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

FREEDOM MORTGAGE CORPORATION,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF RONALD S. BATEMAN; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 16CV33028

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 23, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FREEDOM MORTGAGE CORPORATION
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$156,033.38, plus post judgment interest at the statutory rate of 9.0% per annum from 6/23/2017 to 7/18/2017 in the amount of \$961.85, and continuing with a per diem of \$38.47, currently totaling \$156,995.23.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about May 31, 2012, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # R329684, and commonly known as 213 Millie St, Cave Junction, OR 97523.

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

6
7 
8 Court Clerk 

9
10 **McCarthy & Holthus, LLP**

11 s/ Robert B. Hakari 7/18/17

12 John Thomas OSB No. 024691
13 x Robert Hakari OSB No. 114082
14 920 SW 3rd Ave, 1st Floor
15 Portland, OR 97204
16 Phone: (971) 201-3200
17 Fax: (971) 201-3202
18 rhakari@mccarthyholthus.com
19 Of Attorneys for Plaintiff

EXHIBIT "1"

LOT 7, MADRONE ESTATES SUBDIVISION IN THE CITY OF CAVE JUNCTION, JOSEPHINE COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 7, PAGE 36, PLAT RECORDS.

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

FREEDOM MORTGAGE CORPORATION,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF RONALD S. BATEMAN; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 16CV33028

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF RONALD S. BATEMAN 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; now therefore,

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 Josephine County, Oregon, and is commonly known as 213 Millie St, Cave Junction, OR 97523 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R329684.

1 b. Plaintiff is entitled to enforce the note dated 5/31/2012 and made, delivered, and executed by
2 Ronald S. Bateman to Mortgage Investors Corporation, An Ohio Corporation in the amount
3 of \$153,610.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
4 and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Borrower Ronald S. Bateman on or
6 about 5/31/2012 (the "Deed of Trust"). The Deed of Trust was recorded on 6/15/2012 as
7 Instrument No. 2012-007365 in the official records of Josephine County, Oregon. The Deed
8 of Trust is a valid and perfected lien against all of the Property for and securing the Amount
9 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
10 shall remain in effect until issuance of a Sheriff's Deed.

11 d. The Borrower failed to make the payment that was due for 11/1/2015 and has not cured the
12 default. The amount of debt secured by the Deed of Trust that is now due and owing is
13 comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$141,604.71
15	b) Prejudgment interest accruing from	\$5,993.84
16	10/1/2015 through 6/22/2017 and	
17	continuing until the entry of judgment	
	at the current Note rate of 2.5000%:	
18	c) Additional amounts due under the	\$4,281.77
	terms of the loan:	
19	d) Attorney fees and costs:	\$4,068.06
20	e) Prevailing party fee (ORS 20.190	\$85.00
21	(2)(a)):	
22	Total:	\$156,033.38

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

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- 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 Borrower Ronald S. Bateman had as of
6 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
7 Josephine County Sheriff's Office in accordance with the process for sale upon execution,
8 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 88.050, the apparent priority of liens subsequent and inferior to the Deed of
2 Trust are as follows:

3 1) THE UNKNOWN HEIRS AND DEVISEES OF RONALD S. BATEMAN may
4 claim an in interest in the Subject Property by virtue of intestate succession, devise or
5 other transfer of interest held by Ronald S. Bateman.
6

7 Signed: 6/23/2017 12:49 PM

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Circuit Court Judge Thomas M. Hull

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

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

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

16 Dated: June 22, 2017

17 Presented by:

18 **McCarthy & Holthus, LLP**

19 s/ Brady Godbout

20

Brady Godbout, OSB No. 132708
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 bgodbout@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
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