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LINN COUNTY  
SHERIFFS OFFICE

Verified Correct Copy of Original 10/4/2017.

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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),  
Plaintiff,

Case No. 16CV28206

**WRIT OF EXECUTION**

v.

MATTHEW L. MINGO; SHANNON  
MINGO; CENTRAL WILLAMETTE  
COMMUNITY CREDIT UNION; AND ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 438  
10TH AVE, SWEET HOME, OREGON  
97386,

Defendant.

TO THE LINN COUNTY SHERIFF:

On August 22, 2017, a General Judgment of Foreclosure and Declaration of Amount Due was entered by the Linn 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: FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE") 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 438 10th Ave, Sweet Home, Oregon 97386 ("Subject Property"), and legally described as:

PART OF BLOCK 15, PUTMAN ADDITION TO SWEET HOME, IN THE COUNTY OF LINN AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE ON THE NORTH LINE OF "D" STREET, SAID

1 PIPE BEING NORTH 89° 37' EAST, 130.00 FEET FROM THE SOUTHEAST CORNER OF  
2 LOT 1, BLOCK 12, SUPPLEMENTAL PLAT TO PUTMAN ADDITION TO SWEET HOME,  
3 IN THE COUNTY OF LINN AND STATE OF OREGON, IN SECTION 31, TOWNSHIP 13  
4 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN; RUNNING THENCE  
5 NORTH 89° 37' EAST, 114.00 FEET TO THE WEST LINE OF 10TH AVENUE; THENCE  
6 NORTH 0° 39' WEST, ALONG THE SAID WEST LINE, 110.75 FEET TO AN IRON PIPE;  
7 THENCE SOUTH 89° 37' WEST, 114.00 FEET TO AN IRON PIPE; THENCE SOUTH 0° 39'  
8 EAST, 110.75 FEET TO THE POINT OF BEGINNING.

9 SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF  
10 LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

11 The total amount due and owing on the Judgment as of October 4, 2017;

12	Judgment:	Principal	\$110,016.78
13	Pre-Judgment:	Interest(6.125%, \$15.93/day)	\$3,186.00 (2/4/17 through 8/22/17)
14		Attorney Fees	\$5,717.00
15		Costs	\$2,498.00
16		Prevailing Party Fee	\$300.00
17	Post-Judgment:	Interest(6.125%, \$15.93/day)	\$684.99 (8/23/17 through 10/4/17)
18		Attorney Fees	\$305.00

19 **TOTAL: \$122,707.77**

20 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
21 and sell the Subject Property.

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Page 2 – WRIT OF EXECUTION

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After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.



Signed 10/4/2017 02:15 PM

*Katy Sims*  
Katy Sims, Administrative Authority

Presented by:  
ALDRIDGE PITE, LLP

*Katie Riggs*

x  
Katie L. Riggs, OSB # 095861  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
kriggs@aldridgepite.com

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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

v.

MATTHEW L. MINGO; SHANNON  
MINGO; CENTRAL WILLAMETTE  
COMMUNITY CREDIT UNION; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 438  
10TH AVE, SWEET HOME, OREGON  
97386,

Defendants.

Case No. 16CV28206

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE**

ORCP Rule 69

PURSUANT TO SB368, 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 MATTHEW L. MINGO;  
CENTRAL WILLAMETTE COMMUNITY CREDIT UNION; and ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
REAL PROPERTY COMMONLY KNOWN AS 438 10TH AVE, SWEET HOME, OREGON  
97386, the Court's ruling regarding Summary Judgment against Defendant SHANNON MINGO,  
the records on file herein, and pursuant to the Motion for General Judgment and Declaration of  
Amount Due by Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE  
MAE") ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

I. Plaintiff's security interest in the real property located at 438 10th Ave, Sweet  
Home, Oregon 97386 ("Subject Property"), as evidenced by the Deed of Trust recorded

1 December 13, 2006 in the official records of Linn County as Instrument Number 2006-30262  
2 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All  
3 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to  
4 Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally  
5 described as follows:

6 PART OF BLOCK 15, PUTMAN ADDITION TO SWEET HOME, IN THE COUNTY  
7 OF LINN AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

8 BEGINNING AT AN IRON PIPE ON THE NORTH LINE OF "D" STREET, SAID  
9 PIPE BEING NORTH 89° 37' EAST, 130.00 FEET FROM THE SOUTHEAST  
10 CORNER OF LOT 1, BLOCK 12, SUPPLEMENTAL PLAT TO PUTMAN ADDITION  
11 TO SWEET HOME, IN THE COUNTY OF LINN AND STATE OF OREGON, IN  
12 SECTION 31, TOWNSHIP 13 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE  
13 MERIDIAN; RUNNING THENCE NORTH 89° 37' EAST, 114.00 FEET TO THE  
14 WEST LINE OF 10TH AVENUE; THENCE NORTH 0° 39' WEST, ALONG THE  
15 SAID WEST LINE, 110.75 FEET TO AN IRON PIPE; THENCE SOUTH 89° 37'  
16 WEST, 114.00 FEET TO AN IRON PIPE; THENCE SOUTH 0° 39' EAST, 110.75  
17 FEET TO THE POINT OF BEGINNING.

18 SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF  
19 LAND LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND  
20 HIGHWAYS.

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

24 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
25 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
26 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE

1 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

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

8 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
9 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
10 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
11 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
12 amount to be satisfied by sale of the Subject Property as directed 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 8. Plaintiff or any other party to this action may become a purchaser at the  
25 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
26 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE

1 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
2 subject property if Defendants or any other party or person refuses to surrender possession;

3 DECLARATION OF AMOUNT DUE BY DEFAULT

4 (PURSUANT TO SB 368. THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
5 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 6 1. The amount of the judgment is \$110,016.78.  
7 2. Simple interest at the variable rate currently at 6.125% (\$15.93 *per diem*) after  
8 February 3, 2017, through the date of sale.  
9 3. Attorney fees of \$5,717.00, plus \$305.00, through the date of sale.  
10 4. Costs of \$2,498.00, plus costs accrued through the date of sale.  
11 5. Prevailing party fee: \$300.00.

12 **IT IS SO ADJUDGED**

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15 Signed: 8/21/2017 04:00 PM

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17 **Circuit Court Judge, Thomas A. McHill**

18 CERTIFICATE OF READINESS

19  
20 This proposed Order or Judgment is ready for judicial signature because:

- 21 1.  Each opposing party affected by this Order or Judgment has stipulated to the Order  
22 or Judgment, as shown by each opposing party's signature on the document being  
23 submitted.  
24 2.  Each opposing party affected by this Order or Judgment has approved the Order or  
25 Judgment, as shown by signature on the document being submitted or by written  
26 confirmation of approval sent to me.  
3. x I have served a copy of this Order or Judgment on all parties entitled to service and:

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- a.  No objections have been served on me within that time frame;
  - b.  I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
  - c.  After conferring about objections, **[Opposing Party]** agreed to independently file any remaining objection with the Court.
- 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



Date: 8/18/2017

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Of Attorneys for Plaintiff