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

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 JUDY A. BENELL-HECK, RICKIE JEAN
RHYNE; RAY KLEIN INC DBA
PROFESSIONAL CREDIT SERVICE; AMY
MCKEE; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 16CV03893

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 4, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA
c/o Jeremy Clifford
Attorney for Plaintiff

1 Dated: 11/22/17 and submitted by:

2 **McCarthy & Holthus, LLP**

3 
4 _____
5 Jeremy Clifford OSB No. 142987

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11 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 25, GARDEN GATE VILLAGE, in the County of Clackamas and State of Oregon.

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

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 JUDY A. BENELL-HECK;
RICKIE JEAN RHYNE; RAY KLEIN INC
DBA PROFESSIONAL CREDIT
SERVICE; AMY MCKEE; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 16CV03893

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF JUDY A. BENELL-HECK, RICKIE JEAN RHYNE, RAY KLEIN INC DBA PROFESSIONAL CREDIT SERVICE, AMY MCKEE, and OCCUPANTS OF THE PROPERTY ("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;

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 Clackamas County, Oregon, and is commonly known as 8517 SE Cornwell Street, Happy Valley, OR 97086 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00045846.
- b. Plaintiff is entitled to enforce the note dated November 20, 2006 and made, delivered, and executed by Judy A. Benell-Heck to Mortgageit, Inc. in the amount of \$130,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendants Judy A. Benell-Heck, Rickie Jean Rhyne on or about November 20, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on November 27, 2006 as Instrument No. 2006-109071 in the official records of Clackamas County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for April 1, 2013 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- | | |
|---|---------------|
| a) Unpaid principal balance: | \$ 118,980.97 |
| b) Prejudgment interest accruing from 3/1/2013 through 6/15/2017 and continuing until the entry of judgment at the current Note rate of 6.750%: | \$ 34,444.26 |
| c) Additional amounts due under the terms of the loan: | \$ 15,687.03 |

d) Attorney fees and costs:	\$ 5,895.35
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$ 85.00
Total:	\$ 175,092.61

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

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

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

g. All right, title and interest in the Subject Property that Defendants Judy A. Benell-Heck, Rickie Jean Rhyne had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:

- 1) First, to the costs of sale not incurred by Plaintiff;
- 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
- 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession. The purchaser at the sale may apply to the Court for a

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

8 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
9 Deed of Trust are as follows:

10 1) Defendant RAY KLEIN INC DBA PROFESSIONAL CREDIT SERVICE may claim
11 a junior interest in Subject Property by virtue of a judgment entered on 06/06/2013 as
12 Instrument No. LV12120547 in the official records of Clackamas County, Oregon.

13 2) Defendant AMY MCKEE may claim an interest in Subject Property by virtue
14 succession, devise, or other transfer of the interest.

Signed: 9/26/2017 04:30 PM

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20 Circuit Court Judge Michael C. Wetzel

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

2 This proposed General Judgment of Foreclosure is ready for judicial signature because:

3 An order of default is being requested with this proposed judgment.

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

6 Dated June 26, 2017 and submitted by:

7 **McCarthy & Holthus, LLP**

8 s/ Michael S. Scott

9

Michael S. Scott, OSB No. 973947

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15 Of Attorneys for Plaintiff

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