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LINN COUNTY
SHERIFF'S OFFICE

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

MTGLQ INVESTORS, L.P.

Case No. 15CV13434

Plaintiff,

WRIT OF EXECUTION

vs.

LAWRENCE G MCDONALD AKA
LAWRENCE GENE MCDONALD;
BARBARA KAY DAVIS-FOSTER AKA
BARBARA KAY MCDONALD AKA
BARBARA K MCDONALD; UNITED
STATES OF AMERICA; GREEN & SON'S
AGENCY, INC/ DBA OUTSOURCE
RECEIVABLES MANAGEMENT, INC.;
AND OCCUPANTS OF THE PREMISES

Defendants.

TO: LINN COUNTY SHERIFF

WHEREAS, on November 30, 2015, 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 September 4, 2008, the

1- WRIT OF EXECUTION
S&S No. 17-121179

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 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
2 the real property described in the judgment:

3
4 BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE
5 C.C.C. ROAD THROUGH THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 11 SOUTH,
6 RANGE 1 EAST, WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, SAID POINT
7 ALSO BEING 1450 FEET ALONG SAID RIGHT OF WAY LINE IN A NORTHEASTERLY
8 DIRECTION FROM IT'S INTERSECTION WITH THE WEST LINE OF
9 AFOREMENTIONED NORTHEAST 1/4; THENCE NORTH 30 DEG WEST TO THE
10 CENTERLINE OF THE MAIN CHANNEL OF ROARING RIVER; THENCE ALONG SAID
11 CENTER LINE IN A NORTHEASTERLY DIRECTION TO THE MOST WESTERLY
12 CORNER OF THAT PARCEL CONTRACTED TO ROBERT AND DONNA L.
13 SCHUERMYER BY MEMORANDUM OF CONTRACT DATED MARCH 31, 1975;
14 THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL TO THE
15 NORTHWESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED C. C. C. ROAD;
16 THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF
17 BEGINNING.

18 ALSO THE RIGHT TO USE WITH OTHERS, ALL THE AFOREMENTIONED C.C.C.
19 ROAD

20 and commonly known as 36022 Tree Farm Road, Scio, OR 97374 to satisfy the sum of
21 \$334,645.01, as of February 27, 2018, together with additional post judgment interest of 9.00%
22 from that date (\$68.64 per day), and costs of this execution, making due return within 60 days
23 after you receive this writ.

24 //

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28 //

2- WRIT OF EXECUTION
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Fax (360)260-2285
ksutherland@logs.com

1 MTGLQ Investors, L.P. is the Judgment Creditor, and its address for purpose of this writ
2 only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,
3 WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment
4 Creditor.



Signed: 3/5/2018 11:16 AM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

14 By: _____

15 James A. Craft #090146 [jcraft@logs.com]
16 Kelly D. Sutherland #87357 [ksutherland@logs.com]
17 Carol Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
19 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
20 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
21 (360)260-2253; Fax (360)260-2285

26 3- WRIT OF EXECUTION
S&S No. 17-121179

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

NATIONSTAR MORTGAGE LLC, its
successors in interest and/or assigns,

Plaintiff,

v.

LAWRENCE G MCDONALD AKA
LAWRENCE GENE MCDONALD;
BARBARA KAY DAVIS-FOSTER AKA
BARBARA KAY MCDONALD AKA
BARBARA K MCDONALD; UNITED
STATES OF AMERICA; GREEN & SON'S
AGENCY, INC. DBA OUTSOURCE
RECEIVABLES MANAGEMENT, INC.; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 15CV13434

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

- (1) LAWRENCE G MCDONALD AKA
LAWRENCE GENE MCDONALD
- (2) BARBARA KAY DAVIS-FOSTER
AKA BARBARA KAY MCDONALD
AKA BARBARA K MCDONALD
- (3) UNITED STATES OF AMERICA
- (4) GREEN & SON'S AGENCY, INC.
DBA OUTSOURCE RECEIVABLES
MANAGEMENT, INC.
- (5) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Nationstar Mortgage LLC, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendants Lawrence G McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource Receivables Management, Inc.;

1 and Occupants of the Premises were duly served with the Summons and Complaint as required by law;
2 that defendants Lawrence G McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka
3 Barbara Kay McDonald aka Barbara K McDonald; United States of America; Green & Son's Agency,
4 Inc. dba Outsource Receivables Management, Inc.; and Occupants of the Premises failed to appear; that
5 an Order of Default has been entered against defendants Barbara Kay Davis-Foster aka Barbara Kay
6 McDonald aka Barbara K McDonald; United States of America; Green & Son's Agency, Inc. dba
7 Outsource Receivables Management, Inc.; and Occupants of the Premises on Plaintiff's Complaint; and
8 that an Order of Default against defendant Lawrence G McDonald aka Lawrence Gene McDonald has
9 been filed concurrently with this Judgment.
10

11 2.

