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

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

JESSE GREENE AKA JESSE MCBRIDE  
GREENE; DOROTHY GREENE AKA  
DOROTHY LOUISE GREENE AKA  
DOROTHY HARRIS AKA DOTTIE  
GREENE; STATE OF OREGON; TRACY J.  
MIZE; ALISHA WAREHAM; OCCUPANTS  
OF THE PROPERTY,

Defendants.

Case No.: 15CV25716  
Judge: LINDSAY PARTRIDGE

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE MARION COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 5/19/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, NA  
c/o Michael S. Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$183,855.74, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from 5/19/2017 to 7/13/2017 in the amount of \$2,493.39, and continuing  
3 with a per diem of \$45.33, currently totaling \$186,349.13.

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 12/7/2010, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described as follows:

9 See attached Exhibit 1  
10 and commonly known as: 2770 Englewood Avenue NE, Salem, OR 97301-1611.

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

Signed: 7/24/2017 11:13 AM

16   
17 **Circuit Court Judge Lindsay R. Partridge**



18  
19  
20 Dated July 17, 2017 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ Michael S. Scott

23 Michael S. Scott OSB No. 973947  
24 920 SW 3rd Ave, 1st Floor  
25 Portland, OR 97204  
26 Phone: (971) 201-3200  
27 Fax: (971) 201-3202  
28 [msscott@mccarthyholthus.com](mailto:msscott@mccarthyholthus.com)  
Of Attorneys for Plaintiff

# EXHIBIT "1"

Lot 21, Block 6, East Englewood, Book of Town Plats, Volume 14, Page 53, in the City of Salem, Marion County, Oregon.

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

WELLS FARGO BANK, N.A.,  
Plaintiff,

v.

JESSE GREENE AKA JESSE MCBRIDE  
GREENE; DOROTHY GREENE AKA  
DOROTHY LOUISE GREENE AKA  
DOROTHY HARRIS AKA DOTTIE  
GREENE; STATE OF OREGON; TRACY J.  
MIZE; ALISHA WAREHAM; OCCUPANTS  
OF THE PROPERTY,  
Defendants.

Case No.: 15CV25716  
Judge: LINDSAY PARTRIDGE

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

Defendants JESSE GREENE AKA JESSE MCBRIDE GREENE; DOROTHY GREENE  
AKA DOROTHY LOUISE GREENE AKA DOROTHY HARRIS AKA DOTTIE GREENE;  
STATE OF OREGON; TRACY J. MIZE; ALISHA WAREHAM; and 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

1 the United States; now therefore,

2 2.

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

- 4 a. The real property to which this judgment relates is located and situated in Marion County,  
5 Oregon, and is commonly known as 2770 Englewood Avenue NE, Salem, OR 97301-1611  
6 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
7 APN/Parcel No. R71573.
- 8 b. Plaintiff is entitled to enforce the note dated 12/7/2010 and made, delivered, and executed by  
9 Defendants Dorothy Greene and Jesse Greene to Stearns Lending, Inc. in the amount of  
10 \$154,027.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession  
11 and by indorsement set forth on the Note.
- 12 c. A deed of trust was made, executed, and delivered by Defendants Dorothy Greene and Jesse  
13 Greene on or about 12/7/2010 (the "Deed of Trust"). The Deed of Trust was recorded on  
14 12/13/2010 as Instrument No. 284888 in the official records of Marion County, Oregon. The  
15 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
16 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
17 Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 18 d. The Borrower failed to make the payment that was due for 5/1/2014 and has not cured the  
19 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
20 comprised of the following amounts (the "Amount Due"):

- 21 a) Unpaid principal balance: \$149,930.64
- 22 b) Prejudgment interest accruing from \$16,760.50  
23 4/1/2014 through 5/1/2017 and  
24 continuing until the entry of judgment  
at the current Note rate of 3.625%:
- 25 c) Additional amounts due under the \$11,326.12  
26 terms of the loan:
- 27 d) Attorney fees and costs: \$5,753.48

1 e) Prevailing party fee (ORS 20.190 (1)(b)): \$85.00

2 **Total:** \$183,855.74

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

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

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

12 g. All right, title and interest in the Subject Property that Defendants Dorothy Greene and Jesse  
13 Greene had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be  
14 sold by the Marion County Sheriff's Office in accordance with the process for sale upon  
15 execution, and the proceeds of sale shall be applied:

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

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

25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
26 Property from and after the date of the sale and is entitled to such remedies as are available at  
27 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
28

writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:

A. Defendant STATE OF OREGON and TRACY J. MIZE may claim a junior interest in Subject Property by virtue of a judgment lien entered on 04/19/2002 as Case No. No. 01C30546 in the official records of Marion County, Oregon.

B. Defendant STATE OF OREGON may claim a junior interest in Subject Property by virtue of a judgment lien entered on 01/18/2008 as Case No. 07C43387 in the official records of Marion County, Oregon.

C. Defendant STATE OF OREGON and ALISHA WAREHAM may claim a junior interest in Subject Property by virtue of a judgment lien entered on 07/17/2014 as Case No. 10C30666 in the official records of Marion County, Oregon.

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1 D. Defendants JESSE GREENE AKA JESSE MCBRIDE GREENE and DOROTHY  
2 GREENE AKA DOROTHY LOUISE GREENE AKA DOROTHY HARRIS AKA  
3 DOTTIE GREENE are the promissors (the "Borrowers") and grantors (the  
4 "Grantors") under the promissory note ("Note") and deed of trust ("Deed of Trust")  
5 described herein. Grantors are the owners of record, or the rebutted owners of record,  
6 of the Subject Property or was at the time of execution of said Note and Deed of Trust  
7

8 Signed: 5/10/2017 02:12 PM

9  
10   
11 \_\_\_\_\_  
12 **Circuit Court Judge Lindsay R. Partridge**  
13  
14  
15

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

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

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

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

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

23  No objection has been served on me.

24  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.

25  After conferring about objections, \_\_\_\_\_ agreed to independently file  
26 any remaining objection.

27  The relief sought is against an opposing party who has been found in default.  
28



1           [ ] An order of default is being requested with this proposed judgment.

2           [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
3           otherwise.

4           [ ] This is a proposed judgment that includes an award of punitive damages and notice  
5           has been served on the Director of the Crime Victims' Assistance Section as required  
6           by subsection (4) of this rule.

7           [ ] Other: \_\_\_\_\_

8 Presented by:

9           **McCarthy & Holthus, LLP**

10          s/ Michael S. Scott           5/4/17

11          [ ] Robert B. Hakari, OSB No. 114082

12          [ ] Andreanna C. Smith, OSB No. 131336

13          [ ] Brady Godbout, OSB No. 132708

14          [X] Michael S. Scott, OSB No. 973947

15          [ ] Olga Groat, OSB No. 170174

16          920 SW 3rd Ave, 1st Floor

17          Portland, OR 97204

18          Phone: (971) 201-3200

19          Fax: (971) 201-3202

20          msscott@mccarthyholthus.com

21          Of Attorneys for Plaintiff

# **EXHIBIT "1"**

**Lot 21, Block 6, East Englewood, Book of Town Plats, Volume 14, Page 53, in the City of Salem, Marion County, Oregon.**