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LINN COUNTY
SHERIFF'S OFFICE

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

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

LISA D. ABNEY; TIMOTHY ABNEY;
UNKNOWN HEIRS OF DIXIE L.
ABNEY; PARTIES IN POSSESSION

Defendants.

Case No. 17CV26997

WRIT OF EXECUTION

TO: LINN COUNTY SHERIFF

WHEREAS, on November 28, 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 January 6, 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:

SEE COMPLETE LEGAL DESCRIPTION ATTACHED AND INCORPORATED HERETO AS EXHIBIT 1

1- WRIT OF EXECUTION
S&S No. 17-120438

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 27655 Riggs Hill Rd, Foster, OR 97345 to satisfy the sum of
2 \$201,256.32, as of January 9, 2018, together with additional post judgment interest of 9.00%
3 from that date (\$49.12 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.



Signed: 1/16/2018 02:11 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

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

20 By: _____

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

2- WRIT OF EXECUTION
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EXHIBIT "ONE"

Beginning at an iron rod on the East line of County Road No. 924; said rod being North 89° 52' East, 178.30 feet and North 0° 35' East 612.46 feet and North 89° 52' East 25.00 feet from the Southwest corner of the Southeast quarter of Section 26, Township 13 South, Range 1 East, Willamette Meridian, Linn County, Oregon; running thence North 0° 35' East, along the East line of said County Road, 165.22 feet; thence North 89° 52' East 263.65 feet to an iron rod; thence South 0° 35' West 165.22 feet to an iron rod; thence South 89° 52' West 263.65 feet to the point of beginning.

TOGETHER WITH an easement to take water from the well and pipe it to and use the water on the above described premises, from, upon, across and within the adjoining real property in Linn County, Oregon described as follows: Beginning at a point that is North 89° 52' East 178.30 feet, North 0° 35' East, 447.24 feet, North 89° 52' East 288.65 feet and North 0° 25' East 92.22 feet from the Southwest corner of the Southeast quarter of Section 26, Township 13 South, Range 1 East of the Willamette Meridian in Linn County, Oregon; running thence South 89° 52' West 29.00 feet; thence North 0° 35' East 10.00 feet; thence North 89° 52' East 24.00 feet; thence North 0° 35' East to the South boundary of the above described premises; thence North 89° 51' East 5.00 feet to the Southeast corner of the above described premises; thence South 0° 35' West to the point of beginning.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

LISA D. ABNEY; TIMOTHY ABNEY;
UNKNOWN HEIRS OF DIXIE L. ABNEY;
PARTIES IN POSSESSION,

Defendants.

Case No. 17CV26997

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults having been granted against Defendants, Lisa D. Abney, Timothy Abney,
Unknown Heirs of Dixie L. Abney and Parties in Possession:

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 27655 Riggs Hill Rd, Foster, OR 97345 and is
legally described as follows:

See complete Legal Description attached and incorporated hereto as Exhibit 1

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120438

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2 2. The Deed of Trust executed and delivered by Defendant, Alfred D Abney and Dixie L
3 Abney as tenants by the entirety ("Borrower") on or about January 6, 2009 and recorded on
4 January 14, 2009 as Instrument No. 2009-00746 in the official records of Linn County,
5 Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's
6 judgment as provided herein.

7 3. The Plaintiff is the holder of the original note dated January 6, 2009 and made by Alfred D
8 Abney and Dixie L Abney in the amount of \$161,991.00. A copy of the Note was attached
9 to the complaint as Exhibit "3". Plaintiff is the holder of the Note and the beneficial interest
10 in the Deed of Trust (together the "Loan").
11

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

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.

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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Linn County
3 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
4 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
5 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
6 may appear or to the clerk of the court to be distributed to such party of parties as may
7 establish their right thereto.
8

9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
13

14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
15 any person holding possession under or through such Defendant(s) shall refuse to surrender
16 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3- GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 17-120438

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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		\$149,991.32	
3	Prejudgment interest at 5.25% through September 30, 2017 (accruing thereafter until entry of judgment at \$656.21 mensum)			\$30,841.87
4	Late Charges		\$0.00	
5	Other Costs and fees (recoverable)		10,352.95	
6	Property Tax	\$6,161.75		
7	Hazard Insurance	\$3,809.20		
8	Property Inspections	\$372.00		
9	NSF Fees	\$10.00		
		Subtotal		\$160,344.27
10	Total plus Prejudgment Interest			\$191,186.14

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

13	Costs			\$3,644.72
14	Title Search Cost		\$605.00	
15	Filing Fee		\$531.00	
16	Lis Pendens Recording Fee		\$65.00	
17	Service by Publication		\$1,776.72	
18	Service Costs		\$392.00	
19	Prevailing Party Fee		\$275.00	
20	Attorney fees			\$3,050.00
21	Total			\$6,694.72

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

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27 4 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

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

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21

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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.
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Signed: 11/28/2017 09:01 AM



Circuit Court Judge, DeAnn L. Novotny

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

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

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

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 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)

2 5. [] This is a proposed judgment that includes an award of punitive damages and notice has been
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
4 this rule.

5 6. [] Other: _____

6 Submitted by:

7 Attorneys for Plaintiff,
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____

10 James A. Craft #090146 [jcraft@logs.com]

11 Kelly D. Sutherland #87357 [ksutherland@logs.com]

12 Cara J. Richter #094855 [crichter@logs.com]

13 Holger Uhl #950143 [huhl@logs.com]*

14 Joshua R. Orem # 116872 [jorem@logs.com]*

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