

LANE COUNTY S.O. CIVIL  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF LANE

BANK OF AMERICA, N.A., SUCCESSOR;  
BY MERGER TO BAC HOME LOANS  
SERVICING, LP FKA COUNTRYWIDE  
HOME LOANS SERVICING, LP

Case No. 16CV42801

Plaintiff,

WRIT OF EXECUTION

vs.

FRANK SMITH; JASPER MEADOWS  
HOMEOWNERS ASSOCIATION;  
UNITED STATES OF AMERICA;  
AMERICAN EXPRESS BANK, FSB;  
PARTIES IN POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on September 14, 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 June 25, 2008, the date of

1- WRIT OF EXECUTION  
S&S No. 16-119265

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 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real  
2 property described in the judgment:

3 DESCRIBED IN THE DEED OF TRUST AS:

4 LOT 225, JASPER MEADOWS FIFTH ADDITION AND JASPER MEADOWS SIXTH  
5 ADDITION, AS PLATTED AND RECORDED OCTOBER 4, 2007, RECEPTION NO. 2007-  
068791, LANE COUNTY DEEDS ND RECORDS, ALL IN LANE COUNTY, OREGON.

6 AND MORE ACCURATELY DESCRIBED AS:

7 LOT 225, JASPER MEADOWS FIFTH ADDITION AND JASPER MEADOWS SIXTH  
8 ADDITION, AS PLATTED AND RECORDED OCTOBER 4, 2007, RECEPTION NO. 2007-  
068791, LANE COUNTY DEEDS AND RECORDS, ALL IN LANE COUNTY, OREGON.

9 and commonly known as 1827 South 58th Street, Springfield, OR 97478 to satisfy the sum of  
10 \$160,867.69, as of September 15, 2017, together with additional post judgment interest of 9.00%  
11 from that date (\$39.66 per day), and costs of this execution, making due return within 60 days  
12 after you receive this writ.  
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25 2- WRIT OF EXECUTION  
26 S&S No. 16-119265

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ksutherland@logs.com

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1 Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka  
2 Countrywide Home Loans Servicing, LP is the Judgment Creditor, and its address for purpose of  
3 this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,  
4 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the  
5 Judgment Creditor.  
6  
7

8 OCT - 2 2017

By: *Angie Jones*  
*court clerk*



13 Submitted by:  
14 Attorneys for Plaintiff,  
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 [x] Joshua R. Orem # 116872 [jorem@logs.com]\*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
21 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
(360)260-2253; Fax (360)260-2285

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

BANK OF AMERICA, N.A., SUCCESSOR BY  
MERGER TO BAC HOME LOANS SERVICING,  
LP FKA COUNTRYWIDE HOME LOANS  
SERVICING, LP,

Case No. 16CV42801

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

FRANK SMITH; JASPER MEADOWS  
HOMEOWNERS ASSOCIATION; UNITED  
STATES OF AMERICA; AMERICAN EXPRESS  
BANK, FSB; PARTIES IN POSSESSION,

Defendants.

Default having been entered against Defendant(s), Frank Smith, Jasper Meadows  
Homeowners Association, United States of America and American Express Bank, FSB:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119265

*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@tops.com

1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Lane County, Oregon is commonly known as 1827 South 58th Street, Springfield, OR  
3 97478 and is legally described as follows:

4 Described in the Deed of Trust as:

5 Lot 225, JASPER MEADOWS FIFTH ADDITION AND JASPER MEADOWS  
6 SIXTH ADDITION, as platted and recorded October 4, 2007, Reception No. 2007-  
068791, Lane County Deeds and Records, all in Lane County, Oregon.

7 And more accurately described as:

8 Lot 225, JASPER MEADOWS FIFTH ADDITION AND JASPER MEADOWS  
9 SIXTH ADDITION, as platted and recorded October 4, 2007, Reception No. 2007-  
068791, Lane County Deeds and Records, all in Lane County, Oregon.

