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

NATIONSTAR MORTGAGE LLC

Case No. 16CV35931

Plaintiff,

WRIT OF EXECUTION

vs.

BETTY HINKLE; JOHN J. HINKLE;  
DISCOVER BANK; PARTIES IN  
POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on February 14, 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 16, 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:

LOTS 26 AND 27, CREGAN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON.

1- WRIT OF EXECUTION  
S&S No. 16-119046

*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 4322 Cregan Avenue, Klamath Falls, OR 97601 to satisfy the sum of  
2 \$186,736.68, as of November 22, 2017, together with additional post judgment interest of 9.00%  
3 from that date (\$43.06 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 December 4, 2017

12  
13 John M Powell  
14 TRIAL COURT ADMINISTRATOR  
15  
16 by Deb J  
17 Deputy

18 Submitted by:  
19 Attorneys for Plaintiff,  
20 SHAPIRO & SUTHERLAND, LLC

21 By: \_\_\_\_\_

22  James A. Craft #090146 [jcraft@logs.com]  
23  Kelly D. Sutherland #87357 [ksutherland@logs.com]  
24  Cara J. Richter #094855 [crichter@logs.com]  
25  Holger Uhl #950143 [huhl@logs.com]\*  
26  Joshua R. Orem # 116872 [jorem@logs.com]\*  
27 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
28 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
(360)260-2253; Fax (360)260-2285

2- WRIT OF EXECUTION  
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Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

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

NATIONSTAR MORTGAGE LLC,  
Plaintiff,

Case No. 16CV35931

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

BETTY HINKLE; JOHN J. HINKLE; DISCOVER  
BANK; PARTIES IN POSSESSION,  
Defendants.

Default having been entered against Defendant(s), Betty Hinkle, John J. Hinkle and Discover Bank and Defendant(s), Parties in Possession, having been dismissed:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Klamath County, Oregon is commonly known as 4322 Cregan Avenue, Klamath Falls, OR 97601 and is legally described as follows:

Lots 26 and 27, CREGAN PARK, according to the Official Plat thereof on file in the Office of the County Clerk of Klamath County, Oregon.

1 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
S&S No. 16-119046

*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

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2. The Deed of Trust executed and delivered by Defendant, Betty Hinkle, a married woman as her sole and separate property ("Borrower") on or about December 16, 2009 and recorded on December 22, 2009 as Instrument No. 2009-015977 in the official records of Klamath County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
3. The Plaintiff is the holder of the original note dated December 16, 2009 and made by Betty Hinkle in the amount of \$179,055.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.
6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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2 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
S&S No. 16-119046

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1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-3647  
Fax (360)260-2285  
ksutherland@logs.com

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7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party of parties as may establish their right thereto.
8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession.
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.

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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	\$159,977.76	
3	Prejudgment interest at 5% through January 31, 2017		\$7,332.27
4	(accruing thereafter until entry of judgment at \$666.57 per mensum		
5	Late Charges	\$0.00	
6	Other Costs and fees (recoverable)	1,842.22	
	Property Tax	\$784.60	
7	Hazard Insurance	\$535.68	
	PMI/MIP	\$431.94	
8	Property Inspections	\$90.00	
9	Subtotal		\$161,819.98
10	Total plus Prejudgment Interest		\$169,152.25

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

13	Costs		\$2,218.00
	Title Search Cost	\$600.00	
14	Skip Trace Costs	\$100.00	
	Filing Fee	\$531.00	
15	Lis Pendens Recording Fee	\$47.00	
	Service Costs	\$665.00	
16	Prevailing Party Fee	\$275.00	
17	Attorney fees		\$2,600.00
18	Total		\$4,818.00

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

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
S&S No. 16-119046

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

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14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

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

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

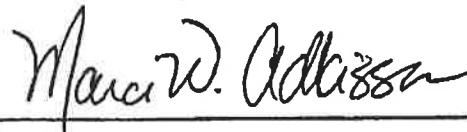
17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

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18. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.


Signed: 2/9/2017 04:35 PM



Circuit Court Judge Marci W. Adkisson

Submitted by:  
Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

By:



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

6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119046

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Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF KLAMATH

NATIONSTAR MORTGAGE LLC

Case No. 16CV35931

Plaintiff,

CERTIFICATE OF READINESS

vs.

BETTY HINKLE; JOHN J. HINKLE; DISCOVER  
BANK; PARTIES IN POSSESSION

Defendants.

**Certificate of Readiness under UTCR 5 100**

I certify that on Feb 9, 2017, this proposed judgment/order is ready for judicial signature because:

Service is not required under UTCR 5.100 (1)(c) because the other party has been found in default or an order of default is being requested with this proposed judgment/order; because 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.

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

I have served (complete service section below) a copy of this judgment/order and the *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.

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

CERTIFICATE OF READINESS  
S&S No. 16-119046

**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@lps.com

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

3 DATED: Feb 9, 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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25 CERTIFICATE OF READINESS  
26 S&S No. 16-119046

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