.0% per annum from 8/16/2017 to 9/20/2017 in the amount of \$1,423.80, and continuing with a per diem of \$40.68, currently totaling \$166,403.32.

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 on

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
2 about 6/18/2012, the date of the Deed of Trust, and also the interest that the Defendant had
3 thereafter, in the real property described as shown in *Exhibit 1*; having APN No. R319989; and
4 commonly known as: 2097 Dowell Rd, Grants Pass, OR 97527.

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

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11 *Sarah M. Jensen*
12 *September 21st 2017*
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15 **McCarthy & Holthus, LLP**

17 s/ Robert B. Hakari 9/20/2017
18 John Thomas OSB No. 024691
19 x Robert Hakari OSB No. 114082
20 920 SW 3rd Ave, 1st Floor
21 Portland, OR 97204
22 Phone: (971) 201-3200
23 Fax: (971) 201-3202
24 rhakari@mccarthyholthus.com
25 Of Attorneys for Plaintiff

EXHIBIT 1

PARCEL I:

THE EAST 190 FEET OF THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT A POINT 1815 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 36 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, THENCE SOUTH 165 FEET; THENCE EAST 485 FEET; THENCE NORTH 165 FEET; THENCE WEST 485 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE NORTH 15 FEET THEREOF.

PARCEL II:

AN EASEMENT APPURTENANT TO THE HEREIN DESCRIBED PROPERTY FOR INGRESS AND EGRESS, INCLUDING THE TERMS AND PROVISIONS THEREOF, AS SET FORTH IN INSTRUMENT RECORDED IN DOCUMENT NO. 86-16435, OFFICIAL RECORDS OF JOSEPHINE COUNTY, OREGON.

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

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY
BUT SOLELY AS TRUSTEE FOR NRZ
PASS-THROUGH TRUST VIII,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF
MEREDITH LYN PHELPS; STACY
JAMES; TAMMY BALL; OCCUPANTS
OF THE PROPERTY

Defendants.

Case No.: 17CV13450

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Josephine County, Oregon, and is commonly known as 2097 Dowell Rd, Grants Pass, OR 97527 (the "Subject Property"), legally described as shown in the *Exhibit 1*, and having APN No. R319989.
- b. Plaintiff is entitled to enforce the note dated June 18, 2012 and made, delivered, and executed by Meredith Phelps ("Borrower") to Nationstar Mortgage in the amount of \$135,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

1 c. A deed of trust was made, executed, and delivered by Borrower on or about June 18, 2012
2 (the "Deed of Trust"). The Deed of Trust was recorded on July 3, 2012 as Instrument No.
3 2012-008257 in the official records of Josephine County, Oregon. The Deed of Trust is a
4 valid and perfected lien against all of the Property for and securing the Amount Due. The
5 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
6 remain in effect until issuance of a Sheriff's Deed.

7 d. The Borrower failed to make the payment that was due for July 1, 2014 and has not cured the
8 default. The amount of debt secured by the Deed of Trust that is now due and owing is
9 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 10 | a) Unpaid principal balance: | \$131,313.59 |
| 11 | b) Prejudgment interest accruing from | \$19,467.53 |
| 12 | 6/1/2014 through 8/15/2017 and | |
| 13 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 4.625%: | |
| 14 | c) Additional amounts due under the | \$9,071.05 |
| 15 | terms of the loan: | |
| 16 | d) Attorney fees and costs: | \$5,042.35 |
| 17 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 18 | Total: | \$164,979.52 |

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

22 e. The interest of the Defendants and any successor in interest in the Subject Property is
23 foreclosed and terminated excepting only any statutory right of redemption as provided by
24 Oregon law.

25 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

26 g. All right, title and interest in the Subject Property that Borrower had as of the date of the
27 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Josephine County
28

1 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
2 sale shall be applied:

- 3 1) First, to the costs of sale not incurred by Plaintiff;
- 4 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
5 entry of judgment through the date of the sale and any incurred costs of sale;
- 6 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
7 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
8 such party or parties as they may establish their right thereto.
- 9 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
10 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
11 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 12 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
13 Property from and after the date of the sale and is entitled to such remedies as are available at
14 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
15 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
16 possession to the purchaser immediately upon the purchaser's demand for possession.
- 17 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
18 entitled to any further or other judgment, including a judgment for the deficiency.
- 19 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
20 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
21 terminated.

22 Signed: 8/18/2017 03:01 PM

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26 **Circuit Court Judge Pat Wolke**

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

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

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

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

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

No objection has been served on me.

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.

After conferring about objections, _____ agreed to independently file any remaining objection.

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

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

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

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

Other: _____

McCarthy & Holthus, LLP

s/ Robert B. Hakari 8/15/17

Robert Hakari OSB No. 114082
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
rhakari@mccarthyholthus.com
Of Attorneys for Plaintiff

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