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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MARION

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS
TRUSTEE FOR NATIONSTAR HOME
EQUITY LOAN TRUST 2007-B

16CV27174

Plaintiff,

WRIT OF EXECUTION

vs.

MARLENE J. GREGG; MICHAEL
GREGG; CAPITAL ONE BANK (USA),
N.A.; PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

WHEREAS, on August 24, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on December 15, 2006, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 15-116095

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 LOTS 3 AND 4, BLOCK 3, HANSEN, MARION COUNTY, OREGON.

2 and commonly known as 495 Hansen Avenue South, Salem, OR 97302 to satisfy the sum of
3 \$176,049.63, as of August 31, 2017, together with additional post judgment interest of 9.00%
4 from that date (\$43.33 per day), and costs of this execution, making due return within 60 days
5 after you receive this writ.
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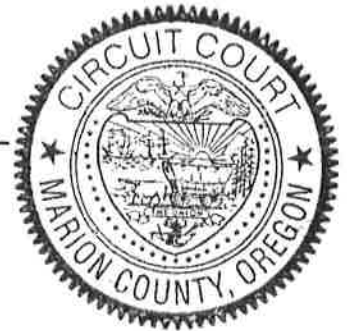
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1 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for Nationstar
2 Home Equity Loan Trust 2007-B is the Judgment Creditor, and its address for purpose of this
3 writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
4 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
5 Judgment Creditor.
6
7
8
9

Signed: 9/6/2017 03:25 PM

11 _____
12 *Angie Evans*
13 Court Clerk



13 Submitted by:
14 Attorneys for Plaintiff,
15 SHAPIRO & SUTHERLAND, LLC

16 By: _____

- 17 [] James A. Craft #090146 [jcraft@logs.com]
18 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
19 [] Cara J. Richter #094855 [crichter@logs.com]
20 [] Holger Uhl #950143 [huhl@logs.com]*
21 [x] Joshua R. Orem # 116872 [jorem@logs.com]*
22 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
23 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
24 (360)260-2253; Fax (360)260-2285

25 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MARION

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK AS TRUSTEE FOR
NATIONSTAR HOME EQUITY LOAN TRUST
2007-B,

Plaintiff,

vs.

MARLENE J. GREGG; MICHAEL GREGG;
CAPITAL ONE BANK (USA), N.A.; PARTIES IN
POSSESSION,

Defendants.

Case No. 16CV27174

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Michael Gregg, Capital One Bank
(USA), N.A. and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

- The real property to which this judgment relates (hereafter the "Property") is situated in Marion County, Oregon is commonly known as 495 Hansen Avenue South, Salem, OR 97302 and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-116095

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1 Lots 3 and 4, Block 3, HANSEN, Marion County, Oregon.

- 2 2. The Deed of Trust executed and delivered by Defendant, Marlene J. Gregg an unmarried
3 woman and Michael Gregg an unmarried man, joint tenants with right of survivorship
4 ("Borrower") on or about December 15, 2006 and recorded on January 17, 2007 as Reel
5 2761, Page 332 in the official records of Marion County, Oregon, is a valid and perfected
6 lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
7
8 3. The Plaintiff is the holder of the original note dated December 15, 2006 and made by
9 Marlene J. Gregg and Michael Gregg in the amount of \$137,544.80. A copy of the Note
10 was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the
11 beneficial interest in the Deed of Trust (together the "Loan").
12
13 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
14 interest in the Property is foreclosed and terminated excepting only any statutory right of
15 redemption as provided by Oregon law.
16
17 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
18 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
19 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
20 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
21 interests and priorities.

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26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 15-116095

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- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$133,610.64	
3	Prejudgment interest at 9.23% through July 25, 2017			\$30,613.90
4	(accruing thereafter until entry of judgment at \$33.79 per diem)			
5	Late Charges		\$0.00	
6	Other Costs and fees (recoverable)		5,392.58	
7	Property Tax	\$3,200.75		
8	Hazard Insurance	\$1,831.83		
9	Property Inspections	\$360.00		
	Subtotal			\$139,003.22
	Total plus Prejudgment Interest			\$169,617.12

10
11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

12	Costs			\$1,865.50
13	Title Search Cost		\$535.00	
14	Skip Trace Costs		\$50.00	
15	Filing Fee		\$531.00	
16	Clerk Costs		\$12.50	
17	Lis Pendens Recording Fee		\$51.00	
18	Service by Publication		\$1.00	
19	Service Costs		\$360.00	
	Death Certificate Fee		\$50.00	
	Prevailing Party Fee		\$275.00	
	Attorney fees			\$3,250.00
	Total			\$5,115.50

20
21 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
22 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

1 14. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no
2 general execution shall be issued and Plaintiff shall not be entitled to any further judgment,
3 including a judgment for deficiency.

4 15. Execution may issue against the subject property for the aggregate amount found due
5 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
6 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
7 ORS 18.936 or other applicable law.
8

9 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
10 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
11 judgment as to the amounts due shall be terminated.
12

13 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
14 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
15 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
16 18.936.

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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
4

Signed: 8/24/2017 02:19 PM

8 

Circuit Court Judge Channing Bennett

11 **Certificate of Readiness under UTCR 5 100**

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

- 13
- 14 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
 - 15 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
 - 16 3. I have served a copy of this order or judgment on each party entitled to service and:
 - 17 a. No objection has been served on me.
 - 18 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain
 - 19 unresolved.
 - 20 c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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25 6 - GENERAL JUDGMENT OF FORECLOSURE AND
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- 1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
3 5. This is a proposed judgment that includes an award of punitive damages and notice has
4 been served on the Director of the Crime Victims' Assistance Section as required by subsection
5 (5) of this rule.
6 6. Other: _____

7 Dated: Aug. 9, 2017.

8 Dated: ", 2017.

9 Submitted by:

10 Attorneys for Plaintiff,
11 SHAPIRO & SUTHERLAND, LLC

12 By: 

- 13 James A. Craft #090146 [jcraft@logs.com]
14 Kelly D. Sutherland #873575 [ksutherland@logs.com]
15 Cara J. Richter #094855 [crichter@logs.com]
16 Holger Uhl #950143 [huhl@logs.com]*
17 Joshua R. Orem # 116872 [jorem@logs.com]*

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