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

NATIONSTAR MORTGAGE LLC, ITS
SUCCESSORS AND/OR ASSIGNS,
Plaintiff,

Case No. 14C10231

WRIT OF EXECUTION

v.

ELMER L. BURGETT; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 266 EAST SANTIAM STREET,
JEFFERSON, OR 97352,
Defendants.

TO THE MARION COUNTY SHERIFF:

On June 1, 2016, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Marion County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: NATIONSTAR MORTGAGE LLC, ITS SUCCESSORS AND/OR ASSIGNS c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 266 East Santiam Street, Jefferson, OR 97352 ("Subject Property"), and legally described as:

BEGINNING AT A IRON PIPE 140.00 FEET NORTH 89° 59' 40" WEST FROM THE NORTHEAST CORNER OF BLOCK 4, INSTITUTE ADDITION TO THE CITY OF

1 JEFFERSON, MARION COUNTY, OREGON; THENCE SOUTH 0° 11' 06" WEST 105.10
2 FEET TO AN IRON PIPE; THENCE SOUTH 89° 59' 40" EAST 70.19 FEET; THENCE
3 NORTH 0° 05' 33" EAST 105.10 FEET TO THE NORTH LINE OF SAID BLOCK 4;
4 THENCE NORTH 89° 59' 40" WEST 70.00 FEET TO THE PLACE OF BEGINNING.


5 The total amount due and owing on the Judgment as of May 24, 2017;

6 Judgment:	Principal	\$168,199.92
7	Attorney Fees	\$2,170.00
8	Costs	\$1,641.00
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(2.375%,\$8.01/day)	\$9,355.68 (3/14/14 through 5/24/17)
11	Attorney Fees	\$0.00
12	Costs	\$0.00
13		

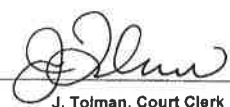
14 **TOTAL: \$181,666.60**


15 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
16 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
17 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
18 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
19 holder of the certificate of sale.

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Presented by:
ALDRIDGE PITE, LLP


Hunter Zook, OSB # 095578
(858) 750-7600
(503) 222-2260 (facsimile)
hzook@aldridgepite.com

Signed: 6/2/2017 01:56 PM


J. Tolman, Court Clerk


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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION**

NATIONSTAR MORTGAGE LLC, ITS
SUCCESSORS AND/OR ASSIGNS,

Plaintiff,

v.

ELMER L. BURGETT; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 266 EAST SANTIAM STREET,
JEFFERSON, OR 97352,

Defendants.

Case No. 14C10231

**CORRECTED GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB 368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants ELMER L. BURGETT;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; and ALL OTHER
PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 266 EAST SANTIAM
STREET, JEFFERSON, OR 97352, the records on file herein, and pursuant to the Motion for
General Judgment and Declaration of Amount Due by Default by Plaintiff NATIONSTAR
MORTGAGE LLC, ITS SUCCESSORS AND/OR ASSIGNS ("Plaintiff"),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest is the real property located at 266 EAST SANTIAM STREET, JEFFERSON, OR 97352 ("Subject Property"), as evidenced by the Deed of Trust recorded March 12, 2007 in the official records of MARION County as instrument number REEL: 2783 PAGE: 262 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

BEGINNING AT A IRON PIPE 140.00 FEET NORTH 89° 59' 40" WEST FROM THE NORTHEAST CORNER OF BLOCK 4, INSTITUTE ADDITION TO THE CITY OF JEFFERSON, MARION COUNTY, OREGON; THENCE SOUTH 0° 11' 06" WEST 105.10 FEET TO AN IRON PIPE; THENCE SOUTH 89° 59' 40" EAST 70.19 FEET; THENCE NORTH 0° 05' 33" EAST 105.10 FEET TO THE NORTH LINE OF SAID BLOCK 4; THENCE NORTH 89° 59' 40" WEST 70.00 FEET TO THE PLACE OF BEGINNING.

2. The Deed of Trust is foreclosed and upon entry of this Judgment the court administrator shall, upon request of Plaintiff, issue a writ of execution for the sale, by the Sheriff, in the manner provided by law;

3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount due under the Note and Deed of Trust, which as of March 13, 2014, is \$168,199.92 (excluding attorney fees and costs), together with interest at the rate of 2.375% (\$8.01 *per diem*) and any future advances and/or fees that may be made or incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale. This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

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1 4. Plaintiff is owed reasonable attorney fees in the amount of \$2,170.00, plus the
2 remaining fees for an uncontested execution on the Judgment, pursuant to the Note and Deed of
3 Trust and ORCP Rule 68(C), which amount may be added to the outstanding obligation due and
4 owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale.
5 Pursuant to the Deed of Trust, these fees continue to accrue to the date of the execution sale.
6 This amount to be satisfied by sale of the Subject Property as directed under this Judgment;

7 5. Plaintiff is owed costs of suit in the amount of \$1,641.00, pursuant to the Note
8 and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the
9 outstanding obligation due and owing under the Note and Deed of Trust and recovered from the
10 proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to the
11 date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed
12 under this Judgment;

13 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
14 sale of the Subject Property as directed under this Judgment.