10 2. The Deed of Trust executed and delivered by Defendant, Frank Smith ("Borrower") on or  
11 about June 25, 2008 and recorded on June 27, 2008 as Reception No. 2008-037955 in the  
12 official records of Lane County, Oregon, is a valid and perfected lien against all of the  
13 Property for the amount of Plaintiff's judgment as provided herein.

14 3. The Plaintiff is the holder of the original note dated June 25, 2008 and made by Frank Smith  
15 in the amount of \$178,355.00. A copy of the Note was attached to the complaint as Exhibit.  
16 Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together  
17 the "Loan").

18 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
19 interest in the Property is foreclosed and terminated excepting only any statutory right of  
20 redemption as provided by Oregon law.  
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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 16-119265

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Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@lsga.com

- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
5 interests and priorities.  
6  
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.  
8  
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County  
11 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of  
12 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded  
13 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest  
14 may appear or to the clerk of the court to be distributed to such party of parties as may  
15 establish their right thereto.  
16  
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.  
18  
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
20 from and after the date of the sale and is entitled to such remedies as are available at law or  
21 in equity to secure possession.  
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23 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.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND  
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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		\$139,955.57	
3	Prejudgment interest at 4.125% through June 25, 2017			\$7,216.50
4	(accruing thereafter until entry of judgment at \$487.89 per mensem)			
5	Late Charges		\$0.00	
6	Other Costs and fees (recoverable)		8,865.29	
	Property Tax	\$4,768.96		
7	Hazard Insurance	\$2,127.42		
	PMI/MIP	\$1,162.06		
8	Appraisal/BPO	\$435.00		
9	Property Inspections	\$180.00		
10	FHA Premium	\$191.85		
	Subtotal			\$148,820.86
11	Total plus Prejudgment Interest			\$156,037.36

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

14	Costs			\$727.00
	Filing Fee		\$531.00	
15	Lis Pendens Recording Fee		\$52.00	
16	Service Costs		\$144.00	
	Attorney fees			\$2,600.00
17	Total			\$3,327.00

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

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26 4 - GENERAL JUDGMENT OF FORECLOSURE AND  
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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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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
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1499 SE Tech Center Place, Suite 235, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

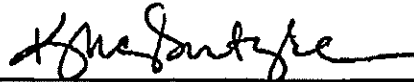


1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.

4  GRANTED

5  DENIED  
6

7  
8 Signed: 9/13/2017 01:52 PM

9 

10 Karrie K. McIntyre, Circuit Court Judge

11 **Certificate of Readiness under UTCR 5 100**

12 This proposed order or judgment is ready for judicial signature because:

- 13
- 14 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
shown by each party's signature on the document being submitted.
  - 15 2.  Each party affected by this order or judgment has approved the order or judgment, as  
shown by each party's signature on the document being submitted or by written confirmation of  
16 approval sent to me.
  - 17 3.  I have served a copy of this order or judgment on each party entitled to service and:
    - 18 a.  No objection has been served on me.
    - 19 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
so. I have filed a copy of the objections I received and indicated which objections remain  
20 unresolved.
    - 21 c.  After conferring about objections, [role and name of objecting party] agreed to  
independently file any remaining objection.
  - 22 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND  
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Fax (360)260-2285  
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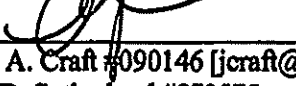
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1 5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has  
2 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
3 (5) of this rule.

4 6. [ ] Other: \_\_\_\_\_

5 Dated: August 31, 2017

6 Submitted by:  
7 Attorneys for Plaintiff,  
8 SHAPIRO & SUTHERLAND, LLC

9 By:  \_\_\_\_\_

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

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

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

14 [ ] Holger Uhl #950143 [huhl@logs.com]\*

15 [ ] Joshua R. Orem # 116872 [jorem@logs.com]\*

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17 98683

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