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LINCOLN COUNTY SHERIFF'S OFFICE  
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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LINCOLN**

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

**CASE NUMBER: 17CV25937**

**WRIT OF EXECUTION IN FORECLOSURE**

DOUGLAS L. SCOTT AKA DOUGLAS  
LEE SCOTT, an individual; SPECIAL  
SURPRISE COUSTEAU SCOTT FKA  
MELINDA SCOTT, an individual;  
SPECIALIZED LOAN SERVICING, LLC, a  
limited liability company; and all other  
persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the Property.

Defendants.

TO: THE SHERIFF OF LINCOLN COUNTY, OREGON:

1.

WHEREAS, on November 20, 2017, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 (subject to

1 redemption, if applicable), all of the interest which the Defendants Douglas L. Scott aka Douglas  
2 Lee Scott and Special Surprise Cousteau Scott fka Melinda Scott ("Defendants") had on May 13,  
3 1996, the date of the foreclosed Deed of Trust which was recorded on May 15, 1996, as Instrument  
4 No. Book 317, Page 2178 in the official records of the Lincoln County Recorder's Office, and/or all  
5 of the interest which Defendants had thereafter, in the real property described in the Judgment to  
6 satisfy the Judgment as follows:

7  
8

**Lender's Principal Judgment:**

9	Unpaid Principal Balance:	\$69,291.95
10	Pre-Judgment Interest from June 1,	
11	2016 to November 23, 2017, the date	
12	set forth in the Judgment at 7.625%, per	
13	annum, (\$14.48 per diem):	\$7,803.39
14	Lender's Fees and Costs:	\$3,711.84
15	Attorney's Fees and Costs:	\$4,037.45
16		
17	<b><i>Total Judgment Entered:</i></b>	<b><i>\$84,844.63</i></b>

18  
19

**Additional Pre-Judgment Interest:** \$0.00

20  
21

22 ***Total Judgment Entered Including***  
23 ***Additional Pre-Judgment***  
24 ***Interest:*** ***\$84,844.63***

25

3.

26 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$84,844.63 at the  
27 legal rate of interest of 9% per annum, \$20.92 per diem, from November 24, 2017 to the date the real  
28 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of

1 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

2 4.

3 The real property subject to this writ of execution is commonly known as 3981 LOGSDEN  
4 ROAD, SILETZ, OR 97380 ("Property") and described in Exhibit "1" attached hereto.

5 5.

6 The Judgment Creditor's name and address is:

7 PHH Mortgage Corporation  
8 2001 Bishops Gate Blvd., Mail Stop SV-01  
9 Mt. Laurel, New Jersey 08054-4604

10 The Judgment Creditor's name and address for the purpose of this Writ is:

11 PHH Mortgage Corporation  
12 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)  
13 2112 Business Center Drive  
14 Irvine, CA 92612  
15 949-252-9400

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.



Signed: 12/18/2017 08:13 AM

*St. Jell.*

Circuit Court Clerk Steven Zalewski

Submitted by:

*Nathan F. Smith*

Dated: 12/14/17

Nathan F. Smith, OSB #120112  
Attorney for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: nathan@mclaw.org

Lincoln County Circuit Court  
Certified to be a true  
and correct  
copy of the original

*St. Jell.*



# EXHIBIT 1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL I:**

A parcel of land lying in U.S. Government Lot 4, Section 1, Township 10 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the East line of said Lot 4 and the Northerly right of way line of County Road No. 410, said point being North 0 deg. 38' 38" East, 73.75 feet from the Southeast corner of said Lot 4; thence North 85 deg. 23' 00" West, along said right of way line, 365 feet to the Southwest corner of that tract conveyed to Ernest L. Ludahl, Jr., et ux, by deed recorded October 13 1975, in Volume 60, page 78, Film Records and the true point of beginning of the tract herein to be described; thence continuing along said right of way line, 293 feet, more or less, to the centerline of that easement road described in that mortgage recorded July 14, 1977 in Volume 77, Page 125, Film Records; thence Northerly along said centerline as follows: North 18 deg. 14' 23" East, 61.2 feet; thence North 42 deg. 31' 38" East, 134.45 feet; thence North 56 deg. 22' 38" East, 116.63 feet; thence North 31 deg. 34' 23" East, 114.49 feet; thence North 10 deg. 56' 23" East, 138.46 feet; thence North 3 deg. 30' 52" West, 102.90 feet, more or less, to a point that is West of the Northwest corner of the aforesaid Ludahl tract; thence leaving the easement centerline, East, 10.05 feet, more or less, to the Northwest corner of said Ludahl tract; thence South 0 deg. 38' 38" West, 583.14 feet, more or less, to the true point of beginning.

