

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF LANE

3 FEDERAL NATIONAL MORTGAGE
4 ASSOCIATION ("FANNIE MAE"), A
5 CORPORATION ORGANIZED AND
6 EXISTING UNDER THE LAWS OF THE
7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 THE UNKNOWN HEIRS AND DEVISEES
11 OF T. LOUISE PAIGE AKA THERESIA
12 LOUISE PAIGE; GEORGE DANIEL
13 KLUD, INDIVIDUALLY AND AS
14 COTRUSTEE
15 OF THE T. LOUISE PAIGE
16 REVOCABLE LIVING TRUST DATED
17 OCTOBER 23, 1993; RENEE ALICE
18 KLUD, INDIVIDUALLY AND AS
19 COTRUSTEE;
20 THE UNKNOWN
21 SUCCESSOR TRUSTEE OF THE T.
22 LOUISE PAIGE REVOCABLE LIVING
23 TRUST DATED OCTOBER 23, 1993; THE
24 UNKNOWN SUCCESSOR TRUSTEE OF
25 THE T. LOUISE PAIGE REVOCABLE
26 LIVING TRUST DATED OCTOBER 23,
27 1993; FLINTRIDGE VILLAGE
28 CONDIMINIUM; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 161502481

WRIT OF EXECUTION IN
FORECLOSURE

21 **TO THE LANE COUNTY SHERIFF:**

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

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

24 Plaintiff:

25 FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
26 CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
27 UNITED STATES OF AMERICA
28 c/o Brady Godbout
Attorney for Plaintiff

1 McCarthy & Holthus, LLP
2 920 SW 3rd Ave, 1st Floor
 Portland, OR 97204

3 With the adjudicated amount due of \$198,138.21, plus post judgment interest at the statutory rate
4 of 9.0% per annum from 10/19/2017 to 12/7/2017 in the amount of \$2,393.94, and continuing
5 with a per diem of \$48.86, currently totaling \$200,532.15.

6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about January 18, 2008, the date of the Deed of Trust, and also the interest that the Defendant
10 had thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel # 17-
11 03-18-34-00401, and commonly known as: 2220 Ridgeway Drive, Eugene, OR 97401.

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

17
18 DEC - 5 2017



By: Angie Jones
court clerk

1 Dated: December 1, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**
3 s/ Brady Godbout

4 Bryan Kidder OSB No. 140459

5 [x] Brady Godbout, OSB No. 132708

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

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11 Of Attorneys for Plaintiff

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EXHIBIT "1"

UNIT II-8 FLINTRIDGE VILLAGE CONDOMINIUM, STAGE II AS PLATTED AND RECORDED IN BOOK 71, PAGE 20, LANE COUNTY OREGON PLAT RECORDS, TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS APPERTAINING TO SAID UNIT AS SET FORTH IN DECLARATION OF UNIT OWNERSHIP RECORDED SEPTEMBER 6, 1976 RECEPTION No. 76-46775, LANE COUNTY OREGON OFFICIAL RECORDS, IN LANE COUNTY, OREGON.

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF T. LOUISE PAIGE AKA THERESIA
LOUISE PAIGE; GEORGE DANIEL
KLUD, INDIVIDUALLY AND AS CO-
TRUSTEE OF THE T. LOUISE PAIGE
REVOCABLE LIVING TRUST DATED
OCTOBER 23, 1993; RENEE ALICE
KLUD, INDIVIDUALLY AND AS CO-
TRUSTEE; THE UNKNOWN
SUCCESSOR TRUSTEE OF THE T.
LOUISE PAIGE REVOCABLE LIVING
TRUST DATED OCTOBER 23, 1993; THE
UNKNOWN SUCCESSOR TRUSTEE OF
THE T. LOUISE PAIGE REVOCABLE
LIVING TRUST DATED OCTOBER 23,
1993; FLINTRIDGE VILLAGE
CONDIMINIUM; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 161502481

GENERAL JUDGMENT OF
FORECLOSURE

I.

