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MAR 12 2018

LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR
MEM

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN**

LIBERTY HOME EQUITY SOLUTIONS,
INC. (FKA GENWORTH FINANCIAL
HOME EQUITY ACCESS, INC.) ,

Plaintiff,

vs.

LIANE HEIN, Court Appointed Guardian and
Conservator for Mary E. Works aka Mary E.
Uffelman; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 17CV17945

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LINCOLN COUNTY, OREGON:

1.

WHEREAS, on September 15, 2017, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 (subject to redemption, if applicable), all of the interest which the Defendant LIANE J. HEIN, Court Appointed Guardian and Conservator for Mary E. Works aka Mary E. Uffelman ("Defendant") had on October

1 6, 2009, the date of the foreclosed Deed of Trust which was recorded on December 3, 2009, as
2 Instrument No. 2009-13799 in the official records of the Lincoln County Recorder's Office, and/or
3 all of the interest which Defendant had thereafter, in the real property described in the Judgment to
4 satisfy the Judgment as follows:

5
6 **Lender's Principal Judgment:**

Unpaid Principal Balance:	\$392,148.97
Pre-Judgment Interest from July 10, 2017, the date set forth in the Judgment at 4.045%, per annum, (\$51.28 per diem):	\$434.59
Lender's Fees and Costs:	\$16,223.59
Attorney's Fees and Costs:	\$3,054.00

11 ***Total Judgment Entered:*** ***\$411,861.15***

12 **Additional Pre-Judgment Interest:**

Accrued Interest from July 11, 2017, the day after the date set forth in the Judgment through September 15, 2017, the date of entry of the Judgment, at 4.045%, per annum (\$51.28 per diem):	\$3,384.48
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17 ***Total Judgment Entered Including
Additional Pre-Judgment***

18 ***Interest:*** ***\$415,245.63***

19 3.

20 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$415,245.63 at
21 the legal rate of interest of 9% per annum, \$102.38 per diem, from September 16, 2017 to the date
22 the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
23 costs of this Writ, Sheriff's fees and sale costs, and all other recovered costs pursuant to law.

24 4.

25 The real property subject to this writ of execution is commonly known as 8803 NW Coast
26 Road, Seal Rock, OR 97376 ("Property") and described in Exhibit "1" attached hereto.

27 5.

28 The Judgment Creditor's name and address is:

1 Liberty Home Equity Solutions, Inc. (FKA Genworth Financial Home Equity Access, Inc.)
2 c/o Reverse Mortgage Solutions, Inc.
3 14405 Walters Road, Suite 200
4 Houston, TX 77014

5 The Judgment Creditor's name and address for the purpose of this Writ is:
6 Liberty Home Equity Solutions, Inc. (FKA Genworth Financial Home Equity Access, Inc.)
7 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
8 2112 Business Center Drive
9 Irvine, CA 92612
10 949-252-9400

11 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
12 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
13 the Judgment, interest, fees, and costs.

14 MAKE RETURN HEREOF within 60 days after you receive this Writ.



Signed: 2/7/2018 09:41 AM

A handwritten signature in black ink, appearing to read "St. Zalewski".

Circuit Court Clerk Steven Zalewski

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21 Submitted by:

22 A handwritten signature in black ink, appearing to read "Nathan F. Smith".
23 Nathan F. Smith, OSB #120112
24 Attorney for Plaintiff
25 MALCOLM ♦ CISNEROS, A Law Corporation
26 2112 Business Center Drive, Second Floor
27 Irvine, California 92612
28 Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

Dated:

2/6/18

Lincoln County Circuit Court
Certified to be a true
and correct
copy of the original

A handwritten signature in blue ink, appearing to read "St. Zalewski".



EXHIBIT 1

LEGAL DESCRIPTION

That part of Lots 1, 2, 3, 4, 5, 6, 7, 12, 13 and 14, Block 54, BRASFIELDS ADDITION TO SEAL ROCK RESORT, lying West of the Westerly right of way line of U.S. Highway 101 (Oregon Coast Highway), County of Lincoln and State of Oregon.

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN**

LIBERTY HOME EQUITY SOLUTIONS,
INC. (FKA GENWORTH FINANCIAL
HOME EQUITY ACCESS, INC.) ,

CASE NUMBER: 17CV17945

Plaintiff,

vs.

