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

NATIONSTAR MORTGAGE LLC dba
CHAMPION MORTGAGE COMPANY, a
limited liability company,

Plaintiff,

vs.

Roy Flanary, solely in his capacity as personal
representative to the ESTATE OF GERALD
D. FLANARY, a deceased individual; ALL
UNKNOWN HEIRS AND DEVISEES OF
MAY A. FLANARY, a deceased individual;
Julián Castro, solely in his capacity as
Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; DOES 1 through
10, inclusive, and ROES 1 through 10,
inclusive.

Defendants.

CASE NO.: 15CV20189

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of Marion)

TO THE SHERIFF OF MARION COUNTY OREGON:

WRIT OF EXECUTION -1-

LAW OFFICES OF LES ZIEVE
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpetiprin@zievelaw.com

1 WHEREAS, on February 16, 2016, by consideration of the Marion County Circuit Court,
2 there was entered a General Judgment of Foreclosure as to defendants Roy Flanary, solely in his
3 capacity as personal representative to the Estate Of Gerald D. Flanary, All Unknown Heirs And
4 Deviseses Of May A. Flanary, Julián Castro, solely in his capacity as Secretary for United States
5 Department Of Housing And Urban Development. Said General Judgment of Foreclosure was
6 duly enrolled and docketed in the Court Administrator's Office in said County on February 16,
7 2016; a true copy of the General Judgment of Foreclosure is attached hereto and made a part
8 hereof.

9 Judgment Creditor: NATIONSTAR MORTGAGE LLC dba
10 CHAMPION MORTGAGE COMPANY
11 Judgment Creditor Address: 350 Highland Dr.
Lewisville, TX 75067

12 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
13 commanded to sell the real property as by said General Judgment of Foreclosure according to
14 law (subject to redemption) all of the interest that the borrowers Gerald D. Flanary and May A.
15 Flanary had on the 1st day of September 2010, the date of the Mortgage, and also all of the
16 interest that borrowers had thereafter, in the real property described in the Judgment as:

17 **Beginning at the Southeasterly corner of a tract of land conveyed to Gael Cutsforth, et ux,**
18 **by deed recorded in Volume 563, Page 86, Deed Records for Marion County, Oregon,**
19 **which point is on the North line of County Road No. 986, and is West 251.5 feet and South**
20 **300.12 feet and North 84°38' West 131.16 feet from the Southeast corner of the Northeast**
21 **quarter of the Southwest quarter of Section 27, in Township 9 South, Range 3 East of the**
22 **Willamette Meridian in Marion County, Oregon; thence North 25° West, along the**
23 **Easterly boundary of said Cutsforth tract, a distance of 286.00 feet to an iron stake; thence**
24 **North 83°32' East, 250.95 feet to an iron pipe on the West line of a tract of land conveyed to**
25 **M.G. Rambo, et ux, by deed recorded in Volume 258, Page 405, Deed Records for Marion**
26 **County, Oregon; thence South, along the West line of said Rambo tract and long the West**
27 **line of a tract of land conveyed to Charles J. Hoover, by deed recorded in Volume 676,**
28 **Page 311, Deed Records for Marion County, Oregon, a distance of 298.13 feet to an iron**
pipe on the North line of County Road No. 986; thence North 84°38' West, a distance of
131.16 feet to the place of beginning.

Map Number 093E27CD00700

1 The street address of the real property to be levied upon is 732 West Central Street,
2 Gates, Oregon, 97346.

3 The above referenced property shall be sold to satisfy the following sums: The base
4 judgment amount of \$ 115,704.55, plus prejudgment interest in the amount of \$ 32,487.03, plus
5 reasonable attorney fees and costs in the amount of \$ 3,938.00, for a grand total of \$152,129.58,
6 together with interest on those amount since February 16, 2016, (the date of entry of judgment)
7 at the rate of 5.56% per annum; Thus,

8 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
9 THE DATE OF SUBMISSION IS AS FOLLOWS:

10	Base Judgment:	\$ 115,704.55
11	Prejudgment Interest:	\$ 32,487.03
12	Attorney Fees and Costs:	\$ 3,938.00

13 Total due as of February 16, 2016: \$152,129.58; Due to the nature of the loan,
14 Plaintiff waives any post-judgment interest (per diem \$0.00).