15 7. The Sheriff shall make a return on the writ of execution to the court administrator
16 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
17 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
18 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
19 parties as may establish their right thereto. The Defendants and all persons claiming through or
20 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
21 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
22 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
23 every part of the Subject Property when the time for redemption has elapsed;

24 //

25 //

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Page 3 – CORRECTED GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

1 8. Plaintiff or any other party to this action may become a purchaser at the
2 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
3 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
4 successor in interest may apply to this Court for a writ of assistance to gain possession of the
5 subject property if Defendants or any other party or person refuses to surrender possession;

6
7 **IT IS SO ADJUDGED**

Signed: 5/31/2016 11:52 AM

11 

12 Circuit Court Judge Mary M. James

13
14 **CERTIFICATE OF READINESS**

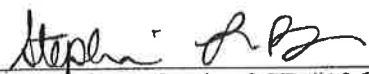
15 This proposed Order or Judgment is ready for judicial signature because:

- 16 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
17 or Judgment, as shown by each opposing party's signature on the document being
18 submitted.
- 19 2. Each opposing party affected by this Order or Judgment has approved the Order or
20 Judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.
- 21 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
22 a. No objections have been served on me within that time frame;
23 b. I received objections that I could not resolve with the opposing party despite
24 reasonable efforts to do so. I have filed with the Court a copy of the objections I
received and indicated which objections remain unresolved;
- 25 c. After conferring about objections, [**Opposing Party**] agreed to independently
26 file any remaining objection with the Court.

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- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. 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.

Presented By:
ALDRIDGE PITE, LLP


Stephanie L. Beale, OSB #136474
(858) 750-7600
(503) 222-2260 (facsimile)
sbeale@aldridgepite.com

Date: May 20, 2016

Of Attorneys for Plaintiff

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2 STATE OF OREGON
Marion County Circuit Courts
3 JUN 11 2014
4 ENTERED
5

STATE OF OREGON
Marion County Circuit Courts
JUN 10 2014
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON

6 FOR THE COUNTY OF MARION

7 NATIONSTAR MORTGAGE LLC, ITS
8 SUCCESSORS AND/OR ASSIGNS,

9 Plaintiff,

10 v.

11 ELMER L. BURGETT; MORTGAGE
12 ELECTRONIC REGISTRATION SYSTEMS,
13 INC.; and ALL OTHER PERSONS OR
14 PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 266 EAST SANTIAM STREET,
JEFFERSON, OR 97352,

15 Defendants.

Case No. 14C10231

**GENERAL JUDGMENT AND MONEY
AWARD BY DEFAULT**

ORCP Rule 69

16 Based upon the Court's Order of Default against defendants ELMER L. BURGETT;
17 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; and ALL OTHER PERSONS
18 OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
19 REAL PROPERTY COMMONLY KNOWN AS 266 EAST SANTIAM STREET, JEFFERSON,
20 OR 97352, the records on file herein, and pursuant to the Motion for General Judgment and Money
21 Award by Default by Plaintiff NATIONSTAR MORTGAGE LLC, ITS SUCCESSORS AND/OR
22 ASSIGNS ("Plaintiff"),

23 **IT IS HEREBY ORDERED AND ADJUDGED:**

24 **AGAINST ELMER L. BURGETT ("Judgment Debtor")**

25 1. Plaintiff is awarded payment in full of the total amount due under the Note and
26 Deed of Trust, which as of March 13, 2014, is \$168,199.92 (excluding attorney fees and costs),

1 together with interest and any future advances and/or fees that may be made or incurred pursuant
2 to the terms of the Note and Deed of Trust up to the date of the execution sale. This amount is
3 detailed in the Money Award, and is to be satisfied by sale of the Subject Property as directed
4 under this Judgment;

5 2. Plaintiff is awarded reasonable attorney fees in the amount of \$2,170.00, plus the
6 remaining flat rate fees of \$205.00 for an uncontested execution on the Judgment, pursuant to the
7 Note and Deed of Trust and ORCP Rule 68(C), which amount may be added to the outstanding
8 obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of
9 the sheriff's sale. Pursuant to the Deed of Trust, these fees continue to accrue to the date of the
10 execution sale. This amount to be satisfied by sale of the Subject Property as directed under this
11 Judgment;

12 3. Plaintiff is awarded costs of suit in the amount of \$1,641.00 pursuant to the Note
13 and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the
14 outstanding obligation due and owing under the Note and Deed of Trust and recovered from the
15 proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to the
16 date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed
17 under this Judgment;

18 **AGAINST ALL DEFENDANTS (Judgment Debtor and Lien Claimants)**

19 4. The Deed of Trust is foreclosed and upon entry of this Judgment Plaintiff shall
20 request and the court administrator shall issue a writ of execution for the sale, by the Sheriff, in the
21 manner provided by law, of the real property located at 266 East Santiam Street, Jefferson, OR
22 97352 ("Subject Property") legally described as:

