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

NEW PENN FINANCIAL LLC DBA  
SHELLPOINT MORTGAGE SERVICING,  
Plaintiff,

vs.

DANA MCELHERAN, an individual; and all  
other persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the property,  
Defendants.

**CASE NO.: CV15090111  
WRIT OF EXECUTION**

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas    )

TO THE SHERIFF OF CLACKAMAS COUNTY OREGON:

WHEREAS, on October 20, 2017 by consideration of the Clackamas County Circuit Court, there was entered a General Judgment of Foreclosure as to Defendants. Said General Judgment of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's Office in said County on October 20, 2017; a true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

1 Judgment Creditor: NEW PENN FINANCIAL LLC DBA SHELLPOINT  
MORTGAGE SERVICING

2 Judgment Creditor Address: C/O ZIEVE, BRODNAX & STEELE, LLP,  
3 30 Corporate Park, Suite 450,  
4 Irvine, CA 92606

5 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
6 commanded to sell the real property as by said General Judgment of Foreclosure according to  
7 law (subject to redemption) all of the interest that the Defendant Dana McElheran had on the 31<sup>st</sup>  
8 day of March 2006, the date of the Mortgage, and also all of the interest that Defendants had  
9 thereafter, in the real property described in the Judgment as:

10 LOTS 44 AND 91 RIVERSIDE, IN THE COUNTY OF CLACKAMAS AND STATE  
11 OF OREGON

12 Tax Parcel Number: 05002327

13 The street address of the real property to be levied upon is 55251 E. Kirkwood Drive,  
14 Sandy, OR 97055.

15 The above referenced property shall be sold to satisfy the following sums: The principal  
16 balance amount of \$138,855.29; plus prejudgment interest to 6/30/17 in the amount of  
17 \$36,761.09; plus additional pre-judgment interest in the amount of \$2,797.55; plus the Lender's  
18 fees and costs in the amount of \$21,335.48, plus Plaintiff's costs and reasonable attorney fees in  
19 the amount of \$3,648.00; plus \$300.00 to the prevailing party; plus post-judgment interest of  
20 \$1,004.54 for a total of \$ 204,701.95, with interest to continue to accrue at 9.00% until the date  
21 of sale; Thus,

22 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
23 THE DATE OF SUBMISSION (November 9, 2017) IS AS FOLLOWS:

24 Principal Balance: \$138,855.29

1 Prejudgment Interest to 6/30/17: \$36,761.09  
 2 Additional Pre-Judgment Interest  
 3 7/1/17 – 10/20/17 at 6.625 %  
 4 (\$25.20 per diem) \$2,797.55  
 5 Other Amounts: \$21,335.48  
 6 Plaintiff's Costs and Attorney Fees \$3,648.00  
 7 Post-judgment Interest 10/20/17 –  
 8 11/9/17 at 9.00% (\$50.22 per diem) \$1,004.54  
 9 Total due as of November 9, 2017 \$204,701.95 plus \$50.22 per diem thereafter until  
 10 paid.

11 The proceeds of sale shall be applied, delivered, and distributed according to ORS  
 12 18.950.

13 The Sheriff is hereby authorized to continue execution under the writ and delay making a  
 14 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the  
 15 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS  
 16 18.872.


17 Court Administrator relies on the information  
 18 provided by the person seeking issuance of  
 19 this writ of execution and is not liable for any  
 20 errors or omissions in the information

21 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.  
 22 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,  
 23 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING  
 24 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST  
 25 THIS WRIT BY FILING A CLAIM OF EXEMPTION.



26 *Wendy Watson*, Dated Nov 27, 2017

27 Submitted by:

28   
 Amy F. Harrington, OSB No. 123363

WRIT OF EXECUTION -3-

**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

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

NEW PENN FINANCIAL LLC DBA  
SHELLPOINT MORTGAGE SERVICING,

Plaintiff,

vs.

DANA MCELHERAN, an individual; and all  
other persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the Property.

Defendants.

CASE NO. CV15090111

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

Based upon the Motion for a General Judgment of Foreclosure filed by Plaintiff New Penn Financial LLC dba Shellpoint Mortgage Servicing ("Plaintiff") as to all defendants, the Declaration in Support, the Statement for Attorney Fees, Costs, and Disbursements, and good cause appearing

**IT IS HEREBY ORDERED AND ADJUDGED:**

1.

Plaintiff is awarded judgment against Defendant and all persons claiming through or under Defendant, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property described above and every portion thereof excepting

1 only any satisfactory right of redemption as Defendant, or any of them, may have therein.

2 2.

3 A writ of execution upon this General Judgment of Foreclosure shall issue.

4 3.

