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

MTGLQ INVESTORS, L.P.

Plaintiff,

vs.

BRIAN R. SMALL;RAY KLEIN, INC.,
DBA PROFESSIONAL CREDIT
SERVICE; PARTIES IN POSSESSION

Defendants.

Case No. 16CV31139

WRIT OF EXECUTION

TO: MARION COUNTY SHERIFF

WHEREAS, on February 28, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on February 13, 2009, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

DESCRIBED IN THE DEED OF TRUST AS:
LOT 12, BLOCK 74, E.E. WILD PROPERTY NORTH SALEM, IN THE CITY OF SALEM,
MARION COUNTY, OREGON. (PLAT VOLUME 2, PAGE 59)

1- WRIT OF EXECUTION
S&S No. 16-118808

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 AND MORE ACCURATELY DESCRIBED AS:
2 LOT 12, BLOCK 74, E.E. WILD ADDITION TO NORTH SALEM, IN THE CITY OF
3 SALEM, MARION COUNTY, OREGON.

4 and commonly known as 965 Shipping Street NE, Salem, OR 97301 to satisfy the sum of
5 \$156,168.83, as of April 12, 2017, together with additional post judgment interest of 9.00% from
6 that date (\$38.10 per day), and costs of this execution, making due return within 60 days after
7 you receive this writ.
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25 2- WRIT OF EXECUTION
26 S&S No. 16-118808

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1 MTGLQ Investors, L.P. is the Judgment Creditor, and its address for purpose of this writ
2 only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,
3 WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment
4 Creditor.
5
6
7

Signed: 4/19/2017 10:13 AM


J. Tolman, Court Clerk



11
12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: 

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #873575 [ksutherland@logs.com]
18 Cara J. Richter #094855 [crichter@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
20 Joshua R. Orem # 116872 [jorem@logs.com]*
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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25

26 3- WRIT OF EXECUTION
27 S&S No. 16-118808

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

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

BRIAN R. SMALL;RAY KLEIN, INC., DBA
PROFESSIONAL CREDIT SERVICE; PARTIES
IN POSSESSION

Defendants.

Case No. 16CV31139

**ASSIGNMENT OF JUDGMENT
[IN FULL]**

ORS 18.205

Under penalty of perjury, I, depose and say:

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1 - ASSIGNMENT OF JUDGMENT
S&S No. 16-118808

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 I am the attorney for Plaintiff in the above – captioned proceeding, and in that capacity, and
2 with said client's authority, and pursuant to *ORS 18.205*, hereby transfer and assign ALL rights, title
3 and interests on the behalf of the Plaintiff herein in the judgment or record entered on February 28,
4 2017 in the amount of \$154,530.53 to MTGLQ INVESTORS, L.P. as follows:

- 5 1. Judgment Amount: \$154,530.53
- 6 2. Judgment Creditor: Nationstar Mortgage LLC
- 7 3. Judgment Debtor (in rem): 965 Shipping Street NE, Salem, OR 97301
- 8 4. Successor/Transferee: MTGLQ INVESTORS, L.P.

9 Address: 9990 Richmond Avenue, Suite 400S

10 City, State: Houston, TX 77042

11
12
13
14 Wherefore Plaintiff, assignor, acquired Judgment as set forth above, and is currently the
15 holder of said judgment, upon execution hereof, ALL RIGHT(s), TITLE and INTEREST(s), shall
16 by operation, vest in MTGLQ INVESTORS, L.P., assignee, to the fullest extent permitted by law.

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1 Assignee shall have the right to collect, execute upon or further assign the judgment transferred
2 herein, as if they were the original judgment creditor, including, but not limited to:

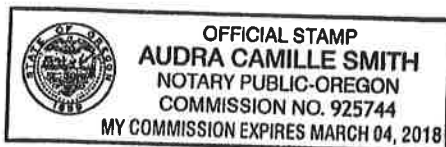
- 3 A. Any and all rights to execution and sale;
4 B. Any and all rights to collection;
5 C. Any and all equitable remedies, including assistance and/or restitution;
6 D. Any other rights as permitted by law or equity. Oregon
7

8
9 By: 

10 [] James A. Craft #090146 [jcraft@logs.com]*
11 [X] Kelly D. Sutherland #873575 [ksutherland@logs.com]
12 [] Cara J. Richter #094855 [crichter@logs.com]
13 [X] Holger Uhl #950143 [huhl@logs.com]*
14 [] Joshua R. Orem # 116872 [jorem@logs.com]*
15 of SHAPIRO & SUTHERLAND, LLC
16 Attorneys for Plaintiff,
17 1499 SE Tech Center Place, Suite 255
18 Vancouver, WA 98683
19 7632 SW Durham Road, Suite 350
20 Tigard, OR 97224*
21 (360)260-2253; Fax (360)260-2285

17 STATE OF OREGON)
18) SS.
19 County of Washington)

20 This instrument was acknowledged before me on 4/5/2017 (date) by Kelly D. Sutherland
21 (name(s) of person(s)) as attorney for Plaintiff.



