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

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

RAMON FORNEY INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF MARGARET M
WALTON; THE UNKNOWN HEIRS AND
DEWISEES OF JOHN H. WALTON;
UNITED STATES OF AMERICA ; STATE
OF OREGON; ROMA MCCARSON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV28757

WRIT OF EXECUTION IN
FORECLOSURE

RECEIVED
NOV - 9 2017
CROOK COUNTY SHERIFF
CIVIL DEPARTMENT

TO THE CROOK COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 19, 2017.
A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

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NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY
c/o Brady Godbout
Attorney for Plaintiff

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

With the adjudicated amount due of \$176,031.60, plus post judgment interest at the statutory rate of 9.0% per annum from 9/19/2017 to 10/15/2017 in the amount of \$1,115.71, and continuing with a per diem of \$42.91, currently totaling \$177,147.31.

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 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about July 9, 2007, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel #16714, and commonly known as (street address): 2142 NE Wolverine Loop, Prineville, OR 97754.

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

This writ does not apply to a bona fide tenant who is subject to protection under the federal Protecting Tenants at Foreclosure Act.

Signed: 10/16/2017 09:24 AM



Amy Bonkosky
Amy Bonkosky, Trial Court Administrator

1 Dated: 10/11/2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

4 John Thomas OSB No. 024691

5 Robert Hakari OSB No. 114082

6 Andreanna Smith OSB No. 131336

7 Brady Godbout OSB No. 132708

8 Brian Kidder OSB No. 140459

9 Jeremy Clifford OSB No. 142987

10 Michael Scott OSB No. 973947

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

15 bgodbout@mccarthyholthus.com

16 Of Attorneys for Plaintiff

EXHIBIT " 1 "

Located in Crook County, Oregon:

Lot S1 of Deer Ridge Subdivision - Phase 4, according to the official plat thereof, recorded April 15, 2004 as Instrument No. 189507 records of Crook County, Oregon.

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NATIONSTAR MORTGAGE LLC D/B/A
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Plaintiff,

vs.

RAMON FORNEY INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF MARGARET M
WALTON; THE UNKNOWN HEIRS AND
DEWISEES OF JOHN H. WALTON;
UNITED STATES OF AMERICA ; STATE
OF OREGON; ROMA MCCARSON;
OCCUPANTS OF THE PROPERTY

Defendants.

Case No.: 15CV28757

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants RAMON FORNEY INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MARGARET M. WALTON; THE UNKNOWN HEIRS AND DEWISEES OF JOHN H. WALTON; UNITED STATES OF AMERICA ; STATE OF OREGON; ROMA MCCARSON; 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;
- b. A Limited Judgment has been entered with regard to Defendants THE UNKNOWN HEIRS

1 AND DEVISEES OF JOHN H. WALTON; UNITED STATES OF AMERICA ; STATE OF
2 OREGON; ROMA MCCARSON; OCCUPANTS OF THE PROPERTY.

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 Crook County,
6 Oregon, and is commonly known as 2142 NE Wolverine Loop, Prineville, OR 97754 (the
7 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
8 APN/Parcel No. 16714.
- 9 b. Plaintiff is entitled to enforce the note dated July 9, 2007 and made, delivered, and executed
10 by Margaret Walton, John Walton to Bank of America, N.A. A National Banking
11 Association in the amount of \$300,240.00 (the "Note"). The Note was transferred to Plaintiff
12 by delivery of possession and by indorsement set forth on the Note.
- 13 c. A deed of trust was made, executed, and delivered by Defendants Margaret M. Walton, John
14 H. Walton on or about July 9, 2007 (the "Deed of Trust"). The Deed of Trust was recorded
15 on July 13, 2007 as Instrument No. 2007-222623 in the official records of Crook 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 April 29, 2015 and has not cured
20 the 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: \$128,121.58
- 23 b) Prejudgment interest accruing from \$25,040.26
24 7/9/2007 through 9/19/2017
- 25 c) Additional amounts due under the \$16,715.48
26 terms of the loan:
- 27 d) Attorney fees and costs: \$6,069.28
- 28 e) Prevailing party fee (ORS 20.190 \$85.00

1 (1)(a):

2 **Total: \$176,031.60**

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

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

9 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
10 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
11 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

13 h. All right, title and interest in the Subject Property that Defendants Margaret M. Walton, John
14 H. Walton had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to
15 be sold by the Crook County Sheriff's Office in accordance with the process for sale upon
16 execution, and the proceeds of sale shall be applied:

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

23 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
24 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
25 the date of entry of judgment through the date of the sale and any incurred costs of sale.

26 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
27 Property from and after the date of the sale and is entitled to such remedies as are available at
28

1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
3 possession to the purchaser immediately upon the purchaser's demand for possession.

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

6 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
7 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
8 terminated.

9 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
10 Deed of Trust are as follows:

11 1) RAMON FORNEY may claim a junior interest in the Property by virtue of intestate
12 succession, devise or operation of law.

13 2) The UNKNOWN HEIRS AND DEVISEES OF JOHN H. WALTON; may claim a
14 junior interest in the Property by virtue of intestate succession, devise or operation of
15 law.

16 3) UNITED STATES OF AMERICA may claim an interest in the Subject Property
17 under the terms of an additional, subordinate note and deed of trust, associated with
18 this loan issued to the Secretary of Housing and Urban Development (the "HUD
19 Loan") in the amount of \$300,240.00. The deed of trust associated with the HUD
20 Loan is recorded in the official records of Crook County as Instrument No. 2007-
21 222624 on 7/13/2007.

22 4) STATE OF OREGON has a lien against the Property under the State of Oregon tax
23 deferral program recorded 6/20/2008 as Instrument No. 2008-229405 in the official
24 records of Crook County.

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5) ROMA MCCARSON may claim a junior interest in the Property by virtue of
intestate succession, devise or operation of law.

Signed: 9/19/2017 03:32 PM



Circuit Court Judge, Daniel J. Ahern

I hereby certify that the requirements of UTCR 5.100 have been satisfied.
This proposed Judgment Of Foreclosure is ready for judicial signature because:
An order of default is being requested with this proposed judgment.

Dated: September 19, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Brady Godbout

Brady Godbout OSB No. 132708
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT " 1 "

Located in Crook County, Oregon:

Lot S1 of Deer Ridge Subdivision - Phase 4, according to the official plat thereof, recorded April 15, 2004 as Instrument No. 189507 records of Crook County, Oregon.