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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL D. SOWERS AKA MICHAEL
DAVID SOWERS; JULIA M. SOWERS AKA
JULIA MARIE SOWERS; AMANDA SUE
JORDAN; STATE OF OREGON ;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV32942

WRIT OF EXECUTION IN
FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 6/6/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA
c/o Michael Scott
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$134,956.93, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 6/6/2017 to 8/24/2017 in the amount of \$2,628.89, and continuing with
3 a per diem of \$33.28, currently totaling \$137,585.82.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about 6/10/2005, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1*

10 and commonly known as: 1528 Ivory Street, Klamath Falls, OR 97603.

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

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1 Dated: August 31, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Michael Scott

4 Michael Scott OSB No. 973947

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 mscott@mccarthyholthus.com

10 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 42 of LEWIS TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL D. SOWERS AKA MICHAEL
DAVID SOWERS; JULIA M. SOWERS AKA
JULIA MARIE SOWERS; AMANDA SUE
JORDAN; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV32942

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants MICHAEL D. SOWERS AKA MICHAEL DAVID SOWERS, JULIA M. SOWERS AKA JULIA MARIE SOWERS, AMANDA SUE JORDAN, STATE OF OREGON, and 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;

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 Klamath County, Oregon, and is commonly known as 1528 Ivory Street, Klamath Falls, OR 97603 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 3809-035CD-05400-000, R448965.

3 b. Plaintiff is entitled to enforce the note dated 6/10/2005 and made, delivered, and executed by
4 Michael D. Sowers to Eagle Home Mortgage, Inc., A Washington Corporation in the amount
5 of \$70,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Michael D Sowers, Julia M
8 Sowers on or about 6/10/2005 (the "Deed of Trust"). The Deed of Trust was recorded on
9 6/15/2005 as Instrument No. in the official records of Klamath County, Oregon. The Deed of
10 Trust is a valid and perfected lien against all of the Property for and securing the Amount
11 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
12 shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for 4/1/2015 and has not cured the
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$ 113,412.77
17	b) Prejudgment interest accruing from	\$ 14,139.97
18	3/1/2015 through 6/2/2017 and	
19	continuing until the entry of judgment	
	at the current Note rate of 5.7500%:	
20	c) Additional amounts due under the	\$ 887.51
21	terms of the loan:	
22	d) Attorney fees and costs:	\$ 6,431.68
23	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(2)(a)):	
24	TOTAL:	\$ 134,956.93

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

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

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

8 g. All right, title and interest in the Subject Property that Defendants Michael D Sowers, Julia
9 M Sowers had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to
10 be sold by the Klamath County Sheriff's Office in accordance with the process for sale upon
11 execution, and the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

6 1) Defendant AMANDA SUE JORDAN may claim a junior interest in Subject Property
7 by virtue of a judgment entered on 02/17/2015 as Case No. 1403036CV in the official
8 records of Klamath County, Oregon.

9 2) Defendant JULIA M. SOWERS aka JULIA MARIE SOWERS may claim a junior
10 interest in Subject Property by virtue of a judgment entered on 03/26/2010 as Case
11 No. 0903244CV in the official records of Klamath County, Oregon.

Signed: 6/5/2017 08:57 AM



Circuit Court Judge Marci W. Adkisson

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

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

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

Dated: June 2, 2017

Presented by:
McCarthy & Hoithus, LLP

s/ Michael S. Scott

Robert B. Hakari, OSB No. 114082

Michael S. Scott, OSB No. 973947

Brady Godbout, OSB No. 132708

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Of Attorneys for Plaintiff

EXHIBIT 1

Lot 42 of LEWIS TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.