

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

NATIONSTAR MORTGAGE LLC dba  
CHAMPION MORTGAGE COMPANY, a  
limited liability company,

Plaintiff,

vs.

BENJAMIN RICHARDSON, an individual;  
Julian Castro, solely in his capacity as  
Secretary for UNITED STATES  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; CAPITAL ONE  
BANK (USA), N.A., a national association.

Defendants.

CASE NO.: 16CV17172

WRIT OF EXECUTION

STATE OF OREGON        )  
                                  ) ss.  
County of Klamath        )

TO THE SHERIFF OF KLAMATH COUNTY OREGON:

WHEREAS, on August 18, 2017, by consideration of the Klamath County Circuit Court,  
there was entered a General Judgment of Foreclosure as to defendants Benjamin Richardson  
("Borrower"), Julian Castro solely in his capacity as the Secretary for the United States  
Department of Housing and Urban Development ("HUD"), and Capital One Bank (USA), N.A.  
("Capital One", together with Borrower and HUD, collectively "Defendants").

///

WRIT OF EXECUTION -I-

**Zieve, Brodnax & Steele, LLP**  
Amy F. Harrington, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11th Floor  
Portland, OR 97204  
714-848-7920  
aharrington@zbslaw.com

1 Said General Judgment of Foreclosure was duly enrolled and docketed in the Court  
2 Administrator's Office in said County on August 18, 2017; a true copy of the General Judgment  
3 of Foreclosure is attached hereto and made a part hereof.

4 Judgment Creditor: NATIONSTAR MORTGAGE LLC dba  
5 CHAMPION MORTGAGE COMPANY  
6 Judgment Creditor Address: 350 Highland Dr.  
Lewisville, TX 75067

7 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
8 commanded to sell the real property as by said General Judgment of Foreclosure according to  
9 law (subject to redemption) all of the interest that the borrower Benjamin Richardson had on the  
10 22<sup>nd</sup> day of April 2008, the date of the Mortgage, and also all of the interest that borrower had  
11 thereafter, in the real property described in the Judgment as:

12 LOT 6, BLOCK 2, KLAMATH COUNTRY, IN THE COUNTY OF  
13 KLAMATH, STATE OF OREGON, AS SHOWN ON MAP FILED ON BOOK  
14 20 PAGE 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF  
15 SAID COUNTY.

16 The street address of the real property to be levied upon is 15757 Marcee Way,  
17 Chiloquin, OR 9762.

18 The above referenced property shall be sold to satisfy the following sums: The principal  
19 balance amount of \$45,710.81, plus prejudgment interest in the amount of \$16,489.94, plus  
20 reasonable attorney fees and costs in the amount of \$5,095.00, for a total of \$65,177.75; Thus,

21 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
22 THE DATE OF SUBMISSION IS AS FOLLOWS:

|                                   |             |
|-----------------------------------|-------------|
| 23 Principal Balance:             | \$45,710.81 |
| 24 Prejudgment Interest and Fees: | \$16,489.94 |
| 25 Attorney Fees and Costs:       | \$5,095.00  |

26 WRIT OF EXECUTION -2-

**Zieve, Brodnax & Steele, LLP**  
Amy F. Harrington, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11th Floor  
Portland, OR 97204  
714-848-7920  
aharrington@zbslaw.com

1 Total due as of October 25, 2017: \$65,177.75; Due to the nature of the loan, Plaintiff  
2 waives any post-judgment interest.

3 The proceeds of sale shall be applied, delivered, and distributed according to ORS  
4 18.950.

5 The Sheriff is hereby authorized to continue execution under the writ and delay making a  
6 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the  
7 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS  
8 18.872.

9 By: John M. Powell (TZA)  
Marcia Flores, Clerk  
November 13, 2017

10 Submitted by:

11  
12  
13   
14 Amy F. Harrington, OSB No. 123363



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

NATIONSTAR MORTGAGE LLC dba  
CHAMPION MORTGAGE COMPANY, a  
limited liability company,

Plaintiff,

vs.

BENJAMIN RICHARDSON, an individual;  
Julian Castro, solely in his capacity as  
Secretary for UNITED STATES  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT; CAPITAL ONE  
BANK (USA), N.A., a national association.

Defendants.

**CASE NO.: 16CV17172**

**GENERAL JUDGMENT OF  
FORECLOSURE  
(WITHOUT MONEY AWARD –  
JUDGMENT DOES NOT  
CREATE A LIEN)**

Based upon the Motion for Order of Default and Entry of a General Judgment of Foreclosure filed by plaintiff, Nationstar Mortgage LLC d/b/a Champion Mortgage Company (“Plaintiff”) and against defendants J Benjamin Richardson (“Borrower”), Julian Castro solely in his capacity as the Secretary for the United States Department of Housing and Urban Development (“HUD”), and Capital One Bank (USA), N.A. (“Capital One”, together with Borrower and HUD, collectively “Defendants”), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and Disbursements,

**IT IS HEREBY ORDERED AND ADJUDGED:**

**1.**

1 Plaintiff is awarded judgment against Defendants and all persons claiming through or  
2 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all  
3 interest, lien or claim in the real property described above and every portion thereof excepting  
4 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

5 **2.**

6 Writ of execution upon this General Judgment of Foreclosure shall issue.

7 **3.**

8 The Deed of Trust executed by Borrower and recorded on August 7, 2008, in the  
9 Klamath County Recorder's Office as document number 2008-011226, is a valid mortgage lien  
10 for the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property,  
11 located in Klamath County, Oregon commonly referred to as 15757 Marcee Way, Chiloquin, OR  
12 97624, with a legal description as follows:

13 Lot 6, Block 2, KLAMATH COUNTRY, in the County of Klamath, State of Oregon, as shown  
14 on map filed on Book 20 Page 6 of maps, in the office of the County recorder of said County.