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

Defendants THE UNKNOWN HEIRS AND DEVISEES OF T. LOUISE PAIGE AKA
THERESIA LOUISE PAIGE; GEORGE DANIEL KLUD, INDIVIDUALLY AND AS CO-
TRUSTEE OF THE T. LOUISE PAIGE REVOCABLE LIVING TRUST DATED
OCTOBER 23, 1993; RENEE ALICE KLUD, INDIVIDUALLY AND AS CO-TRUSTEE;

1 THE UNKNOWN SUCCESSOR TRUSTEE OF THE T. LOUISE PAIGE REVOCABLE
2 LIVING TRUST DATED OCTOBER 23, 1993; THE UNKNOWN SUCCESSOR
3 TRUSTEE OF THE T. LOUISE PAIGE REVOCABLE LIVING TRUST DATED
4 OCTOBER 23, 1993; and OCCUPANTS OF THE PROPERTY (“Defaulted Defendants”);
5 were duly served with process and failed to appear; the default has been entered against
6 Defaulted Defendants, Defendant FLINTRIDGE VILLAGE CONDIMINIUM has been
7 dismissed from this action, and it appearing that Defaulted Defendants are not incapacitated,
8 protected persons, respondents as defined in ORS 125.005, minors, or in the military service
9 of the United States;

10 2.

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

- 12 a. The real property to which this judgment relates is located and situated in Lane County,
13 Oregon, and is commonly known as 2220 Ridgeway Drive, Eugene, OR 97401 (the “Subject
14 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
15 1162294.
- 16 b. Plaintiff is entitled to enforce the note dated January 18, 2008 and made, delivered, and
17 executed by T. LOUISE PAIGE to INDYMAC BANK, F.S.B. in the amount of \$119,400.00
18 (the “Note”). The Note was transferred to Plaintiff by delivery of possession and by
19 indorsement set forth on the Note.
- 20 c. A deed of trust was made, executed, and delivered by Borrower T. LOUISE PAIGE on or
21 about January 23, 2008 (the “Deed of Trust”). The Deed of Trust was recorded on February
22 12, 2008 as Instrument No. 2008-007711 in the official records of Lane County, Oregon.
23 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
24 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
25 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

1 d. The Borrower failed to make the payment that was due for May 1, 2012 and has not cured
2 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
3 comprised of the following amounts (the "Amount Due"):

4	a) Unpaid principal balance:	\$113,860.59
5	b) Prejudgment interest accruing from	
6	4/1/2012 through 10/2/2017 and	
7	continuing until the entry of	
	judgment at the current Note rate of	
	7.125%:	\$44,649.34
8	c) Additional amounts due under the	\$35,910.18
9	terms of the loan:	
10	d) Attorney fees and costs:	\$3,633.10
11	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
12	Total:	\$198,138.21

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

16 e. The interest of the Defendants and any successor in interest in the Subject Property is
17 foreclosed and terminated excepting only any statutory right of redemption as provided by
18 Oregon law.

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

20 g. All right, title and interest in the Subject Property that Borrower T. LOUISE PAIGE had as
21 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
22 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
23 proceeds of sale shall be applied:

- 24 1) First, to the costs of sale not incurred by Plaintiff;
- 25 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
26 entry of judgment through the date of the sale and any incurred costs of sale;
- 27

1 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
2 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
3 such party or parties as they may establish their right thereto.

4 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
5 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
6 the date of entry of judgment through the date of the sale and any incurred costs of sale.

7 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
8 Property from and after the date of the sale and is entitled to such remedies as are available at
9 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
10 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
11 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

17 Signed: 10/13/2017 02:27 PM

18 

19 _____
20 **Charles D. Carlson, Circuit Court Judge**

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

22 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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24 The relief sought is against an opposing party who has been found in default.
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Dated: October 2, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Brady Godbout

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Of Attorneys for Plaintiff

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UNIT II-8 FLINTRIDGE VILLAGE CONDOMINIUM, STAGE II AS PLATTED AND RECORDED IN BOOK 71, PAGE 20, LANE COUNTY OREGON PLAT RECORDS, TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THE COMMON ELEMENTS APPERTAINING TO SAID UNIT AS SET FORTH IN DECLARATION OF UNIT OWNERSHIP RECORDED SEPTEMBER 6, 1976 RECEPTION No. 76-46775, LANE COUNTY OREGON OFFICIAL RECORDS, IN LANE COUNTY, OREGON.