

RECEIVED
CLACKAMAS CNTY SHERIFF

17 DEC -5 PM 4:19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

Plaintiff,

vs.

SALLY L. LIMBOCKER AKA SALLY LYN
LIMBOCKER, INDIVIDUALLY; MARK K.
YAMAMOTO; SALLY L. LIMBOCKER
AKA SALLY LYN LIMBOCKER AS
TRUSTEE OF THE SALLY LYN
(JOHNSTON) LIMBOCKER REVOCABLE
LIVING TRUST U/T/D JANUARY 15, 2008;
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.: CV15090412

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A General Judgment of Foreclosure was entered and docketed in this case on July 28,
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 \$329,727.66, plus post judgment interest at the statutory rate
2 of 9.0% per annum from July 28, 2017 to October 24, 2017 in the amount of \$7,154.64, and
3 continuing with a per diem of \$81.30, currently totaling \$336,882.30.

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 February 16, 2007, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00983804
9 and commonly known as: 27730 E John Lake Road, Rhododendron, OR 97049.

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



15
16 **DATED:** 17 day of November, 2017.

Judicial Assistant
Title

By: Denny Watson

17
18 Court Administrator relies on the information
19 provided by the person seeking issuance of
20 this writ of execution and is not liable for any
21 errors or omissions in the information

22
23 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
24 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
25 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
26 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
27 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

1 Dated: October 30, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

Plaintiff,

vs.

SALLY L. LIMBOCKER AKA SALLY
LYN LIMBOCKER, INDIVIDUALLY;
MARK K. YAMAMOTO; SALLY L.
LIMBOCKER AKA SALLY LYN
LIMBOCKER AS TRUSTEE OF THE
SALLY LYN (JOHNSTON) LIMBOCKER
REVOCABLE LIVING TRUST U/T/D
JANUARY 15, 2008; OCCUPANTS OF
THE PREMISES,

Defendants.

Case No.: CV15090412

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff’s motion.

a. Defendants SALLY L. LIMBOCKER AKA SALLY LYN LIMBOCKER,
INDIVIDUALLY, MARK K. YAMAMOTO, and SALLY L. LIMBOCKER AKA
SALLY LYN LIMBOCKER AS TRUSTEE OF THE SALLY LYN (JOHNSTON)
LIMBOCKER REVOCABLE LIVING TRUST U/T/D JANUARY 15, 2008
 (“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

1 in ORS 125.005, minors, or in the military service of the United States;

2 b. Occupants of the Premises was dismissed from this action ;

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

5 a. The real property to which this judgment relates is located and situated in Clackamas County,
6 Oregon, and is commonly known as 27730 E John Lake Road, Rhododendron, OR 97049
7 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
8 APN/Parcel No. 00983804.

9 b. Plaintiff is entitled to enforce the note dated 2/16/2007 and made, delivered, and executed by
10 Sally L. Limbocker to NORTHWEST MORTGAGE GROUP, INC., an Oregon Coporation
11 in the amount of \$202,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery
12 of possession and by indorsement set forth on the Note.

13 c. A deed of trust was made, executed, and delivered by Defendants Sally L. Limbocker, Mark
14 K. Yamamoto on or about 2/16/2007 (the "Deed of Trust"). The Deed of Trust was recorded
15 on 2/21/2007 as Instrument No. 2007-015021 in the official records of Clackamas County,
16 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
17 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
18 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

19 d. The Borrower failed to make the payment that was due for 5/1/2010 and has not cured the
20 default. The amount of debt secured by the Deed of Trust that is now due and owing is
21 comprised of the following amounts (the "Amount Due"):

- 22 a) Unpaid principal balance: \$ 195,330.85
23 b) Prejudgment interest accruing from \$ 95,415.69
24 4/1/2010 through 6/26/2017 and
25 continuing until the entry of judgment
at the current Note rate of 6.750%:
26 c) Additional amounts due under the \$ 38,211.24
27 terms of the loan:

d) Attorney fees and costs:	\$ 684.88
e) Prevailing party fee (ORS 20.190 (2)(a)):	\$ 85.00
TOTAL:	\$ 329,727.66

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

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

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

g. All right, title and interest in the Subject Property that Defendants Sally L. Limbocker, Mark K. Yamamoto had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:


- 1) First, to the costs of sale not incurred by Plaintiff;
- 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
- 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

- 1 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
2 Property from and after the date of the sale and is entitled to such remedies as are available at
3 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
4 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
5 possession to the purchaser immediately upon the purchaser's demand for possession.
6 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
7 entitled to any further or other judgment, including a judgment for the deficiency.
8 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
9 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
10 terminated.
11 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
12 Trust are as follows:

- 13 1) THE SALLY LYN (JOHNSTON) LIMBOCKER REVOCABLE LIVING TRUST
14 U/T/D JANUARY 15, 2008: The title was vested to the Sally Lyn (Johnston)
15 Limbocker Revocable Living Trust u/t/d January 15, 2008 by virtue of a Warranty
16 Deed recorded in Clackamas County real property records on April 18, 2008 as
17 Instrument No. 2008-028112.
18
19
20

Signed: 7/28/2017 01:21 PM



Circuit Court Judge Michael C. Wetzel

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

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

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

4
5 Dated June 30, 2017 and presented by:

6 **McCarthy & Holthus, LLP**

7 s/ Michael S. Scott

8 Robert B. Hakari, OSB No. 114082

9 Michael S. Scott, OSB No. 973947

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 mscott@mccarthyholthus.com

15 Of Attorneys for Plaintiff

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

A portion of that certain tract of land designated as Tract No. 40 in Section 11, Township 3 South, Range 7 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, upon re-survey accepted May 31, 1935, by the General Land Office of the Department of the Interior, more particularly described as follows:

Beginning at the most Westerly Northwest corner of said Tract No. 40, said point being designated as A.P. No. 4 of said re-survey and running thence South 2° 20' West along the West line of said Tract No. 40, a distance of 471.51 feet to an iron rod; thence South 88° 30' East, 120.0 feet to an iron rod, said iron rod being the true point of beginning of the tract herein to be described; thence from the above described true point of beginning, continuing South 88° 38' East, 100.00 feet to an iron rod; thence South 2° 20' West parallel with the West line of said Tract No. 40, a distance of 100.0 feet to an iron rod; thence North 88° 38' West 100.0 feet to an iron rod; thence North 2° 20' East, 100.0 feet to the true point of beginning.

NOTE: This legal description was created prior to January 1, 2008.