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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MARION

6 DEUTSCHE BANK NATIONAL TRUST
7 COMPANY, AS TRUSTEE FOR MORGAN
8 STANLEY STRUCTURED TRUST I 2007-1
9 ASSET-BACKED CERTIFICATES, 2007-1,

10 Plaintiff,

11 vs.

12 AMBER GREGG AS CLAIMING SUCCESSOR
13 TO THE ESTATE OF ANN FLEMING
14 GIDLUND; GRETA GIDLUND AS CLAIMING
15 SUCCESSOR TO THE ESTATE OF ANN
16 FLEMING GIDLUND; OCCUPANTS OF THE
17 PROPERTY,

18 Defendants.

Case No.: 15CV29088

WRIT OF EXECUTION IN
FORECLOSURE

19 **TO THE MARION COUNTY SHERIFF**

20 A Judgment of Foreclosure was entered and docketed in this case on 12/28/2016. A true
21 copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment
22 Creditor:

23

24 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN
25 STANLEY STRUCTURED TRUST I 2007-1 ASSET-BACKED CERTIFICATES,
26 2007-1

27 c/o Casey C. Pence
28 Attorney for Plaintiff

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

With a money award in the amount of **\$202,610.43**, plus post judgment interest at the statutory
rate of 9.0% per annum from 12/28/2016 to 2/28/2017 in the amount of **\$3,097.44**, and
continuing with a per diem of **\$49.96**, currently totaling **\$207,119.52**.

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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 3/16/2007, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R62590 and commonly known as: 3098 Woodleaf Street Northeast, Salem, OR 97305.

Sale of the property is to satisfy the sum listed above, plus the costs incurred in performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.

Signed: 3/8/2017 04:57 PM



J. Tolman, Court Clerk



EXHIBIT 1

Lot 4, Block 3, VAL VISTA ESTATES, Marion County, Oregon.

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR MORGAN
STANLEY STRUCTURED TRUST I 2007-1
ASSET-BACKED CERTIFICATES, 2007-1,

Plaintiff,

vs.

AMBER GREGG AS CLAIMING
SUCCESSOR TO THE ESTATE OF ANN
FLEMING GIDLUND; GRETA GIDLUND
AS CLAIMING SUCCESSOR TO THE
ESTATE OF ANN FLEMING GIDLUND;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV29088
Judge: Sean E. Armstrong

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants, AMBER GREGG AS CLAIMING SUCCESSOR TO THE ESTATE OF ANN FLEMING GIDLUND; GRETA GIDLUND AS CLAIMING SUCCESSOR TO THE ESTATE OF ANN FLEMING GIDLUND; 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;

1 b. THE UNKNOWN HEIRS AND DEVISEES OF ANN FLEMING GIDLUND and
2 THE UNKNOWN HEIRS AND DEVISEES OF CHARLES GERALD GIDLUND
3 were dismissed from this action ; now therefore,

4 2.

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

- 6 a. The real property to which this judgment relates is located and situated in Marion County,
7 Oregon, and is commonly known as 3098 Woodleaf Street Northeast, Salem, OR 97305 (the
8 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
9 APN/Parcel No. R62590.
- 10 b. Plaintiff is entitled to enforce the note dated 3/16/2007 and made, delivered, and executed by
11 Ann Fleming Gidlund and Charles Gerald Gidlund to Home Funds Direct in the amount of
12 \$147,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
13 and by indorsement set forth on the Note.
- 14 c. A deed of trust was made, executed, and delivered by Borrowers, Ann Fleming Gidlund and
15 Charles Gerald Gidlund, on or about 3/16/2007 (the "Deed of Trust"). The Deed of Trust
16 was recorded on 3/30/2007 as Reel 2792 page 94 in the official records of Marion County,
17 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
18 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
19 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 20 d. The Borrower failed to make the payment that was due for 5/1/2014 and has not cured the
21 default. The amount of debt secured by the Deed of Trust that is now due and owing is
22 comprised of the following amounts (the "Amount Due"):

- 23 a) Unpaid principal balance: \$140,402.94
24 b) Prejudgment interest accruing from \$35,354.15
25 4/1/2014 through 12/21/2016 and
26 continuing until the entry of judgment
27 at the current Note rate of 9.25000%:
28

| | | |
|---|--|---------------------|
| 1 | c) Additional amounts due under the terms of the loan: | \$16,798.82 |
| 2 | d) Attorney fees and costs: | \$9,754.52 |
| 3 | e) Prevailing party fee (ORS 20.190 (2)(a)): | \$300.00 |
| 4 | | |
| 5 | Total: | \$202,610.43 |

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

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

12 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

13 g. All right, title and interest in the Subject Property that Borrowers Ann Fleming Gidlund and
14 Charles Gerald Gidlund had as of the date of the Deed of Trust or thereafter acquired is
15 hereby ordered to be sold by the Marion County Sheriff's Office in accordance with the
16 process for sale upon execution, and the proceeds of sale shall be applied:

- 17 1) First, to the costs of sale not incurred by Plaintiff;
- 18 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
19 entry of judgment through the date of the sale and any incurred costs of sale;
- 20 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
21 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
22 such party or parties as they may establish their right thereto.

23 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
24 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
25 the date of entry of judgment through the date of the sale and any incurred costs of sale.

26 ///

- 1 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
2 Property from and after the date of the sale and is entitled to such remedies as are available at
3 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
4 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
5 possession to the purchaser immediately upon the purchaser's demand for possession.
- 6 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
7 entitled to any further or other judgment, including a judgment for the deficiency.
- 8 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
9 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
10 terminated.
- 11 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
12 Trust are as follows:

Signed: 12/28/2016 01:44 PM


Circuit Court Judge Sean E. Armstrong

19
20 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

21 This proposed General/Limited Judgment of Foreclosure is ready for judicial signature
22 because:

23 Each opposing party affected by this order or judgment has stipulated to the order or
24 judgment, as shown by each opposing party's signature on the document being
submitted.

25 Each opposing party affected by this order or judgment has approved the order or
26 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

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

- 1 No objection has been served on me.
2 I received objections that I could not resolve with the opposing party despite
3 reasonable efforts to do so. I have filed a copy of the objections I received and
4 indicated which objections remain unresolved.
5 After conferring about objections, _____ agreed to independently file
6 any remaining objection.

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

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

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

11 This is a proposed judgment that includes an award of punitive damages and notice
12 has been served on the Director of the Crime Victims' Assistance Section as required
13 by subsection (4) of this rule.

14 Other: _____

15 Dated this 28th day of December, 2016, and presented by:

16 **McCarthy & Holthus, LLP**

17 s/ Casey C. Pence

18 _____
19 Casey C. Pence, OSB No. 975271

20 920 SW 3rd Ave, 1st Floor

21 Portland, OR 97204

22 Phone: (971) 201-3200

23 Fax: (971) 201-3202

24 cpence@mccarthyholthus.com

25 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 4, Block 3, VAL VISTA ESTATES, Marion County, Oregon.