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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

vs.

DANIEL J. ARNOTH; BILLIE L. ARNOTH;  
CREDIT SERVICES OF OREGON, INC.;  
ARROW FINANCIAL SERVICES LLC; GE  
CAPITAL RETAIL BANK F/K/A GE MONEY  
BANK; ASSET ACCEPTANCE LLC; CAPITAL  
ONE BANK (USA), N.A. D/B/A CAPITAL ONE  
BANK; UNIFUND CCR PARTNERS;  
PALISADES COLLECTION LLC; LVNV  
FUNDING, LLC; COMMERCIAL  
ADJUSTMENT CO.; UNITED STATES OF  
AMERICA; ATLANTIC CREDIT & FINANCE,  
INC.; MIDLAND FUNDING LLC; GEMINI  
CAPITAL GROUP, LLC; PARTIES IN  
POSSESSION,

Defendants.

Case No. 16CV34224

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Default having been entered against Defendants, Credit Services of Oregon, Inc., Arrow  
Financial Services, LLC, Asset Acceptance, LLC, Capital One Bank (USA), N.A. d/b/a Capital  
One Bank, LVNV Funding, LLC, Commercial Adjustment Co., UNITED STATES OF

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 15-116288

SHAPIRO & SUTHERLAND, LLC  
7632 SW Durham Road, Suite 350, Tigard, OR 97224  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 AMERICA, INTERNAL REVENUE SERVICE, Atlantic Credit & Finance, Inc., Midland  
2 Funding LLC, Gemini Capital Group, LLC, GE Capital Retail Bank f/k/a GE Money Bank, FSB,  
3 Unifund CCR Partners and Palisades Collection, LLC and Defendant(s), Parties in Possession,  
4 having been dismissed and Summary Judgment having been granted against Defendants, Daniel  
5 J. Arnoth and Billie L. Arnoth:  
6

7 It is hereby

8 **ORDERED AND ADJUDGED:**

- 9 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
10 Clatsop County, Oregon is commonly known as 780 Clatsop Avenue, Astoria, OR 97103  
11 and is legally described as follows:

12 Lots 21, 22, 23, 24, 25, 26, 27 and 28, Tract 1, Block 9, OLNEY'S ADDITION TO  
13 ASTORIA, as subdivided by Andrew Young, in the City of Astoria, County of Clatsop  
14 and State of Oregon.

- 15 2. The Deed of Trust executed and delivered by Defendant, Daniel J Arnoth and Billie L  
16 Arnoth ("Borrower") on or about August 19, 1999 and recorded on August 24, 1999 as  
17 Instrument No. 09910413 in the official records of Clatsop County, Oregon, is a valid and  
18 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided  
19 herein.

- 20 3. The Plaintiff is the holder of the original note dated August 19, 1999 and made by Daniel J  
21 Arnoth and Billie L Arnoth in the amount of \$174,600.00. A copy of the Note was attached  
22 to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest  
23 in the Deed of Trust (together the "Loan").  
24

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- 1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
2 interest in the Property is foreclosed and terminated excepting only any statutory right of  
3 redemption as provided by Oregon law.
- 4 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
5 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
6 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
7 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
8 interests and priorities.
- 9 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 10 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
11 thereafter acquired in the subject Property, is hereby ordered to be sold by the Clatsop  
12 County Sheriff's Office in accordance with the process for sale upon execution, and the  
13 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
14 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
15 as their interest may appear or to the clerk of the court to be distributed to such party of  
16 parties as may establish their right thereto.
- 17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 18 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
19 from and after the date of the sale and is entitled to such remedies as are available at law or  
20 in equity to secure possession.
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10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

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

Principal	\$180,792.92	
Prejudgment interest at 4.5% through March 11, 2017 (accruing thereafter until entry of judgment at \$22.29 per diem)		\$17,172.15
Late Charges	\$123.84	
Other Costs and fees (recoverable)	10,795.28	
Property Tax	\$8,870.18	
Hazard Insurance	\$1,436.00	
PMI/MIP	\$578.16	
Property Inspections	\$255.00	
Suspense Balance	\$-344.06	
Subtotal		\$191,712.04
Total plus Prejudgment Interest		\$208,884.19

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

Costs		\$2,288.00
Title Search Cost	\$200.00	
Filing Fee	\$531.00	
Lis Pendens Recording Fee	\$52.00	
Service Costs	\$1,230.00	
Prevailing Party Fee	\$275.00	
Attorney fees		\$3,800.00
Total		\$6,088.00

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

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

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

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
20 18.936.

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INC.; MIDLAND FUNDING LLC; GEMINI  
CAPITAL GROUP, LLC; PARTIES IN  
POSSESSION

Defendants.

Case No. 16CV34224

CERTIFICATE OF READINESS

**Certificate of Readiness under UTCR 5 100**

**AUG 09 2017**

I certify that on \_\_\_\_\_, 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.

CERTIFICATE OF READINESS  
S&S No. 15-116288

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

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

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

7 \_\_\_ I received objections that I could not resolve with the other party despite reasonable efforts  
8 to do so. I have filed with the court a copy of the objections I received and indicated which  
9 objections remain unresolved.

10 \_\_\_ After conferring about objections, the other party agreed to file any remaining objection  
11 with the court.

12 DATED: August 9, 2017

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]  
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25  
26 CERTIFICATE OF READINESS  
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