12 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the
13 Court's register to accomplish the following: to foreclose any and all interest of defendants Lawrence G
14 McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka
15 Barbara K McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource
16 Receivables Management, Inc.; and Occupants of the Premises in the real property subject to this
17 foreclosure action, located at 36022 Tree Farm Road, Scio, Oregon 97374 (the "Property").
18

19 3.

20 The court being fully advised in the Premise, finding good cause exists so this general judgment
21 of foreclosure and sale may be entered in favor of Plaintiff and against Lawrence G McDonald aka
22 Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K
23 McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource Receivables
24 Management, Inc.; and Occupants of the Premises, all of them, it is hereby
25
26

1 ORDERED AND ADJUDGED:

2 4.

3 That the Deed of Trust dated September 4, 2008, executed by Lawrence G McDonald for the
4 benefit of Mortgage Electronic Registration Systems, Inc., solely as nominee for Countrywide Bank,
5 FSB, its successors and assigns ("Deed of Trust"), recorded on October 1, 2008 as Instrument No.
6 2008-18991 in the official records of Linn County, Oregon, and subsequently assigned to Plaintiff by
7 way of an assignment recorded on June 10, 2013 as Instrument No. 2013-09563, is a valid lien for the
8 amount due and owing as set forth in Paragraph 13 herein, against the Property situated in Linn County,
9 Oregon, and described as follows
10

11 THAT CERTAIN REAL PROPERTY, WITH THE TENEMENTS,
12 HEREDITAMENTS AND APPURTENANCES THEREUNTO BELONGING
13 OR IN ANY WAY APPERTAINING, SITUATED IN LINN COUNTY,
14 STATE OF OREGON, DESCRIBED AS FOLLOWS, TO-WIT:

15 BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY
16 LINE OF THE C.C.C. ROAD THROUGH THE NORTHEAST 1/4 OF
17 SECTION 8, TOWNSHIP 11 SOUTH, RANGE 1 EAST, WILLAMETTE
18 MERIDIAN IN LINN COUNTY, OREGON, SAID POINT ALSO BEING
19 1450 FEET ALONG SAID RIGHT OF WAY LINE IN A NORTHEASTERLY
20 DIRECTION FROM IT'S INTERSECTION WITH THE WEST LINE OF
21 AFOREMENTIONED NORTHEAST 1/4; THENCE NORTH 30 DEG WEST
22 TO THE CENTERLINE OF THE MAIN CHANNEL OF ROARING RIVER;
23 THENCE ALONG SAID CENTER LINE IN A NORTHEASTERLY
24 DIRECTION TO THE MOST WESTERLY CORNER OF THAT PARCEL
25 CONTRACTED TO ROBERT AND DONNA L. SCHUERMYER BY
26 MEMORANDUM OF CONTRACT DATED MARCH 31, 1975; THENCE
ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL TO THE
NORTHWESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED
C.C.C. ROAD; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-
WAY LINE TO THE POINT OF BEGINNING.

ALSO THE RIGHT TO USE WITH OTHERS, ALL THE
AFOREMENTIONED C.C.C. ROAD.

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5.

That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants Lawrence G McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource Receivables Management, Inc.; and Occupants of the Premises in the Property, and that said Deed of Trust is hereby foreclosed by this Court on the Property.

6.

That defendants Lawrence G McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K McDonald; Green & Son's Agency, Inc. dba Outsource Receivables Management, Inc.; and Occupants of the Premises, each of them, and all parties claiming by, through, or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and every portion thereof excepting only the statutory right of redemption provided by the laws of the State of Oregon.

7.

