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

6 NATIONSTAR MORTGAGE LLC,

7 Plaintiff,

8 vs.

9 JULIE J TACCHINI AKA JULIE JO
10 TACCHINI AKA JULIE RADKE; THOMAS
11 D TACCHINI AKA THOMAS DAVID
12 HOLBROOK TACCHINI AKA TOM
13 TACCHINI; CAPITAL ONE BANK, (USA)
14 N.A.; RAY KLEIN INC., AN OREGON
CORPORATION DBA PROFESSIONAL
CREDIT SERVICE.; OCCUPANTS OF THE
PROPERTY,

14 Defendants.

Case No.: 16CV20027

Judge: Tracy Prall

WRIT OF EXECUTION IN
FORECLOSURE

15 **TO THE MARION COUNTY SHERIFF:**

16 A Judgment of Foreclosure was entered and docketed in this case on May 25, 2017. A
17 true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

18 NATIONSTAR MORTGAGE LLC
19 c/o Robert Hakari Attorney for Plaintiff
20 McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

21 With the adjudicated amount due of \$192,450.22, plus post judgment interest at the statutory rate
22 of 9.0% per annum from 5/25/2017 to 7/14/2017 in the amount of \$2,372.67, and continuing
23 with a per diem of \$47.25, currently totaling \$194,822.89.

24 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
25 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
26 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
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1 about November 9, 2007, the date of the Deed of Trust, and also the interest that the Defendant
2 had thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # R57310, and
3 commonly known as: 5292 Newberg Dr. N, Keizer, OR 97303.

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

Signed: 7/25/2017 08:48 AM


J. Tolman, Court Clerk



13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 7/14/17

15 _____
16 _ John Thomas OSB No. 024691
17 x Robert Hakari OSB No. 114082
18 920 SW 3rd Ave, 1st Floor
19 Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
22 rhakari@mccarthyholthus.com
23 Of Attorneys for Plaintiff
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EXHIBIT 1

THE NORTH ONE-HALF OF THE WEST ONE-HALF OF LOT 5, BLOCK 4, OLSON AND REEVE KEIZER TRACTS, IN THE CITY OF KEIZER, COUNTY OF MARION, STATE OF OREGON.

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

7 NATIONSTAR MORTGAGE LLC,

8 Plaintiff,

9 v.

10 JULIE J TACCHINI AKA JULIE JO
11 TACCHINI AKA JULIE RADKE; THOMAS
12 D TACCHINI AKA THOMAS DAVID
13 HOLBROOK TACCHINI AKA TOM
14 TACCHINI; CAPITAL ONE BANK, (USA)
15 N.A.; RAY KLEIN INC., AN OREGON
16 CORPORATION DBA PROFESSIONAL
17 CREDIT SERVICE.; OCCUPANTS OF THE
18 PROPERTY,

19 Defendants.

Case No.: 16CV20027

Judge: Tracy Prall

GENERAL JUDGMENT OF
FORECLOSURE

20 1.

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

- 22 a. Defendant JULIE J TACCHINI AKA JULIE JO TACCHINI AKA JULIE RADKE
23 were duly served with process and failed to appear; the default has been entered
24 against her, and it appearing that she is not incapacitated, protected persons,
25 respondents as defined in ORS 125.005, minors, or in the military service of the
26 United States;
- 27 b. A limited judgment has been entered with regard to Defendants CAPITAL ONE
28 BANK, (USA) N.A., RAY KLEIN INC., AN OREGON CORPORATION DBA
PROFESSIONAL CREDIT SERVICE., and OCCUPANTS OF THE PROPERTY;
- c. An Order granting Summary Judgment has been entered with regard to Defendant

1 THOMAS D TACCHINI AKA THOMAS DAVID HOLBROOK TACCHINI AKA
2 TOM TACCHINI, now therefore,

3 2.

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

- 5 a. The real property to which this judgment relates is located and situated in Marion County,
6 Oregon, and is commonly known as 5292 Newberg Dr N, Keizer, OR 97303 (the "Subject
7 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
8 R57310.
- 9 b. Plaintiff is entitled to enforce the note dated 11/9/2007 and made, delivered, and executed by
10 Julie J. Tacchini and Thomas D. Tacchini ("Borrower") to Provident Funding Associates,
11 L.P., A California Limited Partnership in the amount of \$152,000.00 (the "Note"). The Note
12 was transferred to Plaintiff by delivery of possession and by indorsement set forth on the
13 Note.
- 14 c. A deed of trust was made, executed, and delivered by Defendants Julie J Tacchini and
15 Thomas D Tacchini on or about 11/9/2007 (the "Deed of Trust"). The Deed of Trust was
16 recorded on 11/15/2017 as Reel No. 2889 Page No. 195 in the official records of Marion
17 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
18 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
19 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 20 d. Borrower failed to make the payment that was due for 2/1/2015 and has not cured the default.
21 The amount of debt secured by the Deed of Trust that is now due and owing is comprised of
22 the following amounts (the "Amount Due"):

- 23 a) Unpaid principal balance: \$164,509.78
24 b) Prejudgment interest accruing from \$17,934.05
25 1/1/2015 through 5/11/2017 and
26 continuing until the entry of judgment
at the current Note rate of 4.625%:

1	c) Additional amounts due under the terms of the loan:	\$3,893.15
2	d) Attorney fees and costs:	\$6,028.24
3	e) Prevailing party fee (ORS 20.190 (1)(b)):	\$85.00
4		
5	Total:	\$192,450.22

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

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

12 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

13 g. All right, title and interest in the Subject Property that Defendants Julie J Tacchini and
14 Thomas D Tacchini had as of the date of the Deed of Trust or thereafter acquired is hereby
15 ordered to be sold by the Marion County Sheriff's Office in accordance with the process for
16 sale upon execution, and the proceeds of sale shall be applied:

- 17 1) First, to the costs of sale not incurred by Plaintiff;
- 18 2) 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 3) 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 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
24 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
25 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

7 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
8 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
9 terminated.

10 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
11 Trust are as follows:

12 1) Defendant CAPITAL ONE BANK, N.A. may claim a junior interest in Subject
13 Property by virtue of a judgment entered on June 19, 2013 as Case No. 13C13086 in
14 the official records of Marion County, Oregon.

15 2) Defendant RAY KLEIN INC., AN OREGON CORPORATION DBA
16 PROFESSIONAL CREDIT SERVICE may claim a junior interest in Subject
17 Property by virtue of a judgment lien entered on July 15, 2014 as Case No. 14C12289
18 in the official records of Marion County, Oregon.

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22 Signed: 5/23/2017 02:52 PM

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25 **Circuit Court Judge Tracy A. Prall**

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

27 On 5/11/2017 a copy of the proposed General Judgment of Foreclosure was:mailed to:

1 Thomas D Tacchini
2 5292 Newberg Dr N
3 Keizer, OR 97303

4 not less than 7 days prior to submission to the court with a notice of the time period to
5 object.

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

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

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

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

14 No objection has been served on me.

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

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

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

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

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

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

27 Other: _____

28 Presented by:

McCarthy & Holthus, LLP

s/ Robert B. Hakari 5/19/2017

Robert B. 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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