**PARCEL II:**

Beginning at a point 1160.00 feet South and 192.00 feet East of the Northwest corner of U.S. Lot 4 in Section 1, Township 10 South, Range 10 West, Willamette Meridian, Lincoln County, Oregon; said point being on the West line of that tract of land conveyed to Joseph E. Nibler, et ux, by deed recorded August 9, 1978; thence North 70 deg. 23' 14" East, 69.55 feet; thence South 31 deg. 34' 23" West, 114.40 feet, more or less, to a point that is South 4 deg. 17' 32" East from the point of beginning; thence North 4 deg. 17' 32" West, 74.41 feet to the point of beginning.

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

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT, an individual; SPECIAL SURPRISE COUSTEAU SCOTT FKA MELINDA SCOTT, an individual; SPECIALIZED LOAN SERVICING, LLC, a limited liability company; and all other persons, parties, or occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 17CV25937

GENERAL JUDGMENT OF FORECLOSURE AGAINST:

1. DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT
2. SPECIAL SURPRISE COUSTEAU SCOTT FKA MELINDA SCOTT

I.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, PHH Mortgage Corporation ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT and SPECIAL SURPRISE COUSTEAU SCOTT FKA MELINDA SCOTT ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an order of default has been entered against them on Plaintiff's Complaint, and that Plaintiff is

1 entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property  
2 commonly known as 3981 LOGSDEN ROAD, SILETZ, OR 97380 ("Property") and extinguishing  
3 any and all interest of the Defendants in the Property.

4 2.

5 The Court being fully advised; it is hereby  
6 ORDERED AND ADJUDGED that:

7 3.

8 Plaintiff is the holder of that certain promissory note ("Note"), dated May 14, 1996, in the  
9 amount of \$116,850.00, and executed by DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT  
10 and SPECIAL SURPRISE COUSTEAU SCOTT FKA MELINDA SCOTT.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") dated May 13, 1996 and  
13 executed by DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT and SPECIAL SURPRISE  
14 COUSTEAU SCOTT FKA MELINDA SCOTT. The Deed of Trust was recorded on May 15, 1996  
15 under Book 317, Page 2178 of the Official Records of Lincoln County, Oregon, against the Property,  
16 which is legally described as: See Exhibit "" attached hereto. ("Property") and constitutes a valid lien  
17 against the Property.

18 5.

19 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared  
20 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

21 6.

22 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
23 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby  
24 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants  
25 may be entitled under Oregon law.

26 7.

27 A judgment of foreclosure in the amount of \$84,844.63 shall be granted in favor of Plaintiff,  
28 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –



1 Not a Money Award ("Amount Owed").

2 8.

3 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
4 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be  
5 disbursed to such party or parties as may establish their right thereto.

6 9.

7 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary  
8 costs and expenses incurred to enforcing the Note and Deed of Trust.

9 10.

10 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
11 assessments, municipal charges, and such other items as may constitute liens on the Property,  
12 together with insurance and repairs necessary to prevent the impairment of the Property, together  
13 with interest thereon from the date of payment may also be added to the Amount Owed and paid  
14 from the proceeds from the sale of the Property.

15 11.

16 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,  
17 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and  
18 every portion thereof, excepting only any statutory right of redemption provided by the laws of the  
19 State of Oregon.

20 12.

21 Defendants DOUGLAS L. SCOTT AKA DOUGLAS LEE SCOTT and SPECIAL  
22 SURPRISE COUSTEAU SCOTT FKA MELINDA SCOTT are not entitled to a homestead  
23 exemption in the Property.

24 13.

25 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the  
26 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

27 14.

28 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate

1 possession of the Property from and after the date of the sale, and is entitled to such remedies as are  
2 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a  
3 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender  
4 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

5 15.

6 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to  
7 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to  
8 obtain possession of the Property.

9 16.

10 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
11 hereinafter described as the Amount Owed.

12 17.

13 This suit does not constitute an attempt to collect the debt against Defendants DOUGLAS L.  
14 SCOTT AKA DOUGLAS LEE SCOTT and SPECIAL SURPRISE COUSTEAU SCOTT FKA  
15 MELINDA SCOTT. Rather, it is a suit to execute upon the Property as security for the Amount  
16 Owed.

17 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**  
18 **(Pursuant to Senate Bill 368)**

19 18.

20 Under the terms of the Deed of Trust and the Note dated May 14, 1996, in the original  
21 principal amount of \$116,850.00, there is now due and owing the following amounts, to be  
22 hereinafter described as the Amount Due:

23 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

24 **1. Judgment Creditor:** PHH Mortgage Corporation  
25 Address: c/o MALCOLM ♦ CISNEROS,  
26 A Law Corporation  
27 2112 Business Center Drive, 2<sup>nd</sup> Floor  
28 Irvine, California 92612