5 The Deed of Trust executed by Borrower and recorded on March 31, 2006, in the  
6 Clackamas County Recorder's Office as Instrument number 2006-029041, is a valid mortgage  
7 lien for the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property,  
8 located in Clackamas County, Oregon commonly referred to as 55251 E. Kirkwood Dr. Sandy,  
9 OR 97055, with a legal description as follows:

10 LOTS 44 AND 91, RIVERSIDE, IN THE COUNTY OF CLACKAMAS AND STATE  
11 OF OREGON.

12 4.

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

18 5.

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

23 6.

24 Defendant and all persons claiming through or under Defendant, as purchasers,  
25 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real  
26 property described above and every portion thereof excepting only any satisfactory right of  
27

1 redemption as Defendant may have.

2 7.

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

9 **SECURED DEBT**

10  
11 1. Judgment Creditor: New Penn Financial LLC dba Shellpoint Mortgage  
12 Servicing  
13 c/o Zieve, Brodnax, & Steele, LLP  
14 One World Trade Center  
15 121 Southwest Salmon St., 11<sup>th</sup> Floor  
16 Portland, OR 97204  
17 714-848-7920

18  
19 2. Judgment Creditor's Attorney: Amy F. Harrington  
20 Zieve, Brodnax, & Steele, LLP  
21 One World Trade Center  
22 121 Southwest Salmon St., 11<sup>th</sup> Floor  
23 Portland, OR 97204  
24 714-848-7920

25 3. Person or public body entitled to any portion of money award herein: None

26 **4. Total Amount of Secured Debt:**

27 **a. Lenders' Principal and Interest**

28 Principal Balance	\$ 138,855.29
Accrued interest and fees on the principal balance through 6/30/17	\$ 36,761.09
Lender Fees and Costs	\$21,335.48

1 Additional pre-judgment interest  
2 to accrue from 6/30/17 to the date this  
3 judgment is entered, at the note rate  
4 of 6.625% (\$25.20 per diem)

5 Post-judgment interest to accrue on the  
6 sum of: (1) the judgment amount in section  
7 d, and (2) the additional pre-judgment interest  
8 accruing from 6/30/17 to the date of judgment.  
9 This post-judgment interest shall accrue at the  
10 statutory rate of 6.625%, from the date judgment  
11 is entered until the date of sale.

12 **Total Principal and Interest  
13 Through 6/30/17 at the rate of  
14 6.625% per annum (\$25.20  
15 per diem).**

16 **\$ 196,951.51**

17 **b. Attorneys' Fees and Costs**

18 Attorney Fees \$3,100.00

19 Attorney Costs \$548.00

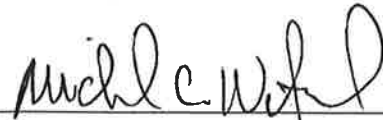
20 **Total Attorney Fees and Costs \$3,648.00**

21 **c. Prevailing Party Fee \$300.00**

22 **d. TOTAL SECURED DEBT (JUDGMENT) \$ 200,899.51**

23 Interest will continue to accrue on the judgment amount at the rate of Said Judgment is  
24 meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment  
25 against the Borrower.  
26

27 Signed: 10/20/2017 04:33 PM

28 

Circuit Court Judge Michael C. Wetzel

1  
2  
3 **UTCR 5.100(2) CERTIFICATE OF READINESS**

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

- 5 1.  Each party affected by this order of judgment has stipulated to the order or judgment,  
6 as shown by each party's signature on the document being submitted.
- 7 2.  Each party affected by this order of judgment has approved the order or judgment, as  
8 shown by each party's signature on the document being submitted or by written  
9 confirmation of approval sent to me.
- 10 3.  I have served a copy of this order of judgment on each party entitled to service and:  
11 a.  No objection has been served on me.  
12 b.  I received objections that I could not resolve with a party despite reasonable  
13 efforts to do so. I have filed a copy of the objections I have received and  
14 indicated which objections remained unresolved.  
15 c.  After conferring about objections [role and name of objecting party] agreed to  
16 independently file any remaining objection.
- 17 4.  The relief sought is against an opposing party who has been found in default.
- 18 5.  An order of default is being requested with this proposed judgment.
- 19 6.  Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or  
20 otherwise.
- 21 7.  This is a proposed judgment that includes an award of punitive damages and notice as  
22 been served on the Director of the Crime Victims' Assistance Section as required by  
23 subsection (5) of the rule.
- 24 8.  Other: \_\_\_\_\_



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Submitted By:

/s/Amy F. Harrington 9/8/17

Amy F. Harrington, OSB No. 123363

Attorney for Plaintiff

New Penn Financial LLC dba Shellpoint Mortgage Servicing