That the lien of the defendant, the United States of America, and all parties claiming by, through, or under it, is forever barred and foreclosed of all interest, lien, or claim to the Property and every portion thereof excepting the statutory right of redemption. The lien of the defendant, the United States of America, is a Federal Tax Lien. Pursuant to 28 USC § 2410, the United States of American has 120 days from the date of the sheriff sale to redeem the Property, or the period of time provided under the laws of the State of Oregon, whichever is greater.

8.

That defendants Lawrence G McDonald aka Lawrence Gene McDonald; Barbara Kay Davis-

1 Foster aka Barbara Kay McDonald aka Barbara K McDonald; United States of America; Green & Son's
2 Agency, Inc. dba Outsource Receivables Management, Inc.; and Occupants of the Premises, all of them,
3 are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.
4

5 9.

6 That all of the right, title and interest which Lawrence G McDonald had on September 4, 2008,
7 the date of the Deed of Trust, and all of the right, title and interest defendants Lawrence G McDonald
8 aka Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K
9 McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource Receivables
10 Management, Inc.; and Occupants of the Premises and any successor thereafter had in and to the real
11 Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the
12 sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in
13 Paragraph 13 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or
14 parties as may establish their right thereto.
15

16 10.

17 That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the
18 aggregate amount due and owing set forth in Paragraph 13 herein, plus interest from the date of this
19 Judgment until sale without advancing any cash except money required for the sheriff's sale.
20

21 11.

22 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the
23 right to motion the court after sale for exclusive and immediate possession of the Property through the
24 issuance and enforcement of a writ of assistance, should defendants Lawrence G McDonald aka
25 Lawrence Gene McDonald; Barbara Kay Davis-Foster aka Barbara Kay McDonald aka Barbara K
26

1 McDonald; United States of America; Green & Son's Agency, Inc. dba Outsource Receivables
2 Management, Inc.; and Occupants of the Premises refuse to surrender possession of the Property
3 immediately upon the purchaser's demand for possession.

4
5 12.

6 That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this
7 action, and that Plaintiff's attorney fees in the amount of \$2,600.00 and its litigation costs in the amount
8 of \$1,991.28, shall be, and is hereby declared additional amounts secured by and hereinafter shall be
9 made part of the amount of the debt secured by Plaintiff's Deed of Trust.

10 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

11 **(Pursuant to Senate Bill 368)**

12
13 13.

14 Under the terms of the Deed of Trust and the promissory note dated September 4, 2008, in the
15 principal amount of \$255,300.00, there is now due and owing the following amounts, to be hereinafter
16 described as the Amount Due:

17 **Attorneys' Fees and Costs**

18 Attorneys' Fees	\$2,600.00
19 Title Report	\$833.00
20 Filing Fee - Complaint	\$531.00
21 Recording Fee - Lis Pendens	\$70.00
Process Service Fees	\$540.00
Certified Mail Costs	\$17.28
Total Costs	\$1,991.28
Total Attorneys' Fees and Costs	\$4,591.28

23 **Lenders' Principal and Interest**

24 Principal Balance	\$252,453.62
25 Accrued Interest from May 1, 2014, to September 25, 26 2015, the date calculated by the declarant in the declaration in support of default @ 4.0% per annum	\$14,128.15

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Total Principal & Interest **\$266,581.77**

Lenders' Fees and Costs

BPO / Appraisals	\$90.00
Property Inspections	\$180.00
Escrow Balance Due	\$5,090.94
Total Lenders' Fees and Costs:	\$5,360.94
Total Lenders' Principal, Interest, Fees, and Costs:	\$271,942.71

Additional pre-judgment interest pursuant to ORS 18.042 from September 25, 2015 to the date entry of judgment at the variable contract rate of interest (\$27.67 per diem) as defined by Section 2 and 4 of the Note

Post-Judgment interest thereafter on the Total Amount Due at the variable contract rate of interest (\$27.67 per diem) as defined by Section 2 and 4 of the Note, or 9.000% per annum, whichever is greater.

Total Amount Due **\$276,533.99**


Signed: 11/30/2015 10:04 AM



Presented by:

Circuit Court Judge, Thomas A. McHill

RCO LEGAL, P.C.

By  **DATED** 11/24/15
Erik Wilson, OSB # 095507
Attorney for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
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ewilson@rcolegal.com