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LINN COUNTY
SHERIFFS OFFICE

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE")

Case No. 17CV00184

Plaintiff,

WRIT OF EXECUTION

vs.

LUCY MARIE GIORGIO; BARBARA
CANTRELL; UNKNOWN HEIRS OF
CRAIG CANTRELL; UNKNOWN HEIRS
OF BARBARA CANTRELL; CAMMY
BURTCHETT; CINDY FROST; PARTIES
IN POSSESSION

Defendants.

TO: LINN COUNTY SHERIFF

WHEREAS, on November 20, 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 May 4, 2005, 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:

1- WRIT OF EXECUTION
S&S No. 15-116477

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1
2 LOT 30, BLOCK 6, FIRST ADDITION TO DEERFIELD, IN THE CITY OF ALBANY,
3 COUNTY OF LINN, AND STATE OF OREGON.

4 and commonly known as 2475 Del Rio Avenue SE, Albany, OR 97322 to satisfy the sum of
5 \$137,440.95, as of December 27, 2017, together with additional post judgment interest of 9.00%
6 from that date (\$33.58 per day), and costs of this execution, making due return within 60 days
7 after you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 15-116477

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1 Federal National Mortgage Association ("Fannie Mae") is the Judgment Creditor, and its
2 address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 7632 SW Durham
3 Road, Suite 350, Tigard, OR 97224 (360)260-2253. Shapiro & Sutherland, LLC is the attorney
4 for the Judgment Creditor.
5
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8

Signed: 1/19/2018 12:29 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

9
10
11
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 Joshua R. Orem # 116872 [jorem@logs.com]*
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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26 3- WRIT OF EXECUTION
S&S No. 15-116477

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

vs.

LUCY MARIE GIORGIO; BARBARA
CANTRELL; UNKNOWN HEIRS OF CRAIG
CANTRELL; UNKNOWN HEIRS OF BARBARA
CANTRELL; CAMMY BURTCHETT; CINDY
FROST; PARTIES IN POSSESSION,

Defendants.

Case No. 17CV00184

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults having been granted against Defendants, Lucy Marie Giorgio, Unknown Heirs
of Craig Cantrell, Unknown Heirs of Barbara Cantrell, Cammy Burtchett, Parties in Possession
and Cindy Frost:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Linn County, Oregon is commonly known as 2475 Del Rio Avenue SE, Albany, OR 97322
and is legally described as follows:

Lot 30, Block 6, FIRST ADDITION TO DEERFIELD, in the City of Albany, County
of Linn, and State of Oregon.

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-116477

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- 1 2. The Deed of Trust executed and delivered by Defendant, Craig A. Cantrell, a single man
2 ("Borrower") on or about May 4, 2005 and recorded on May 11, 2005 as Book 1711, Page
3 890 in the official records of Linn County, Oregon, is a valid and perfected lien against all of
4 the Property for the amount of Plaintiff's judgment as provided herein.
5
6 3. The Plaintiff is the holder of the original note dated May 4, 2005 and made by Craig A.
7 Cantrell in the amount of \$145,112.00. A copy of the Note was attached to the complaint as
8 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
9 Trust (together the "Loan").
10
11 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
12 interest in the Property is foreclosed and terminated excepting only any statutory right of
13 redemption as provided by Oregon law.
14
15 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
16 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
17 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
18 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
19 interests and priorities.
20
21 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
22
23 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
24 thereafter acquired in the subject Property, is hereby ordered to be sold by the Linn County
25 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
26 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
27
28

1 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
2 may appear or to the clerk of the court to be distributed to such party of parties as may
3 establish their right thereto.

- 4
5 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
6
7 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
8 from and after the date of the sale and is entitled to such remedies as are available at law or
9 in equity to secure possession.
10
11 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
12 any person holding possession under or through such Defendant(s) shall refuse to surrender
13 possession to the purchaser immediately on the purchaser's demand for possession.
14
15 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$110,112.46	
Prejudgment interest at 5.5% through September 18, 2017 (accruing thereafter until entry of judgment at \$16.59 per diem)			\$13,403.75
Late Charges		\$0.00	
Other Costs and fees (recoverable)		6,377.43	
	Property Tax	\$7,632.00	
	Hazard Insurance	\$2,716.00	
	Property Inspections	\$405.00	
	Escrow Credits	\$-4,244.56	
	Total Fees	\$65.00	
	Suspense Balance	(\$196.01)	
	Subtotal		\$116,489.89
	Total plus Prejudgment Interest		\$129,893.64

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 15-116477

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

Costs			\$2,209.68
	Title Search Cost	\$200.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$60.00	
	Service by Publication	\$701.68	
	Service Costs	\$417.00	
	Death Certificate Fee	\$25.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$2,209.68

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.

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.

//

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

4 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
5 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
6 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
7 18.936.

8 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
9 necessary to enforce this judgment, the writ of execution or for the purchaser at the
10 foreclosure sale to obtain possession.
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Signed: 11/15/2017 04:47 PM



Circuit Court Judge, DeAnn L. Novotny

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21 **Certificate of Readiness under UTCR 5 100**

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

- 23 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
24 by each party's signature on the document being submitted.
25 2. Each party affected by this order or judgment has approved the order or judgment, as shown
26 by each party's signature on the document being submitted or by written confirmation of approval
27 sent to me.

28 5 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-116477

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- 1 3. I have served a copy of this order or judgment on each party entitled to service and:
 - 2 a. No objection has been served on me.
 - 3 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - 4 c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
 - 5 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
 - 6 5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
 - 7 6. Other: _____

8 Submitted by:
9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By:  11-13-17

- 12 James A. Craft #090146 [jcraft@logs.com]
- 13 Kelly D. Sutherland #87357 [ksutherland@logs.com]
- 14 Cara J. Richter #094855 [crichter@logs.com]
- 15 Holger Uhl #950143 [huhl@logs.com]*
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