

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

VICKY LYNN HERD; KEYBANK
NATIONAL ASSOCIATION; PARTIES IN
POSSESSION

Defendants.

Case No. 16CV41715

WRIT OF EXECUTION

TO: MARION COUNTY SHERIFF

WHEREAS, on August 11, 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 October 16, 2003, 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:

LOT 8, BLOCK 7, SOUTH PIONEER HEIGHTS, IN MARION COUNTY, OREGON

1- WRIT OF EXECUTION
S&S No. 16-119339

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 and commonly known as 3607 Peck Avenue SE, Salem, OR 97302 to satisfy the sum of
2 \$82,660.68, as of August 24, 2017, together with additional post judgment interest of 9.00%
3 from that date (\$20.32 per day), and costs of this execution, making due return within 60 days
4 after you receive this writ.

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

10
11
12
13 Signed: 8/31/2017 02:26 PM

14
15 
16 _____
17 Court Clerk



16 Submitted by:
17 Attorneys for Plaintiff,
18 SHAPIRO & SUTHERLAND, LLC

19 By: _____

20 [] James A. Craft #090146 [jcraft@logs.com]
21 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
22 [] Cara J. Richter #094855 [crichter@logs.com]
23 [] Holger Uhl #950143 [huhl@logs.com]*
24 [x] Joshua R. Orem # 116872 [jorem@logs.com]*
25 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
26 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
27 (360)260-2253; Fax (360)260-2285

28 2- WRIT OF EXECUTION
S&S No. 16-119339

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

VICKY LYNN HERD; KEYBANK NATIONAL
ASSOCIATION; PARTIES IN POSSESSION,

Defendants.

Case No. 16CV41715

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Vicky Lynn Herd and Parties in Possession and Default having been entered against Defendant(s), KeyBank National Association and Defendant(s), KeyBank National Association, having stipulated to entry of judgment:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119339

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 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Marion County, Oregon is commonly known as 3607 Peck Avenue SE, Salem, OR 97302
3 and is legally described as follows:

4 Lot 8, BLock 7, SOUTH PIONEER HEIGHTS, in Marion County, Oregon

5
6 2. The Deed of Trust executed and delivered by Defendant, Vicky Lynn Herd, an Unmarried
7 Woman ("Borrower") on or about October 16, 2003 and recorded on October 30, 2003 as
8 Reel 2226, Page 40 in the official records of Marion County, Oregon, is a valid and
9 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
10 herein.

11 3. The Plaintiff is the holder of the original note dated October 16, 2003 and made by Vicky
12 Lynn Herd in the amount of \$90,362.00. A copy of the Note was attached to the complaint
13 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
14 (together the "Loan").
15

16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
17 interest in the Property is foreclosed and terminated excepting only any statutory right of
18 redemption as provided by Oregon law.

19 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
20 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
21 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
22 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
23 interests and priorities.
24

- 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.

18 //

19 //

20 //

21 //

22 //

23 //

24 //

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

2	Principal		\$70,184.92	
3	Prejudgment interest at 6.5% through July 31, 2017			\$5,702.55
4	(accruing thereafter until entry of judgment in accordance with the terms of the note)			
5	Late Charges		\$0.00	
6	Other Costs and fees (recoverable)		1,257.38	
7	Property Tax	\$700.38		
8	Hazard Insurance	\$407.00		
9	Property Inspections	\$150.00		
		Subtotal		\$71,442.30
		Total plus Prejudgment Interest		\$77,144.85

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

12	Costs			\$1,721.50
13	Title Search Cost		\$422.00	
14	Filing Fee		\$531.00	
15	Lis Pendens Recording Fee		\$51.00	
16	Service Costs		\$442.50	
17	Prevailing Party Fee		\$275.00	
	Attorney fees			\$3,150.00
	Total			\$4,871.50

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

20 14. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no
21 general execution shall be issued and Plaintiff shall not be entitled to any further judgment,
22 including a judgment for deficiency.
23

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

5
6 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
7 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
8 judgment as to the amounts due shall be terminated.

9 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
10 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
12 18.936.

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

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: 8/11/2017 11:05 AM



Circuit Court Judge Mary M. James

5
6
7
8
9
10 **Certificate of Readiness under UTCR 5 100**

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

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

24 //

25 //

26 //

27 //

28 //

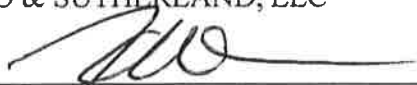
6 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 16-119339

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 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
8 Dated: Aug. 9, 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]*
18 1499 SE Tech Center Place, Suite 255, Vancouver, WA
19 98683
20 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
21 (360)260-2253; Fax (360)260-2285

22
23
24
25
26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-119339

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