**STIPULATED GENERAL JUDGMENT OF
FORECLOSURE AS TO DEFENDANT
LIANE J. HEIN, COURT APPOINTED
GUARDIAN AND CONSERVATOR FOR
MARY E. WORKS AKA MARY E.
UFFELMAN**

LIANE J. HEIN, Court Appointed Guardian
and Conservator for Mary E. Works aka Mary
E. Uffelman; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

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Liberty Home Equity Solutions, Inc. (FKA Genworth Financial Home Equity Access, Inc.)
("Plaintiff"), by and through its attorney of record, Nathan F. Smith of Malcolm ♦ Cisneros, A Law
Corporation, and Stipulating Defendant Liane J. Hein ("Stipulating Defendant"), hereby stipulate as
follows:

1. Plaintiff filed the Complaint for Judicial Foreclosure and Breach of Promissory Note on May
3, 2017 in the Circuit Court of the State of Oregon for the County of Lincoln ("Complaint").
2. Mary E. Works (formerly known as Mary E. Uffelman), as to a portion, and Mary E. Works,
as to the remainder ("Mary E. Works") is the record owner of the property located at 8803 NW

1 Coast Road, Seal Rock, OR 97376 located in Lincoln County, Oregon ("Property").

2 3. On or about October 6, 2009, Mary E. Works entered into a note ("Note") and a deed of trust
3 ("Deed of Trust") with Gensworth Financial Home Equity Access, Inc., formerly known as Liberty
4 Reverse Mortgage, Inc., the original lender. The Deed of Trust was recorded with the Lincoln
5 County Recorder's Office on December 3, 2009 as Instrument Number 2009-13799.

6 4. Plaintiff is the holder of the Note and Deed of Trust made, delivered, and executed by
7 Stipulating Defendants in the principal amount of \$938,250.00. The Note is secured by the first
8 priority Deed of Trust encumbering the Property ("Lien").

9 5. The legal description of the Property is as follows:

10 **See Exhibit "1" attached hereto.**

11 6. Mary E. Works failed to comply with the terms of the Note and Deed of Trust by the
12 Property failing to be the principal residence of the borrower Mary E. Works for reasons other than
13 death according to the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and
14 Deed of Trust, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust
15 as immediately due and payable.

16 7. As of July 10, 2017 there was \$408,807.15 due and owing under the Note and Deed of Trust.
17 Furthermore, interest, fees, and costs continue to accrue under the Note and Deed of Trust. Judgment
18 in the amount of \$408,807.15 shall be granted in favor of Liberty Home Equity Solutions, Inc. (FKA
19 Genworth Financial Home Equity Access, Inc.), its successors or assigns, and against Stipulated
20 Defendant, as further described in the Money Award and judgment below.

21 8. Plaintiff is entitled to recover its reasonable attorneys' fees and all reasonable and necessary
22 costs and expenses incurred in enforcing the Note and Deed of Trust.

23 9. Plaintiff's Lien is a valid first priority lien encumbering the Property, and is superior to any
24 interest, lien or claim of Stipulating Defendant, Stipulating Defendant, and all persons claiming by,
25 through, or under them, as purchasers, encumbrancers, or otherwise, are adjudged inferior and
26 subordinate to Plaintiff and are forever foreclosed of all interest, lien, or claim in the Property and
27 every portion thereof.
28

1 10. Plaintiff shall be entitled to foreclose on the Property and to sell the Property at a foreclosure
2 sale by the Lincoln County Sheriff in the manner provided by law and in accordance with any
3 general judgment entered herein in order to satisfy all amounts due and owing under the Note and
4 Deed of Trust as adjudged below.

5 11. Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
6 assessments, municipal charges, and such other items as may constitute liens on the Property,
7 together with insurance and repairs necessary to prevent the impairment of the Property, together
8 with interest thereon from the date of payment may also be added to this Judgment and paid from the
9 proceeds from the sale of the Property.

10 12. Plaintiff or any other party to this suit may become the purchaser at the sale of the Property.
11 The purchaser is entitled to exclusive and immediate possession of the Property from and after the
12 date of sale and is entitled to such remedies as are available at law to secure possession, and may
13 apply to the Clerk of the Court for a Writ of Assistance, if Stipulating Defendant or any other party
14 or person shall refuse to surrender possession of the property to the purchaser immediately on the
15 purchaser`s demand for possession.

16 13. Plaintiff may credit bid up to the aggregate amount of its Amount Owed plus interest from
17 the date of this Judgment until sale without advancing any cash except money required for the
18 Sheriff`s sale.

19 14. The proceeds from the sale are to be applied first toward the costs of sale, then toward the
20 satisfaction of Plaintiff`s Judgment awarded herein and the surplus, if any to the Clerk of the Court
21 to be disbursed to such party or parties that may establish their rights thereto.

22 15. No deficiency judgment will be sought by Plaintiff against Stipulating Defendant. While
23 entry of this Judgment and the corresponding money award shall be entered against Stipulating
24 Defendant, Plaintiff will not seek to collect the Money Award from Stipulating Defendant but will
25 seek to execute upon the Property as security for the Amount Owed to the Plaintiff. Furthermore,
26 Plaintiff will not execute upon any deficiency remaining unsatisfied against Stipulating Defendant
27 from the proceeds of the foreclosure sale in accordance with ORS 86.7700.
28

1 16. Stipulating Defendant expressly waive their statutory right of redemption, if any. Stipulating
2 Defendant is not entitled to a homestead exemption on account of his/her interest in the property.