25 A Smith
26 Notary Public for Oregon
27 My commission expires: 3/4/2018

28 S&S No. 16-118808

3 - ASSIGNMENT OF JUDGMENT
S&S No. 16-118808

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

NATIONSTAR MORTGAGE LLC,
Plaintiff,

Case No. 16CV31139

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

BRIAN R. SMALL;RAY KLEIN, INC., DBA
PROFESSIONAL CREDIT SERVICE; PARTIES
IN POSSESSION,
Defendants.

Default having been entered against Defendant(s), Brian R. Small, Parties in Possession
and Ray Klein, Inc., dba Professional Credit Service:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Marion County, Oregon is commonly known as 965 Shipping Street NE, Salem, OR 97301
and is legally described as follows:

//

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118808

SHAPIRO & SUTHERLAND, LLC
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Telephone (360)260-2253 (800)970-5647
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1 Described in the Deed of Trust as:
2 Lot 12, Block 74, E.E. WILD PROPERTY NORTH SALEM, in the City of Salem,
3 Marion County, Oregon. (Plat Volume 2, Page 59)

4 And more accurately described as:
5 Lot 12, Block 74, E.E. WILD ADDITION TO NORTH SALEM, in the City of Salem,
6 Marion County, Oregon.

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2. The Deed of Trust executed and delivered by Defendant, Brian R. Small ("Borrower") on or about February 13, 2009 and recorded on February 27, 2009 as Reel 3037, Page 374 in the official records of Marion County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
 3. The Plaintiff is the holder of the original note dated February 13, 2009 and made by Brian R. Small in the amount of \$137,500.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.
 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-118808

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1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion
3 County Sheriff's Office in accordance with the process for sale upon execution, and the
4 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
5 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
6 as their interest may appear or to the clerk of the court to be distributed to such party of
7 parties as may establish their right thereto.
8

9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
13

14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
15 any person holding possession under or through such Defendant(s) shall refuse to surrender
16 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 16-118808

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$125,404.84	
3	Prejudgment interest at 4.875% through			\$16,788.45
4	January 30, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$16.75 per diem			
7	Late Charges		\$0.00	
8	Other Costs and fees (recoverable)		7,599.49	
9	Property Tax	\$6,070.49		
10	Hazard Insurance	\$1,154.00		
11	Property Inspections	\$375.00		
12	Subtotal			\$133,004.33
13	Total plus Prejudgment Interest			\$149,792.78

14 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

15	Costs			\$1,652.00
16	Title Search Cost		\$595.00	
17	Filing Fee		\$531.00	
18	Lis Pendens Recording Fee		\$51.00	
19	Service Costs		\$200.00	
20	Prevailing Party Fee		\$275.00	
21	Attorney fees			\$2,600.00
22	Total			\$4,252.00

23 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
24 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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4 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118808

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1 14. In no event should this judgment be construed as establishing personal liability for any
2 persons whose debt has been extinguished in bankruptcy or by an In Rem order granting
3 relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds
4 of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be
5 issued and Plaintiff shall not be entitled to any further judgment, including a judgment for
6 deficiency.
7

8 15. Execution may issue against the subject property for the aggregate amount found due
9 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
10 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
11 ORS 18.936 or other applicable law.
12

13 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
14 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
15 judgment as to the amounts due shall be terminated.

16 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
17 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
18 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
19 18.936.
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26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
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27

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 2/26/2017 11:04 AM

8 
9 Circuit Court Judge Sean E. Armstrong
10

11 Submitted by:
12 Attorneys for Plaintiff,
13 SHAPIRO & SUTHERLAND, LLC

14 By: 

15 James A. Craft #090146 [jcraft@logs.com]
16 Kelly D. Sutherland #873575 [ksutherland@logs.com]
17 Carl J. Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-118808

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF MARION

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

BRIAN R. SMALL; RAY KLEIN, INC., DBA
PROFESSIONAL CREDIT SERVICE; PARTIES
IN POSSESSION

Defendants.

Case No. 16CV31139

CERTIFICATE OF READINESS

Certificate of Readiness under UTCR 5 100

I certify that on Feb 27, 2017, this proposed judgment/order is ready for judicial signature because:

Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order is being submitted in **open court** with all parties present.

Each party affected by this judgment/order has **stipulated** to or **approved** the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.

I have **served** (complete service section below) a copy of this judgment/order and the *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

No objection has been served on me within the 7-day time frame.

CERTIFICATE OF READINESS
S&S No. 16-118808

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1 ___ I received objections that I could not resolve with the other party despite reasonable efforts
2 to do so. I have filed with the court a copy of the objections I received and indicated which
3 objections remain unresolved.

4 ___ After conferring about objections, the other party agreed to file any remaining objection
5 with the court.

6 DATED: Feb 27, 2017

7 Attorneys for Plaintiff
8 SHAPIRO & SUTHERLAND, LLC

9 By: 

10 James A. Craft #090146 [jcraft@logs.com]

11 Kelly D. Sutherland #873575 [ksutherland@logs.com]

12 Cara J. Richter #094855 [crichter@logs.com]

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