15 The proceeds of sale shall be applied, delivered, and distributed according to ORS
16 18.950.

Signed: 5/8/2017 03:26 PM

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18
19 By: 
J. Tolman, Court Clerk



20
21
22
23 Submitted by:

24 
25
26 Benjamin D. Petiprin, OSB No. 136031

27
28 WRIT OF EXECUTION -3-

LAW OFFICES OF LES ZIEVE
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpctiprin@zievelaw.com

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION**

NATIONSTAR MORTGAGE LLC dba
CHAMPION MORTGAGE COMPANY, a
limited liability company,

Plaintiff,

vs.

Roy Flanary, solely in his capacity as personal
representative to the ESTATE OF GERALD
D. FLANARY, a deceased individual; ALL
UNKNOWN HEIRS AND DEVISEES OF
MAY A. FLANARY, a deceased individual;
Julián Castro, solely in his capacity as
Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; DOES 1 through
10, inclusive, and ROES 1 through 10,
inclusive.

Defendants.

CASE NO. 15CV20189

**CORRECTED GENERAL
JUDGMENT OF
FORECLOSURE
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

Based upon the Motion for Order of Default and Entry of a General Judgment of
Foreclosure filed by plaintiff, Nationstar Mortgage LLC dba Champion Mortgage Company
("Plaintiff") and against defendants Roy Flanary, solely in his capacity as personal representative
to the Estate of Gerald D. Flanary, a deceased individual ("Personal Representative"), All

1 Unknown Heirs and devisees of May A. Flanary, a deceased individual ("Heirs"), and Julián
2 Castro, solely in his capacity as Secretary for United States Department of Housing and Urban
3 Development ("HUD" together with Personal Representative and Heirs, collectively
4 "Defendants"), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and
5 Disbursements,

6 **IT IS HEREBY ORDERED AND ADJUDGED:**

7 **1.**

8 Plaintiff is awarded judgment against Defendants and all persons claiming through or
9 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
10 interest, lien or claim in the real property described above and every portion thereof excepting
11 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

12 **2.**

13 Writ of execution upon this General Judgment of Foreclosure shall issue.

14 **3.**

15 The Deed of Trust executed by Borrower and recorded on September 7, 2010, in the
16 Marion County Recorder's Office as reel number 3211 on page 497, is a valid mortgage lien for
17 the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
18 Marion County, Oregon commonly referred to as 732 West Central Street, Gates, Oregon,
19 97346, with a legal description as follows:

20 Beginning at the Southeasterly corner of a tract of land conveyed to Gael Cutsforth, et ux, by
21 deed recorded in Volume 563, Page 86, Deed Records for Marion County, Oregon, which point
22 is on the North line of County Road No. 986, and is West 251.5 feet and South 300.12 feet and
23 North 84°38' West 131.16 feet from the Southeast corner of the Northeast quarter of the
24 Southwest quarter of Section 27, in Township 9 South, Range 3 East of the Willamette Meridian
25 in Marion County, Oregon; thence North 25° West, along the Easterly boundary of said

1 Cutsforth tract, a distance of 286.00 feet to an iron stake; thence North 83°32' East, 250.95 feet
2 to an iron pipe on the West line of a tract of land conveyed to M.G. Rambo, et ux, by deed
3 recorded in Volume 258, Page 405, Deed Records for Marion County, Oregon; thence South,
4 along the West line of said Rambo tract and long the West line of a tract of land conveyed to
5 Charles J. Hoover, by deed recorded in Volume 676, Page 311, Deed Records for Marion
6 County, Oregon, a distance of 298.13 feet to an iron pipe on the North line of County Road No.
7 986; thence North 84°38' West, a distance of 131.16 feet to the place of beginning.

