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

WELLS FARGO BANK, NA,  
Plaintiff,

vs.

BRANDEE DAWN SUMMIT  
INDIVIDUALLY, AS EXECUTOR AND AS  
CLAIMING SUCCESSOR OF THE ESTATE  
OF VERN W. STANLEY AKA VERN  
WILLIAM STANLEY JR.; OCCUPANTS OF  
THE PROPERTY,  
Defendants.

Case No.: 15CV20037  
Judge: Audrey J Broyles

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE MARION COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 21, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, NA  
c/o Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$205,353.40, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from 6/21/2017 to 8/16/2017 in the amount of \$2,835.56, and continuing  
3 with a per diem of \$50.64, currently totaling \$208,188.96.

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 April 1, 2010, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # R69559, and  
9 commonly known as: 4630 Blackcherry Court SE, Salem, OR 97317.

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

Signed: 8/25/2017 02:43 PM

  
Court Clerk



18 Dated: August 17, 2017 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Michael Scott

21 Michael Scott OSB No. 973947

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 [msscott@mccarthyholthus.com](mailto:msscott@mccarthyholthus.com)

27 Of Attorneys for Plaintiff

# EXHIBIT "1"

LOT 84, CHERRYWOOD ESTATES PHASE 1, IN THE CITY OF SALEM, MARION COUNTY, OREGON. (PLAT VOLUME 41, PAGE 15).

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

WELLS FARGO BANK, NA,

Plaintiff,

vs.

BRANDEE DAWN SUMMIT  
INDIVIDUALLY, AS EXECUTOR AND AS  
CLAIMING SUCCESSOR OF THE ESTATE  
OF VERN W. STANLEY AKA VERN  
WILLIAM STANLEY JR.; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 15CV20037  
Judge: Audrey J Broyles

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

a. Defendants BRANDEE DAWN SUMMIT INDIVIDUALLY, AS EXECUTOR AND AS CLAIMING SUCCESSOR OF THE ESTATE OF VERN W. STANLEY AKA VERN WILLIAM STANLEY JR.; 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; now therefore,

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 Marion County,  
2 Oregon, and is commonly known as 4630 Blackcherry Court SE, Salem, OR 97317 (the  
3 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having  
4 APN/Parcel No. R69559.

5 b. Plaintiff is entitled to enforce the note dated 4/1/2010 and made, delivered, and executed by  
6 Vern Stanley to Eagle Home Mortgage LLC, a Delaware Limited Liability Company in the  
7 amount of \$172,500.00 (the “Note”). The Note was transferred to Plaintiff by delivery of  
8 possession and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant Vern W. Stanley on or  
10 about 4/1/2010 (the “Deed of Trust”). The Deed of Trust was recorded on 4/8/2010 as  
11 Instrument No. 269639 in the official records of Marion County, Oregon. The Deed of Trust  
12 is a valid and perfected lien against all of the Property for and securing the Amount Due.  
13 The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall  
14 remain in effect until issuance of a Sheriff’s Deed.

15 d. The Borrower failed to make the payment that was due for 6/1/2014 and has not cured the  
16 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:	\$161,839.45
19	b) Prejudgment interest accruing from	\$26,644.15
20	5/1/2014 through 6/20/2017 and	
21	continuing until the entry of judgment	
22	at the current Note rate of 5.25%:	
23	c) Additional amounts due under the	\$9,207.28
24	terms of the loan:	
25	d) Attorney fees and costs:	\$7,577.52
26	e) Prevailing party fee (ORS 20.190	\$85.00
27	(2)(a)):	
28	<b>Total:</b>	<b>\$205,353.40</b>

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

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

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

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

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

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

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

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

3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
5 terminated.

6 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
7 Trust are as follows:

8 1) Defendant, BRANDEE DAWN SUMMIT, INDIVIDUALLY, AS EXECUTOR  
9 AND AS CLAIMING SUCCESSOR OF THE ESTATE OF VERN W. STANLEY  
10 AKA VERN WILLIAM STANLEY JR., claims an interest in the Property by virtue  
11 of devise in the decedent's will submitted in the Small Estate proceedings. All other  
12 heirs listed in the Affidavit of Claiming Successor were not devisees in the will, and  
13 no heir objected to the Affidavit of Claiming Successor or to the devise to  
14 BRANDEE DAWN SUMMIT stated in the Small Estate Affidavit and will.

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1 2) VERN W. STANLEY was the sole promissor (the "Borrower") and grantor (the  
2 "Grantor") under the promissory note ("Note") and deed of trust ("Deed of Trust")  
3 described herein. Grantor was the sole owner of record, or the rebutted owner of  
4 record, of the Subject Property or was at the time of execution of said Note and Deed  
5 of Trust. VERN W. STANLEY is deceased. Upon information and belief, and after  
6 research, an Affidavit of Claiming Successor (Small Estate Affidavit) (Testate) was  
7 filed in Marion County on June 9, 2014, Case No. 14C16796.  
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Signed: 6/20/2017 03:40 PM



Circuit Court Judge Audrey J. Broyles

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

17 This proposed General Judgment of Foreclosure is ready for judicial signature because:

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

19 Presented by:

20 **McCarthy & Holthus, LLP**

21 s / Michael S. Scott June 20, 2017

22  Robert B. Hakari, OSB No. 114082

23  Jeremy Clifford, OSB No. 142987

24  Michael S. Scott, OSB No. 973947

25 920 SW 3rd Ave, 1st Floor

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Of Attorneys for Plaintiff



# EXHIBIT "1"

LOT 84, CHERRYWOOD ESTATES PHASE 1, IN THE CITY OF SALEM, MARION COUNTY, OREGON. (PLAT VOLUME 41, PAGE 15).