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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

BRUCE WAYNE MINES, CARLA MAY
MINES; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV16792

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 3, 2017.

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

NATIONSTAR MORTGAGE LLC
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$160,701.69, plus post judgment interest at the statutory rate of 9.0% per annum from November 3, 2017 to February 19, 2018 in the amount of \$4,279.51, and continuing with a per diem of \$39.63, currently totaling \$164,981.20.

Exhibit 1

EXHIBIT " 1 "

PARCEL I:

Beginning at a Point 120.0 feet North 89° 30' West from a point on the Westerly line of U. S. Highway No. 101, South 89° 30' East 1372.3 feet and South 4° 54' West 1643.4 feet from the Northwest corner of Section 2, Township 18 South, Range 12 West of the Willamette Meridian; thence North 89° 30' West 120.0 feet; thence South 4° 54' West 120.0 feet; thence South 89° 30' East 120.0 feet; thence North 4° 54' East 120.0 feet to the Point of Beginning, in Lane County, Oregon.

PARCEL II:

Beginning at a Point on the Westerly line of U. S. Highway 101, South 89° 30' East 1372.3 feet and South 4° 54' West 1715.4 feet from the Northwest corner of Section 2, Township 18 South, Range 12 West of the Willamette Meridian; run thence North 89° 30' West 120.0 feet; thence South 4° 54' West 48.0 feet; thence South 89° 30' East 120.0 feet to the West line of Highway 101; thence North 4° 54' East, along said Westerly line, 48.0 feet to the Point of Beginning, in Lane County, Oregon.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, as disclosed by deed recorded February 18, 1986, Reception No. 86-06243, Lane County Official Records.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

BRUCE WAYNE MINES, CARLA MAY
MINES; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 17CV16792

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Lane County, Oregon, and is commonly known as 88426 Highway 101, Florence, OR 97439 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1094752 and 1107141.
- b. Plaintiff is entitled to enforce the note dated July 2, 2010 and made, delivered, and executed by Bruce Wayne Mines and Carla May Mines ("Borrowers") to Sunset Mortgage Company in the amount of \$113,471.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

1 c. A deed of trust was made, executed, and delivered by Borrowers on or about July 6, 2010
2 (the "Deed of Trust"). The Deed of Trust was recorded on July 9, 2010 as Instrument No.
3 2010-033917 in the official records of Lane County, Oregon. The Deed of Trust is a valid
4 and perfected lien against all of the Property for and securing the Amount Due. The lien of
5 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in
6 effect until issuance of a Sheriff's Deed.

7 d. Borrowers failed to make the payment that was due for December 1, 2012 and has not cured
8 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
9 comprised of the following amounts (the "Amount Due"):

| | | |
|----|---------------------------------------|---------------------|
| 10 | a) Unpaid principal balance: | \$109,498.01 |
| 11 | b) Prejudgment interest accruing from | \$26,245.56 |
| 12 | 11/1/2012 through 9/30/2017 and | |
| 13 | continuing until the entry of | |
| 14 | judgment at the rate of 4.875%: | |
| 15 | c) Additional amounts due under the | \$20,007.12 |
| 16 | terms of the loan: | |
| 17 | d) Attorney fees and costs: | \$4,866.00 |
| 18 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| 19 | (1)(a)): | |
| 20 | Total: | \$160,701.69 |

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

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

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

28 g. All right, title and interest in the Subject Property that Borrowers had as of the date of the
Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane County

1 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
2 sale shall be applied:

- 3 1) First, to the costs of sale not incurred by Plaintiff;
- 4 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
5 entry of judgment through the date of the sale and any incurred costs of sale;
- 6 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
7 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
8 such party or parties as they may establish their right thereto.

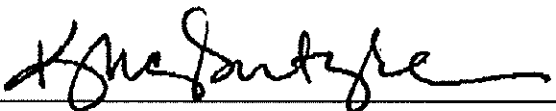
9 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
10 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
11 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

22 Signed: 11/2/2017 11:11 AM

23
24 

25 **Karrie K. McIntyre, Circuit Court Judge**

26 I hereby certify that the requirements of UTCR 5.100 have been satisfied.
27

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

2 Each opposing party affected by this order or judgment has stipulated to the order or
3 judgment, as shown by each opposing party's signature on the document being
submitted.

4 Each opposing party affected by this order or judgment has approved the order or
5 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

6 I have served a copy of this order or judgment on all parties entitled to service and:

7 No objection has been served on me.

8 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.

9 After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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
13 otherwise.

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

16 Other: _____

17
18 **McCarthy & Holthus, LLP**

19 s/ Robert B. Hakari 10/26/2017
20 _ John Thomas OSB No. 024691
21 x Robert Hakari OSB No. 114082
22 920 SW 3rd Ave, 1st Floor
23 Portland, OR 97204
Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 rhakari@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
28

Exhibit 1

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