8 4.

9 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
10 property, and all other interest in the property gained by him thereafter, or so much interest as
11 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Marion
12 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

13 5.

14 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
15 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
16 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
17 may establish their right thereto.

18 6.

19 Defendants and all persons claiming through or under Defendants, as purchasers,
20 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
21 property described above and every portion thereof excepting only any satisfactory right of
22 redemption as Defendants may have.

23 7.

24 Plaintiff or any other party to this suit or third party purchase may become the purchaser
25 at the sale of the real property. The purchaser is entitled to exclusive possession of the real

1 property from and after the date of sale and is entitled to such remedies as are available at law to
2 secure possession, including writ of assistance, if the Defendants and any other party or person
3 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
4 possession.

5 **SECURED DEBT**

6
7 1. Judgment Creditor: Nationstar Mortgage LLC dba Champion Mortgage
8 Company
9 c/o Law Offices of Les Zieve
10 One World Trade Center
11 121 Southwest Salmon St., 11th Floor
12 Portland, OR 97204
13 503-946-6558

14
15 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
16 Law Offices of Les Zieve
17 One World Trade Center
18 121 Southwest Salmon St., 11th Floor
19 Portland, OR 97204
20 503-946-6558

21
22 3. Judgment Debtors: Gerald D. Flanary
23 732 West Central Street
24 Gates, OR 97346
25 **Year of Birth:** Unknown
26 **Social Security No.:** XXX-XX-8639
27 **Drivers' License No:** Unknown
28 **Attorney of Record:** None

May A. Flanary
732 West Central Street
Gates, OR 97346
Year of Birth: Unknown
Social Security No.: XXX-XX-2517
Drivers' License No: Unknown
Attorney of Record: None

4. Person or public body entitled to any portion of money award herein: None

1 **5. Total Amount of Secured Debt:**

2 a. Lenders' Principal and Interest

3 Principal Balance \$ 115,704.55

4 Accrued interest and fees on \$ 32,487.03
5 the principal balance through
6 12/31/15

7 **Total Principal and Interest
8 Through 12/31/15 at the rate of
9 5.56%.**

\$148,191.58

10 **Due to the nature of the loan, Plaintiff waives any post-judgment interest**

11 b. Attorneys' Fees and Costs

12 Attorney Fees Judicial Flat Rate \$ 2,400.00

13 Complaint \$531.00

14 Withdrawal LP Recording \$66.00

15 Provest Invoice 4380923;
16 8/13/2015; Record LP \$66.00

17 Servicelink Publication of
18 Summons; invoice 4414407; \$475.00

19 Provest Invoice 4379860;
20 8/25/2015; filing \$45.00

21 Provest Invoice 4414407;
22 service of S&C \$155.00

23 Mediation \$200.00

24 **Total Attorney Fees and Costs \$ 3,938.00**

25 **Total Secured Debt (Judgment) \$ 152,129.58**

1 Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ
2 of Execution will issue. This judgment is not and is not intended to be a monetary judgment
3 against the Borrowers.
4
5

6 Signed: 2/18/2016 03:03 PM

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8
9 **Circuit Court Judge Courtland Geyer**

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11
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13 Submitted by:

14 */s/Benjamin D. Petiprin*

15 Benjamin Petiprin, OSB No. 136031
16 Attorney for Plaintiff
17 Ventures Trust 2013-I-H-R by MCM
18 Capital Partners, LLC, its Trustee, a
19 limited liability company
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CERTIFICATE

I HEREBY CERTIFY that this proposed order or judgment is ready for judicial signature because:

1. [] 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.

2. [] 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.

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

a. [] No objection has been served on me.

b. [] 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.

c. [] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

4. [X] The relief sought is against an opposing party who has been found in default.

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

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

7. [] 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.

Dated: February 15, 2016

By: /s/ Benjamin D. Petiprin
Benjamin D. Petiprin, OSB No. 136031
Attorney for Plaintiff
Nationstar Mortgage LLC dba Champion
Mortgage Company, a limited liability
company