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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

MARCI E. HUGGINS, JARROD L. HUGGINS;
JIMMIE D. HUGGINS JR.; DEBORAH MORTE-HUGGINS;
STATE OF OREGON; VELOCITY INVESTMENTS LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV27161

WRIT OF EXECUTION IN FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 19, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OCWEN LOAN SERVICING, LLC
c/o Bryan Kidder
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$103,632.37, plus post-judgment interest at the statutory rate of 9.0% per annum from October 19, 2017 to November 18, 2017 in the amount of \$766.60, and continuing at \$25.55 *per diem*, currently totaling \$104,398.97.

EXHIBIT "1"

Legal Description

Lots 1, 2 and 3, Block 1, TOWN OF DAIRY, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

MARCI E. HUGGINS; JARROD L.
HUGGINS; JIMMIE D. HUGGINS JR.;
DEBORAH MORTE-HUGGINS; STATE
OF OREGON; VELOCITY
INVESTMENTS, LLC; OCCUPANTS OF
THE PROPERTY.

Defendants.

Case No.: 17CV27161

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

All defendants ("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;

2.

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

- a. The real property to which this judgment relates is located and situated in Klamath County, Oregon, and is commonly known as 22590 Hwy 70, Dairy, OR 97625 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R871958.

1 b. Plaintiff is entitled to enforce the note dated February 16, 2007 and made, delivered, and
2 executed by MARCI E. HUGGINS and JARROD L. HUGGINS to WASHINGTON
3 MUTUAL BANK, FA in the amount of \$85,000.00 (the "Note"). The Note was transferred
4 to Plaintiff by delivery of possession and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendants MARCI E. HUGGINS and
6 JARROD L. HUGGINS on or about February 16, 2007 (the "Deed of Trust"). The Deed of
7 Trust was recorded on February 22, 2007 as Instrument No. 2007-003055 in the official
8 records of Klamath County, Oregon. The Deed of Trust is a valid and perfected lien against
9 all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to
10 any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
11 Sheriff's Deed.

12 d. The Borrower failed to make the payment that was due for January 1, 2016 and has not cured
13 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):

15	a) Unpaid principal balance:	\$93,275.69
16	b) Prejudgment interest accruing from	
17	12/1/2015 through 10/2/2017 and	
18	continuing until the entry of	
	judgment at the current Note rate of	
	2.0%:	\$3,430.48
19	c) Additional amounts due under the	\$2,687.50
20	terms of the loan:	
21	d) Attorney fees and costs:	\$4,153.70
22	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
23	Total:	\$103,632.37

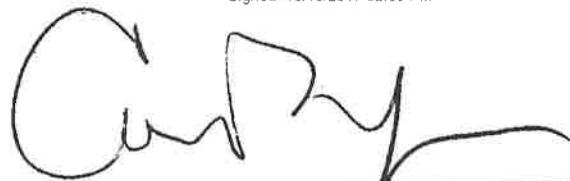
24 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
25 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
26 per annum.
27

- 1 e. The interest of the Defendants and any successor in interest in the Subject Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.
- 4 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 5 g. All right, title and interest in the Subject Property that Defendants MARCI E. HUGGINS and
6 JARROD L. HUGGINS had as of the date of the Deed of Trust or thereafter acquired is
7 hereby ordered to be sold by the Klamath County Sheriff's Office in accordance with the
8 process for sale upon execution, and the proceeds of sale shall be applied:
- 9 1) First, to the costs of sale not incurred by Plaintiff;
- 10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;
- 12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.
- 15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 18 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
19 Property from and after the date of the sale and is entitled to such remedies as are available at
20 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
21 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
22 possession to the purchaser immediately upon the purchaser's demand for possession.
- 23 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
24 entitled to any further or other judgment, including a judgment for the deficiency.
- 25 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
26 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
27 terminated.
- 28

1 I. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

- 3 1) Defendant JIMMIE D. HUGGINS JR. AND DEBORAH MORTE-HUGGINS may
4 claim a junior interest in Subject Property by virtue of a deed of trust recorded on
5 04/11/2008 as Instrument No. 2008-005315 in the official records of Klamath
6 County, Oregon.
- 7 2) Defendant STATE OF OREGON may claim a junior interest in Subject Property by
8 virtue of a Child Support judgment and/or supplemental judgment entered on
9 06/07/2012, 3/28/2017, and/or upon other dates in Case No. 1200981CV in the
10 official records of Klamath County, Oregon.
- 11 3) Defendant VELOCITY INVESTMENTS LLC may claim a junior interest in Subject
12 Property by virtue of a judgment entered on 04/21/2014 as Case No. 1304746CV in
13 the official records of Klamath County, Oregon.

Signed: 10/18/2017 02:39 PM



Circuit Court Judge Cameron F. Wogan

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

20 On _____, a copy of the Motion For Entry Of Judgment, Declaration Of
21 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of
22 Foreclosure was:

23 Served on:

24 Byron Hadley
25 Attorney for State of Oregon
1162 Court Street NE
Salem, OR 97301

26 not less than 3 days prior to submission to the court.

1 [] Accompanied by a stipulation by Opposing Attorney: Byron Hadley and Firm:
Department of Justice that no objection exists as to the judgment or order.

2 [] Mailed to:

3 Jarrod L. Huggins
4 4800 Altamont Dr. Apt. B
Klamath Falls, OR 97603

5 Marci E. Huggins
6 22590 Hwy 70
Dairy, OR 97625

7 Deborah Morte-Huggins
8 5368 Wocus Rd Unit A
Klamath Falls, OR 97601

9 Jimmie D. Huggins Jr.
10 5368 Wocus Rd Unit A
Klamath Falls, OR 97601

11 Occupants of the Property
12 22590 Hwy 70
Dairy, OR 97625

13 Velocity Investments LLC
14 1127 Broadway Street NE Ste 310
Salem, OR 97301

15 not less than 7 days prior to submission to the court with a notice of the time period to
16 object.

17 This proposed 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
any remaining objection.

26 [X] The relief sought is against an opposing party who has been found in default.

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

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

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

6 Other: _____

7 Dated: 10/13/2017 and submitted by:

8 **McCarthy & Holthus, LLP**

9 s/ John Thomas

10 _____
11 John Thomas OSB No. 024691

12 920 SW 3rd Ave, 1st Floor

13 Portland, OR 97204

14 Phone: (971) 201-3200

15 Fax: (971) 201-3202

16 jthomas@mccarthyholthus.com

17 Of Attorneys for Plaintiff

EXHIBIT "1"

Legal Description

Lots 1, 2 and 3, Block 1, TOWN OF DAIRY, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.