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

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LEE TROTTA; LOXY J. ARNOLD-TROTTA AKA LOXY JEAN ARNOLD-TROTTA; AUO OF BATTLECREEK MEADOWS CONDOMINIUMS; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV09127
Judge: Judge Thomas M. Hart

WRIT OF EXECUTION IN FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 29, 2017.

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA
c/o Bryan Kidder
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$251,156.43, plus post-judgment interest at the statutory rate
2 of 9.0% per annum from September 29, 2017 to October 25, 2017 in the amount of \$1,610.15,
3 and continuing at \$61.93 *per diem*, currently totaling \$252,766.58.

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 September 5, 2007, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel #
9 R66195, and commonly known as 6321 Fairway Avenue SE, Salem, OR 97306.

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: 10/24/2017 02:15 PM

Cristin Ballenger

, Court Clerk



15
16
17 Dated: October 18, 2017 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Bryan Kidder

20 Bryan Kidder OSB No. 140459

21 920 SW 3rd Ave, 1st Floor

22 Portland, OR 97204

23 Phone: (971) 201-3200

24 Fax: (971) 201-3202

bkidder@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT 1

Unit 26, Building 5, BATTLECREEK MEADOWS, a Condominium, Marion County, Oregon.

TOGETHER WITH an undivided interest and to the common elements appertaining to said Unit as set forth in the Declaration of Condominium Ownership recorded February 28, 1980 in Reel 203, Page 791, Deed Records for Marion County, Oregon.

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION (“FANNIE MAE”), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LEE TROTТА; LOXY J. ARNOLD-TROTТА AKA LOXY JEAN ARNOLD-TROTТА; AUO OF BATTLECREEK MEADOWS CONDOMINIUMS; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV09127
Judge: Judge Thomas M. Hart

GENERAL JUDGMENT OF FORECLOSURE

1.

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

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 Marion County, Oregon, and is commonly known as 6321 Fairway Avenue SE, Salem, OR 97306 (the “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R66195.

1 b. Plaintiff is entitled to enforce the note dated September 5, 2007 and made, delivered, and
2 executed by MICHAEL LEE TROTTA and LOXY J. ARNOLD-TROTTA AKA LOXY
3 JEAN ARNOLD-TROTTA to LIBERTY AMERICAN MORTGAGE CORP. in the amount
4 of \$130,150.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
5 and by indorsement set forth on the Note.

6 c. A deed of trust was made, executed, and delivered by Defendants MICHAEL LEE TROTTA
7 and LOXY J. ARNOLD-TROTTA AKA LOXY JEAN ARNOLD-TROTTA on or about
8 September 5, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on September 10,
9 2007 as Instrument No. xxx in the official records of Marion County, Oregon. The Deed of
10 Trust is a valid and perfected lien against all of the Property for and securing the Amount
11 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
12 shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for April 1, 2010 and has not cured
14 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$127,016.79
17	b) Prejudgment interest accruing from	
18	3/1/2010 through 9/27/2017 and	
19	continuing until the entry of	
	judgment at the current Note rate of	
	7.375%:	\$70,923.00
20	c) Additional amounts due under the	\$47,732.14
21	terms of the loan:	
22	d) Attorney fees and costs:	\$5,399.50
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
24	Total:	\$251,156.43

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

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

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

8 g. All right, title and interest in the Subject Property that Defendants MICHAEL LEE TROTТА
9 and LOXY J. ARNOLD-TROTТА AKA LOXY JEAN ARNOLD-TROTТА had as of the
10 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Marion
11 County Sheriff's Office in accordance with the process for sale upon execution, and the
12 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 18.950 (4), the apparent priority of liens subsequent and inferior to the
7 Deed of Trust are as follows:

- 8 1) Defendant, AUO OF BATTLECREEK MEADOWS CONDOMINIUMS, may claim
9 a junior interest in the Subject Property by virtue of an erroneous Notice of Pendency
10 of Action, which should have been released after the underlying case, Case Number
11 15CV17272 in Marion County, was dismissed on September 11, 2015.

Signed: 9/29/2017 10:19 AM

14 
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16 _____
17 **Circuit Court Judge Channing Bennett**

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

19 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

21 Dated: 9/26/2017 and submitted by:

22 **McCarthy & Holthus, LLP**

23 s/ Andreanna C. Smith

24 Andreanna Smith OSB No. 131336
25 920 SW 3rd Ave, 1st Floor
26 Portland, OR 97204
27 Phone: (971) 201-3200
28 Fax: (971) 201-3202
ansmith@mccarthyholthus.com
Of Attorneys for Plaintiff

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