23 BEGINNING AT A IRON PIPE 140.00 FEET NORTH 89° 59' 40" WEST FROM THE
24 NORTHEAST CORNER OF BLOCK 4, INSTITUTE ADDITION TO THE CITY OF
25 JEFFERSON, MARION COUNTY, OREGON; THENCE SOUTH 0° 11' 06" WEST
26 105.10 FEET TO AN IRON PIPE; THENCE SOUTH 89° 59' 40" EAST 70.19 FEET;

1 THENCE NORTH 0° 05' 33" EAST 105.10 FEET TO THE NORTH LINE OF SAID
2 BLOCK 4; THENCE NORTH 89° 59' 40" WEST 70.00 FEET TO THE PLACE OF
3 BEGINNING.

4 5. Plaintiff's security interest in the Subject Property, as evidenced by the Deed of
5 Trust recorded March 12, 2007 in the official records of Marion County as instrument number
6 REEL: 2783 PAGE: 262 ("Deed of Trust"), is a viable first priority lien, superior to the interests of
7 all Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
8 subsequent to Plaintiff's lien as created by the Note and Deed of Trust;

9 6. The Sheriff shall make a return on the writ of execution to the court administrator
10 along with the proceeds of the sale. The return shall have the same effect as a full satisfaction of
11 money award and the court administrator shall note in the register and in the judgment lien record
12 that the satisfaction has been filed and the money award has been fully satisfied;

13 7. The proceeds of the sale shall be applied first toward the costs of the sale; then
14 toward the satisfaction of Plaintiff's Judgment awarded herein; and the surplus, if any, to the clerk
15 of the court to be distributed to such party or parties as may establish their right thereto. The
16 Defendants and all persons claiming through or under Defendants, whether lien claimants,
17 judgment creditors, claimants arising under junior mortgages or deeds of trust, purchasers,
18 encumbrances or otherwise, shall be barred and foreclosed from all rights, claims, interest or
19 equity of redemption in the Subject Property and every part of the Subject Property when the time
20 for redemption has elapsed;

21 8. Plaintiff or any other party to this action may become a purchaser at the foreclosure
22 sale, and such purchaser shall be immediately let into possession of the subject property, until
23 redemption of the property, if any. The purchaser at the foreclosure sale or any successor in
24 interest may apply to this Court for a writ of assistance to gain possession of the subject property if
25 Defendants or any other party or person refuses to surrender possession;

26 9. After the time for redemption has elapsed, the Sheriff shall execute a deed to the

1 holder of the certificate of sale issued by the Sheriff based on the execution sale;

2 **MONEY AWARD**

3
4 1. The name and address of the judgment creditor is:

5 Nationstar Mortgage LLC
350 Highland Drive
6 Lewisville, TX 75067

7 2. The name, address and number of the judgment creditor's attorney is:

8 Stephanie L. Beale
Pite Duncan, LLP
9 621 SW Morrison Street, Suite 425
Portland, OR 97205
10 (858) 750-7600

11 3. The name of the judgment debtors and last known address:

12 Elmer L. Burgett
266 East Santiam Street
Jefferson, OR 97352
13 Year of Birth: Unknown.
SSN: XXX-XX-2541
14 Driver's License Number/State: Unknown.

15 4. Judgment debtor's attorney:

16 David W. Venables
Slominski & Associates
17 7100 SW Hampton Street, Suite 101
Tigard, OR 97223

18 5. Name of any person or entity known to the judgment creditor, other than the
19 judgment creditor's attorney, which may be entitled to any portion of a payment
20 made on the judgment: NONE KNOWN.

21 6. The amount of the judgment is \$168,199.92.

22 7. Simple interest of 2.375% (\$8.01 per diem) after March 13, 2014 through the date
of sale.

23 8. Attorney Fees of \$2,170.00, plus \$205.00, through the date of sale.

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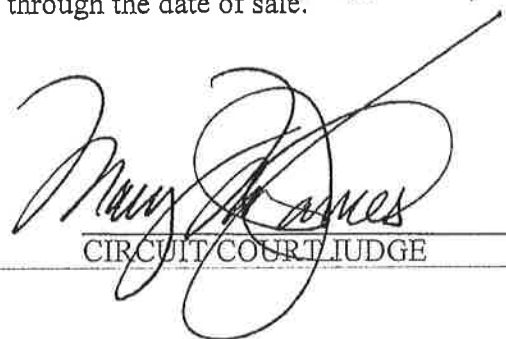
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9. Costs of \$1,641.00, plus costs accrued through the date of sale.

10. Prevailing party fee: \$275.00.


IT IS SO ORDERED.

Dated: 10 June 2014



CIRCUIT COURT JUDGE

Presented By:
PITE DUNCAN, LLP



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Portland, OR 97205

Of Attorneys for Plaintiff