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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

SYLVIA R. CAVANESS; JIMMIE W.
CAVANESS; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV31509

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MALHEUR COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 7, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OCWEN LOAN SERVICING, LLC
c/o Bryan Kidder
Attorney for Plaintiff



McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$84,083.75, plus post-judgment interest at the statutory rate of 9.0% per annum from December 7, 2017 to December 27, 2017 in the amount of \$414.66, and continuing with at \$20.73 *per diem*, currently totaling \$84,498.41.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about March 26, 2008, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel #14137;
6 900623, and commonly known as: 3790 Arrow Lane, Vale, OR 97918.

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

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Erin K. Landis, Circuit Court Judge
Signed: 12/18/2017 8:40 PM


Dated: December 14, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Bryan Kidder

Bryan Kidder, OSB No. 140459
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bkidder@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

Legal Description

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 45 East of the Willamette Meridian:

Sec. 28: A parcel of land in Government Lot 1 described as follows, to-wit:

Commencing at the Northeast corner of said Government Lot 1;

thence South $0^{\circ} 32' 49''$ West, along the East boundary line thereof, 704.40 feet to the

POINT OF BEGINNING;

thence North $89^{\circ} 37' 11''$ West, 381.23 feet;

thence North $17^{\circ} 44' 15''$ West, 114.30 feet;

thence South $89^{\circ} 37' 11''$ East, 417.09 feet to a point on the East boundary line of said Gov.

Lot 1;

thence South $0^{\circ} 32' 49''$ West, 108.63 feet to the POINT OF BEGINNING.

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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

v.

SYLVIA R. CAVANESS; JIMMIE W. CAVANESS; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV31509

GENERAL JUDGMENT OF FORECLOSURE

1.

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

- a. All defendants ("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;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Malheur County, Oregon, and is commonly known as 3790 Arrow Lane, Vale, OR 97918 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 14137, 900623.
- b. Plaintiff is entitled to enforce the note dated March 26, 2008 and made, delivered, and executed by SYLVIA R. CAVANESS and JIMMIE W. CAVANESS to WASHINGTON

1 MUTUAL BANK, FA in the amount of \$88,000.00 (the "Note"). The Note was transferred
2 to Plaintiff by delivery of possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendants SYLVIA R. CAVANESS
4 and JIMMIE W. CAVANESS on or about March 26, 2008 (the "Deed of Trust"). The Deed
5 of Trust was recorded on April 1, 2008 as Instrument No. 2008-2065 in the official records of
6 Malheur County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
7 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
8 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
9 Sheriff's Deed.

10 d. The Borrower failed to make the payment that was due for July 1, 2016 and has not cured the
11 default. The amount of debt secured by the Deed of Trust that is now due and owing is
12 comprised of the following amounts (the "Amount Due"):

13	a) Unpaid principal balance:	\$73,816.60
14	b) Prejudgment interest accruing from	
15	6/1/2016 through 11/2/2017 and	
16	continuing until the entry of	
17	judgment at the current Note rate of	
18	6.25%:	\$6,574.27
19	c) Additional amounts due under the	\$471.00
20	terms of the loan:	
21	d) Attorney fees and costs:	\$3,136.88
22	e) Prevailing party fee (ORS 20.190	\$85.00
23	(1)(b)):	
24	Total:	\$84,083.75

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

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

1 Oregon law.

2 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

3 g. All right, title and interest in the Subject Property that Defendants SYLVIA R. CAVANESS
4 and JIMMIE W. CAVANESS had as of the date of the Deed of Trust or thereafter acquired is
5 hereby ordered to be sold by the Malheur County Sheriff's Office in accordance with the
6 process for sale upon execution, and the proceeds of sale shall be applied:

7 1) First, to the costs of sale not incurred by Plaintiff;

8 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
9 entry of judgment through the date of the sale and any incurred costs of sale;

10 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
11 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
12 such party or parties as they may establish their right thereto.

13 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
14 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
15 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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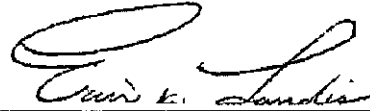
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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8 **Erin K. Landis, Circuit Court Judge**

Signed: 12/7/2017 01:56 PM

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

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

11 An order of default is being requested with this proposed judgment.

12 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

13 Dated: November 2, 2017 and submitted by:

14 **McCarthy & Holthus, LLP**

15 s/ Bryan Kidder

16 Bryan Kidder, OSB No. 140459
17 Of Attorneys for Plaintiff
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