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

CARRINGTON MORTGAGE SERVICES,  
LLC

Case No. 16CV39806

Plaintiff,

WRIT OF EXECUTION

vs.

JEFFREY A. MCGHEHEY; STATE OF  
OREGON; PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

WHEREAS, on February 10, 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 April 22, 2009, 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:

DESCRIBED IN THE DEED OF TRUST AS:  
BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MARKET ROAD NO. 87, WHICH IS 2.74 CHAINS SOUTH 0° 13' 30" WEST AND 817.74 FEET

1- WRIT OF EXECUTION  
S&S No. 16-119522

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 Carrington Mortgage Services, LLC is the Judgment Creditor, and its address for purpose  
2 of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,  
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the  
4 Judgment Creditor.  
5  
6  
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8

Signed: 10/11/2017 10:13 AM

*Cristin Ballenger*

\_\_\_\_\_  
, Court Clerk



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

15 By: \_\_\_\_\_

- 16 [ ] James A. Craft #090146 [jcraft@logs.com]  
17 [ ] Kelly D. Sutherland #87357 [ksutherland@logs.com]  
18 [ ] Cara J. Richter #094855 [crichter@logs.com]  
19 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
20 [x] Joshua R. Orem # 116872 [jorem@logs.com]\*  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF MARION

CARRINGTON MORTGAGE SERVICES, LLC,

Plaintiff,

vs.

JEFFREY A. MCGHEHEY; STATE OF  
OREGON; PARTIES IN POSSESSION,

Defendants.

Case No. 16CV39806

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Jeffrey A. McGhehey and State of Oregon (DOJ) and Defendant(s), Parties in Possession, having been dismissed:

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 6368 Stayton Road SE, Turner, OR 97392 and is legally described as follows:

//

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119522

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1 Described in the Deed of Trust as:

2 Beginning at a point on the Southerly right of way line of Market Road No. 87, which  
3 is 2.74 chains South 0° 13' 30" West and 817.74 feet North 87° 31' West and 30.02  
4 feet South 0° 14' 30" West from the Southeast corner of the North half of the Oliver  
5 Pickard Donation Land Claim No. 58, in Township 9 South, Range 2 West of the  
6 Willamette Meridian, Marion County, Oregon; thence South 0° 14' 30" West 272.48  
7 feet; thence North 89° 50' West 48.81 feet; thence South 0° 14' 30" West 213.31 feet  
8 to an iron rod; thence South 89° 50' 50" East 151.32 feet; thence North 0° 14' 30" East  
9 481.68 feet to said Southerly right of way line of said rod; thence North 87° 31' West  
10 102.56 feet to the place of beginning.

7 And more accurately described as:

8 Beginning at a point on the Southerly right of way line of Market Road No. 87, which  
9 is 2.74 chains South 0° 13' 30" West and 817.74 feet North 87° 31' West and 30.02  
10 feet South 0° 14' 30" West from the Southeast corner of the North half of the Oliver  
11 Pickard Donation Land Claim No. 58, in Township 9 South, Range 2 West of the  
12 Willamette Meridian, Marion County, Oregon; thence South 0° 14' 30" West 272.48  
13 feet; thence North 89° 50' West 48.81 feet; thence South 0° 14' 30" West 213.31 feet  
14 to an iron rod; thence South 89° 50' 50" East 151.32 feet; thence North 0° 14' 30" East  
15 481.68 feet to said Southerly right of way line of said road; thence North 87° 31' West  
16 102.56 feet to the place of beginning.

- 14 2. The Deed of Trust executed and delivered by Defendant, Jeffrey A. McGhehey  
15 ("Borrower") on or about April 22, 2009 and recorded on April 28, 2009 as Reel 3057, Page  
16 48 in the official records of Marion County, Oregon, is a valid and perfected lien against all  
17 of the Property for the amount of Plaintiff's judgment as provided herein.
- 18 3. The Plaintiff is the holder of the original note dated April 22, 2009 and made by Jeffrey A  
19 McGhehey in the amount of \$176,536.00. A copy of the Note was attached to the complaint  
20 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust  
21 (together the "Loan").

