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

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF PATRICK L. LAFFERTY; JODY R.
LAFFERTY; KATLIN CAUFFMAN;
LEELAND LAFFERTY; BETH HOPKINS
LAFFERTY AKA BETH HARRINGTON AS
GUARDIAN FOR CONNOR LAFFERTY;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV151937

WRIT OF EXECUTION IN
FORECLOSURE

TO THE UMATILLA COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 8/18/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, N.A.
c/o Jeremy Clifford
Attorney for Plaintiff

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

1 With the adjudicated amount due of \$189,460.03, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 8/18/2017 to 9/18/2017 in the amount of \$1,448.20, and continuing
3 with a per diem of \$46.72, currently totaling \$190,908.23.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about 1/26/2006, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1*

10 and commonly known as: 100 Jefferson St, Umatilla, OR 97882.

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

16
17
18 DATED: 15th day of September,
19 2017.

20 Trial Court Administrator
Title

21 By: Tammy Halse
22 clerk



1 Dated: September 14, 2017, and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 _ John Thomas OSB No. 024691
5 _ Robert Hakari OSB No. 114082
6 _ Andreanna Smith OSB No. 131336
7 _ Brady Godbout OSB No. 132708
8 _ Brian Kidder OSB No. 140459
9 x Jeremy Clifford OSB No. 142987
10 _ Michael Scott OSB No. 973947
11 920 SW 3rd Ave, 1st Floor
12 Portland, OR 97204
13 Phone: (971) 201-3200
14 Fax: (971) 201-3202
15 jclifford@mccarthyholthus.com
16 Of Attorneys for Plaintiff
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EXHIBIT "1"

Lot 3, Block 3, MCFARLAND'S SUBDIVISION, an Addition to the City of Umatilla, County of Umatilla, State of Oregon.

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

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF PATRICK L. LAFFERTY; JODY R.
LAFFERTY; KATLIN CAUFFMAN;
LEELAND LAFFERTY; BETH HOPKINS
LAFFERTY AKA BETH HARRINGTON
AS GUARDIAN FOR CONNOR
LAFFERTY; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: CV151937

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF PATRICK L. LAFFERTY;
JODY R. LAFFERTY; KATLIN CAUFFMAN; LEELAND LAFFERTY; BETH HOPKINS
LAFFERTY AKA BETH HARRINGTON AS GUARDIAN FOR CONNOR LAFFERTY;
OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and
failed to appear; the default has been entered against Defendants, and it appearing that
Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005,
minors, or in the military service of the United States;

2.

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

1 a. The real property to which this judgment relates is located and situated in Umatilla County,
2 Oregon, and is commonly known as 100 Jefferson St, Umatilla, OR 97882-9819 (the
3 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. 127632.

5 b. Plaintiff is entitled to enforce the note dated January 26, 2006 and made, delivered, and
6 executed by Patrick Lafferty to WELLS FARGO BANK, N.A. in the amount of \$142,980.00
7 (the “Note”). The Note was transferred to Plaintiff by delivery of possession and by
8 indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant Patrick L. Lafferty on or
10 about January 26, 2006 (the “Deed of Trust”). The Deed of Trust was recorded on February
11 3, 2006 as Instrument No. 2006-4950662 in the official records of Umatilla County, Oregon.
12 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
13 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
14 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

15 d. The Borrower failed to make the payment that was due for April 1, 2014 and has not cured
16 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
17 comprised of the following amounts (the “Amount Due”):

| | | |
|----|---------------------------------------|---------------------|
| 18 | a) Unpaid principal balance: | \$142,903.42 |
| 19 | b) Prejudgment interest accruing from | \$25,355.87 |
| 20 | 3/1/2014 through 8/17/2017 and | |
| 21 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 5.125%: | |
| 22 | c) Additional amounts due under the | \$11,820.42 |
| 23 | terms of the loan: | |
| 24 | d) Attorney fees and costs: | \$9,295.32 |
| 25 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 26 | Total: | \$189,460.03 |

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

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

7 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant Patrick L. Lafferty had as
9 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Umatilla County Sheriff's Office in accordance with the process for sale upon execution, and
11 the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

- 1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.
4 l. Pursuant to ORS 18.950 (4), there are no apparent priority of liens subsequent and inferior to
5 the Deed of Trust.



Signed: 8/18/2017 02:15 PM

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Dated SEP 15 2017
TRIAL COURT ADMINISTRATOR
By Ammy J. Habs

Christopher R. Brauer, Circuit Court Judge

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

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

- 16 Each opposing party affected by this order or judgment has stipulated to the order or
17 judgment, as shown by each opposing party's signature on the document being
18 submitted.
19 Each opposing party affected by this order or judgment has approved the order or
20 judgment, as shown by signature on the document being submitted or by written
21 confirmation of approval sent to me.

22 I have served a copy of this order or judgment on all parties entitled to service and:

- 23 No objection has been served on me.
24 I received objections that I could not resolve with the opposing party despite
25 reasonable efforts to do so. I have filed a copy of the objections I received and
26 indicated which objections remain unresolved.
27 After conferring about objections, _____ agreed to independently file
28 any remaining objection.

The relief sought is against an opposing party who has been found in default.

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

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

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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.

Other: _____

Dated: August 17, 2017, and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford

Jeremy Clifford OSB No. 142987

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

jclifford@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT "1"

Lot 3, Block 3, MCFARLAND'S SUBDIVISION, an Addition to the City of Umatilla, County of Umatilla, State of Oregon.