3 17. This Court shall retain jurisdiction over the Plaintiff and Stipulating Defendant (“Parties”) to
4 enforce all provisions of this Judgment and to enter such additional order, judgment, or decree
5 necessary for the purchaser at the foreclosure sale to obtain possession of the Property.

6 18. This Judgment shall inure to the benefit of Plaintiff and Stipulating Defendant, their
7 successors and/or assignees.

8 19. The terms of this Judgment contain the entire agreement between the Parties and supersede
9 any and all other agreements, either oral or written, between the Parties. However, the Parties
10 anticipate that a Supplemental and/or General Judgment, may be filed with the Court to supplement
11 terms and conditions to this Judgment including but not limited to an updated amount due and owing
12 under the Note and Deed of Trust which the Parties consent to the Plaintiff filing without further
13 notice to Stipulating Defendant.

14 20. The Parties shall have the right to enforce the terms of this Judgment by Supplemental and/or
15 General Judgment or motion for declaratory judgment.

16 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

- 17 1. **Judgment Creditor:** Liberty Home Equity Solutions, Inc. (FKA
18 Address: Genworth Financial Home Equity Access, Inc.)
19 c/o MALCOLM ♦ CISNEROS, A Law Corporation
20 2112 Business Center Drive, 2nd Floor
21 Irvine, California 92612
- 22 2. **Judgment Attorney:** Nathan F. Smith
23 Address: MALCOLM ♦ CISNEROS, A Law Corporation
24 2112 Business Center Drive, 2nd Floor
25 Irvine, California 92612
26 Telephone Number: (949) 252-9400
- 27 3. **Persons or Public Bodies Entitled to a**
28 **Portion the Money Award:** N/A
4. **Judgment Amount:** \$408,807.15
5. **Pre-Judgment Interest:** Simple interest to accrue on \$392,148.97 from July
11, 2017 to the date the General Judgment is
entered into the Court's register at 4.045% per
annum, \$51.28 per diem.

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6. Post-Judgment Interest:

Simple interest to accrue on \$411,861.15 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

7. Periodic accrual:

N/A

8. Attorney's Fees and Costs:

An award of \$3,054.00 in attorney's fees and costs is made for Judgment of Foreclosure

Attorney's Fees	\$1,870.00
Filing Cost	\$566.00
Recording Cost - Lis Pendens	\$68.00
Process Service Cost	\$180.00
Investigation Cost	\$170.00
Mediation Cost	\$200.00


IT IS SO ORDERED.

Signed: 9/12/2017 04:40 PM


Circuit Court Judge Paulette E. Sanders



PRESENTED BY:



 Nathan F. Smith, OSB#120112
 Attorney for Liberty Home Equity
 Solutions, Inc. (FKA Genworth
 Financial Home Equity Access, Inc.)

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Stipulated to by:

APPROVED AND AGREED TO:
FOR Liberty Home Equity Solutions, Inc. (FKA Genworth Financial Home Equity
Access, Inc.)

Accepted this 14th day of July, 2017

 7/14/17

Nathaniel Smith, CGB #120112

Attorney for Plaintiff

MAI COLM ♦ CISNEROS, A Law
Corporation

2112 Business Center Drive, Second Floor

Irvine, California 92612

(949) 252-9400 (TELEPHONE)

(949) 252-1032 (FAX)

APPROVED AND AGREED TO:
FOR LIANE J. HEIN

Accepted this 12th day of July, 2017



 
Liane J. Hein, Gdn/Cons. P. Mary F. Works,
8960 S. Cloud Lane, A Protected Adult
Canby, OR 97013
(503) 266-4272 (TELEPHONE)
Email: heinmits@canby.com

EXHIBIT 1

LEGAL DESCRIPTION

That part of Lots 1, 2, 3, 4, 5, 6, 7, 12, 13 and 14, Block 54, BRASFIELDS ADDITION TO SEAL ROCK RESORT, lying West of the Westerly right of way line of U.S. Highway 101 (Oregon Coast Highway), County of Lincoln and State of Oregon.

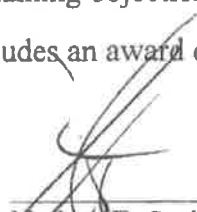
CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 7/17, 2017

By: _____


Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing **STIPULATED GENERAL JUDGMENT OF FORECLOSURE; LIMITED JUDGMENT OF DISMISSAL; and MOTION TO DISMISS** on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Irvine, California:

LIANE HEIN, COURT APPOINTED GUARDIAN AND CONSERVATOR FOR MARY E. WORKS AKA MARY E. UFFELMAN
8960 S. Good Lane
Canby, OR 97013

ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN
8803 NW Coast Road
Seal Rock, OR 97376

DATED: 7-17-17

MALCOLM ♦ CISNEROS, A Law Corporation



Tabitha Ojala
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: tojala@mclaw.org