15 **4.**

16 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real  
17 property, and all other interest in the property gained by him thereafter, or so much interest as  
18 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Klamath  
19 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

20 **5.**

21 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction  
22 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus  
23 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as  
24 may establish their right thereto.

25 **6.**

26 Defendants and all persons claiming through or under Defendants, as purchasers,

1 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real  
2 property described above and every portion thereof excepting only any satisfactory right of  
3 redemption as Defendants may have.

4 **7.**

5 Plaintiff or any other party to this suit or third party purchase may become the purchaser  
6 at the sale of the real property. The purchaser is entitled to exclusive possession of the real  
7 property from and after the date of sale and is entitled to such remedies as are available at law to  
8 secure possession, including writ of assistance, if the Defendants and any other party or person  
9 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for  
10 possession.

11 **SECURED DEBT**

- 12
- 13 1. Judgment Creditor: Nationstar Mortgage LLC d/b/a Champion  
14 Mortgage Company, a limited liability company  
15 c/o Zieve, Brodnax, & Steele, LLP  
16 One World Trade Center  
17 121 Southwest Salmon St., 11<sup>th</sup> Floor  
18 Portland, OR 97204  
19 503-946-6558
- 20 2. Judgment Creditor's Attorney: Amy Harrington  
21 Zieve, Brodnax, & Steele, LLP  
22 One World Trade Center  
23 121 Southwest Salmon St., 11<sup>th</sup> Floor  
24 Portland, OR 97204  
25 714-848-7920
- 26 3. Borrowers: Benjamin Richardson  
27 15757 Marcee Way  
28 Chiloquin, OR 97624  
**Year of Birth:** Unknown  
**Social Security No.:** XXX-XX-2825  
**Drivers' License No:** Unknown  
**Attorney of Record:** None
4. Person or public body entitled to any portion of money award herein: None

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**5. Total Amount of Secured Debt:**

**a. Lenders' Principal and Interest**

|  |                    |
|--|--------------------|
| Principal Balance  | \$ 45,710.81       |
| Accrued interest and fees on the principal balance through 10/31/15        | \$ 16,489.94       |
| <b>Total Principal and Interest Through 10/31/15 at the rate of 1.524%</b> | <b>\$62,200.75</b> |

**Due to the nature of the loan, Plaintiff waives any post-judgment interest**

**b. Attorneys' Fees and Costs**

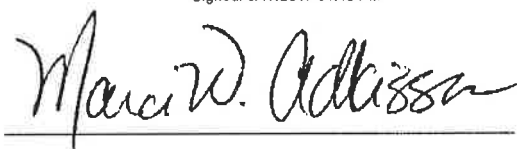
|   |                   |
|---|-------------------|
| Attorney Fees Judicial Flat Rate                  | \$2,750.00        |
| Skip Trace  | \$50.00           |
| Complaint filing cost                             | \$531.00          |
| Lit guarantee                                     | \$312.00          |
| Mediation cost                                    | \$200.00          |
| Recorded assignment                               | \$52.00           |
| Recorded LP (LT)                                  | \$52.00           |
| Provest invoice 4639283; Service S&C              | \$330.00          |
| Provest invoice 4671613; filing fee mtn pub serve | \$10.00           |
| Elite invoice_4588787; Publication of summons     | \$808.00          |
| <b>Total Attorney Fees and Costs</b>              | <b>\$5,095.00</b> |

**Total Secured Debt (Judgment) \$ 65,177.75**

Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ of Execution will issue. This judgment is not and is not intended to be a monetary judgment against the Borrower.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Signed: 8/17/2017 01:45 PM



Circuit Court Judge Marci W. Adkisson

**UTCRC 5.100(2) CERTIFICATE OF READINESS**

This proposed order or judgment is ready for judicial signature because:

1.  Each party affected by this order of judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2.  Each party affected by this order of judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3.  I have served a copy of this order of judgment on each party entitled to service and:
  - a.  No objection has been served on me.
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I have received and indicated which objections remained unresolved.
  - c.  After conferring about objections [role and name of objecting party] agreed to independently file any remaining objection.
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.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

8.  Other: \_\_\_\_\_

Submitted By:

/s/ Amy F. Harrington 8/8/17  
Amy F. Harrington, OSB No. 123363  
Attorney for Plaintiff  
Nationstar Mortgage LLC d/b/a  
Champion Mortgage Company, a limited  
liability company