1	<b>Judgment Attorney:</b>	Nathan F. Smith
2	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
3		2112 Business Center Drive, 2 <sup>nd</sup> Floor
4		Irvine, California 92612
5	Telephone Number:	(949) 252-9400
6	<b>2. Persons or Public Bodies Entitled to</b>	
7	<b>a Portion the Judgment:</b>	N/A
8	<b>3. Judgment Amount:</b>	\$80,807.18
9	<b>4. Pre-Judgment Interest:</b>	Simple interest to accrue on \$69,291.95 from
10		November 24, 2017 to the date the Judgment is
11		entered into the Court's register at 7.625% per
12		annum, \$14.48 per diem.
13	<b>5. Post-Judgment Interest:</b>	Simple interest to accrue on \$84,844.63 plus
14		Pre-Judgment Interest from the day after the
15		General Judgment is entered to the date upon
16		which the Writ of Execution in Foreclosure is
17		levied at the legal rate of interest or 9% per
18		annum, whichever is greater.
19	<b>6. Periodic accrual:</b>	N/A
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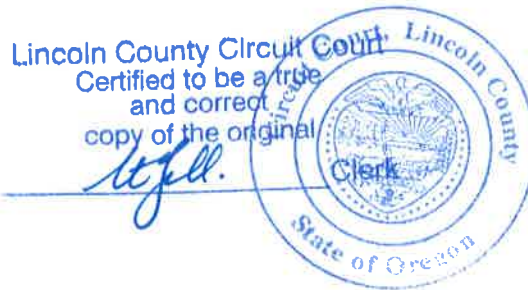
**7. Attorney's Fees and Costs:**

An award of \$4,037.45 in attorney's fees and costs is made.

<b>Attorney Fees</b>	\$2,222.50
<b>Litigation Guarantee</b>	\$543.00
<b>Filing Cost</b>	\$531.00
<b>Recording Cost</b>	\$70.95
<b>Process Service Cost</b>	\$670.00
<b>Total</b>	\$4,037.45

Signed: 11/20/2017 02:21 PM

**Circuit Court Judge David V. Cramer**



Submitted by:

Dated:

11/17/17

Nathan F. Smith, OSB #120112  
 Attorney for Plaintiff  
 MALCOLM ♦ CISNEROS, A Law Corporation  
 2112 Business Center Drive, Second Floor  
 Irvine, California 92612  
 Phone: (949) 252-9400  
 Fax: (949) 252-1032  
 Email: nathan@mclaw.org

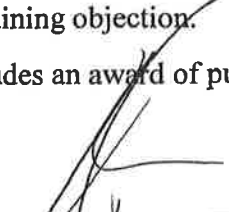
**CERTIFICATE OF READINESS**

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

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
  - No objection has been served on me.
  - 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.
  - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 11/17, 2017

By:   
 Nathan F. Smith, OSB #120112  
 Attorney for Plaintiff  
 MALCOLM ♦ CISNEROS, A Law Corporation  
 2112 Business Center Drive, Second Floor  
 Irvine, California 92612  
 (949) 252-9400 (TELEPHONE)  
 (949) 252-1032 (FAX)

# EXHIBIT 1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL I:**

A parcel of land lying in U.S. Government Lot 4, Section 1, Township 10 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the East line of said Lot 4 and the Northerly right of way line of County Road No. 410, said point being North 0 deg. 38' 38" East, 73.75 feet from the Southeast corner of said Lot 4; thence North 85 deg. 23' 00" West, along said right of way line, 365 feet to the Southwest corner of that tract conveyed to Ernest L. Ludahl, Jr., et ux, by deed recorded October 13 1975, in Volume 60, page 78, Film Records and the true point of beginning of the tract herein to be described; thence continuing along said right of way line, 293 feet, more or less, to the centerline of that easement road described in that mortgage recorded July 14, 1977 in Volume 77, Page 125, Film Records; thence Northerly along said centerline as follows: North 18 deg. 14' 23" East, 61.2 feet; thence North 42 deg. 31' 38" East, 134.45 feet; thence North 56 deg. 22' 38" East, 116.63 feet; thence North 31 deg. 34' 23" East, 114.49 feet; thence North 10 deg. 56' 23" East, 138.46 feet; thence North 3 deg. 30' 52" West, 102.90 feet, more or less, to a point that is West of the Northwest corner of the aforesaid Ludahl tract; thence leaving the easement centerline, East, 10.05 feet, more or less, to the Northwest corner of said Ludahl tract; thence South 0 deg. 38' 38" West, 583.14 feet, more or less, to the true point of beginning.

**PARCEL II:**

Beginning at a point 1160.00 feet South and 192.00 feet East of the Northwest corner of U.S. Lot 4 in Section 1, Township 10 South, Range 10 West, Willamette Meridian, Lincoln County, Oregon; said point being on the West line of that tract of land conveyed to Joseph E. Nibler, et ux, by deed recorded August 9, 1978; thence North 70 deg. 23' 14" East, 69.55 feet; thence South 31 deg. 34' 23" West, 114.40 feet, more or less, to a point that is South 4 deg. 17' 32" East from the point of beginning; thence North 4 deg. 17' 32" West, 74.41 feet to the point of beginning.