- 1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
2 interest in the Property is foreclosed and terminated excepting only any statutory right of  
3 redemption as provided by Oregon law.
- 4 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
5 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
6 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
7 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
8 interests and priorities.
- 9 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 10 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
11 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion  
12 County Sheriff's Office in accordance with the process for sale upon execution, and the  
13 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
14 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
15 as their interest may appear or to the clerk of the court to be distributed to such party of  
16 parties as may establish their right thereto.
- 17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 18 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
19 from and after the date of the sale and is entitled to such remedies as are available at law or  
20 in equity to secure possession.
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10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$191,681.49	
Prejudgment interest at 4% through January 31, 2017 (accruing thereafter until entry of judgment at \$638.94 per mensem)			\$6,389.40
Late Charges		\$0.00	
Other Costs and fees (recoverable)		1,018.87	
	Property Tax	\$1,071.12	
	Property Inspections	\$140.00	
	Beginning Escrow Balance	\$-192.25	
	Subtotal		\$192,700.36
	Total plus Prejudgment Interest		\$199,089.76

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

Costs			\$1,761.50
	Title Search Cost	\$642.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$51.00	
	Service Costs	\$262.50	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$2,600.00
Total			\$4,361.50

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from 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  
26 SALE  
S&S No. 16-119522

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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.  
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8 Signed: 2/10/2017 11:16 AM

9   
10 Circuit Court Judge Claudia M. Burton

11 Submitted by:  
12 Attorneys for Plaintiff,  
13 SHAPIRO & SUTHERLAND, LLC

14 By: 

15  James A. Craft #090146 [jcraft@logs.com]  
16  Kelly D. Sutherland #873575 [ksutherland@logs.com]  
17  Cara J. Richter #094855 [crichter@logs.com]  
18  Holger Uhl #950143 [huhl@logs.com]\*  
19  Joshua R. Orem # 116872 [jorem@logs.com]\*  
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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND  
27 SALE  
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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON

7 IN AND FOR THE COUNTY OF MARION

8 CARRINGTON MORTGAGE SERVICES, LLC

Case No. 16CV39806

9 Plaintiff,

CERTIFICATE OF READINESS

10 vs.

11 JEFFREY A. MCGHEHEY; STATE OF  
12 OREGON; PARTIES IN POSSESSION

13 Defendants.

14  
15 **Certificate of Readiness under UTCR 5 100**

16 I certify that on 3 Feb, 2017, this proposed judgment/order is ready  
for judicial signature because:

17 \_\_\_ Service is not required under UTCR 5.100 (1)(c) because the other party has been found in  
18 **default** or an order of default is being requested with this proposed judgment/order; because  
19 this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order  
is being submitted in **open court** with all parties present.

20 \_\_\_ Each party affected by this judgment/order has **stipulated** to or **approved** the  
21 judgment/order, as shown by the signatures on the judgment/order, or by written confirmation  
sent to me.

22  I have **served** (complete service section below) a copy of this judgment/order and the  
23 *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

No objection has been served on me within the 7-day time frame.

24 \_\_\_ I received objections that I could not resolve with the other party despite reasonable efforts  
25 to do so. I have filed with the court a copy of the objections I received and indicated which  
objections remain unresolved.

26 CERTIFICATE OF READINESS  
S&S No. 16-119522

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28 ksutherland@logs.com

1 \_\_\_ After conferring about objections, the other party agreed to file any remaining objection  
2 with the court.

3 DATED: 3 Feb, 2017

4 Attorneys for Plaintiff  
5 SHAPIRO & SUTHERLAND, LLC

6 By: 

7  James A. Craft #090146 [jcraft@logs.com]

8  Kelly D. Sutherland #873575 [ksutherland@logs.com]

9  Cara J. Richter #094855 [crichter@logs.com]

10  Holger Uhl #950143 [huhl@logs.com]\*

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