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LINN COUNTY
SHERIFFS OFFICE

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

MTGLQ INVESTOR, L.P.,

Plaintiff,

vs.

JASON E. WOLFE; VALERIE G. WOLFE;
PORTFOLIO RECOVERY ASSOCIATES
LLC; MIDLAND FUNDING LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV19192

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LINN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 15, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MTGLQ Investor, L.P.
c/o Jeremy Clifford
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$226,531.37, plus post judgment interest at the statutory rate of 9.0% per annum from November 15, 2017 to December 15, 2017 in the amount of \$1,675.71, and continuing with a per diem of \$55.86, currently totaling \$228,207.08.

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 on

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
2 about October 29, 2007, the date of the Deed of Trust, and also the interest that the Defendant
3 had thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel
4 #851357, and commonly known as: 1406 47th Avenue, Sweet Home, OR 97386.

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

Signed: 12/14/2017 01:45 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

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12
13 Dated: December 13, 2017 and submitted by:

14 **McCarthy & Holthus, LLP**

15 s/ Jeremy Clifford

16 Jeremy Clifford OSB No. 142987
17 920 SW 3rd Ave, 1st Floor
18 Portland, OR 97204
19 Phone: (971) 201-3200
20 Fax: (971) 201-3202
21 jclifford@mccarthyholthus.com
22 Of Attorneys for Plaintiff
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EXHIBIT "1"

PARCEL 1, PARTITION PLAT NO. 2007-66, SWEET HOME, LINN COUNTY, OREGON.

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

MTGLQ INVESTOR, L.P.,

Plaintiff,

vs.

JASON E. WOLFE; VALERIE G. WOLFE;
PORTFOLIO RECOVERY ASSOCIATES
LLC; MIDLAND FUNDING LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV19192

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants JASON E. WOLFE; VALERIE G. WOLFE; PORTFOLIO RECOVERY ASSOCIATES LLC; MIDLAND FUNDING LLC; OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Linn County, Oregon, and is commonly known as 1406 47th Avenue, Sweet Home, OR 97386 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 851357.
- b. Plaintiff is entitled to enforce the note dated October 29, 2007 and made, delivered, and executed by Jason Wolfe, Valerie Wolfe to Evergreen Moneysource Mortgage Company in

1 the amount of \$176,696.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
2 possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendant(s) Jason E. Wolfe, Valerie
4 G. Wolfe on or about October 29, 2007 (the "Deed of Trust"). The Deed of Trust was
5 recorded on October 31, 2007 as Instrument No. 2007-25738 in the official records of Linn
6 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
7 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
8 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for December 1, 2014 and has not
10 cured the default. The amount of debt secured by the Deed of Trust that is now due and
11 owing is comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 12 | a) Unpaid principal balance: | \$180,456.19 |
| 13 | b) Prejudgment interest accruing from | \$24,857.33 |
| 14 | 11/1/2014 through 11/9/2017 and | |
| 15 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 4.625%: | |
| 16 | c) Additional amounts due under the | \$18,185.94 |
| 17 | terms of the loan: | |
| 18 | d) Attorney fees and costs: | \$2,946.91 |
| 19 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 20 | Total: | \$226,531.37 |

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

24 e. The interest of the Defendants and any successor in interest in the Subject Property is
25 foreclosed and terminated excepting only any statutory right of redemption as provided by
26 Oregon law.
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1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

2 g. All right, title and interest in the Subject Property that Defendants Jason E. Wolfe, Valerie G.
3 Wolfe had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be
4 sold by the Linn County Sheriff's Office in accordance with the process for sale upon
5 execution, and the proceeds of sale shall be applied:

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

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

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

12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

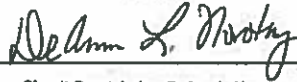
20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.

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

25 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
26 Deed of Trust are as follows:

- 1 1. Defendant Portfolio Recovery Associates LLC may claim a junior interest in Subject
2 Property by virtue of a judgment entered on 08/09/2013 as Case No. 13CV03169 in
3 the official records of Linn County, Oregon.
4 2. Defendant MIDLAND FUNDING LLC may claim a junior interest in Subject
5 Property by virtue of a judgment entered on 04/21/2017 as Case No. 17CV03294 in
6 the official records of Linn County, Oregon.
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Signed: 11/13/2017 12:03 PM



Circuit Court Judge, DeAnn L. Nevozny

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13
14 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

15 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

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

21 No objection has been served on me.

22 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.

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

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

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

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

Other: _____

Dated: November 9, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford
Jeremy Clifford OSB No. 142987
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

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