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LANE COUNTY S.O. CIVIL  
02-16-18 BPS Y11

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

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

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF GLORIA C. HUFFMAN; JULIAN  
CANTU; OCCUPANTS OF THE  
PROPERTY;

Defendants.

Case No.: 16CV27921

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on July 12, 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 Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$186,998.39, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from July 12, 2017 to December 18, 2017 in the amount of \$7,331.36, and  
3 continuing with a per diem of \$46.11, currently totaling \$194,329.75.

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 August 30, 2012, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 0129674 and  
9 commonly known as: 4523 Aster St, Springfield, OR 97478.

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.

December 19, 2017

*Rene*  
\_\_\_\_\_  
Court Clerk



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Dated October 10, 2017 and submitted by:

**McCarthy & Holthus, LLP**

s/ Michael Scott

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Michael Scott OSB No. 973947  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
mscott@mccarthyholthus.com  
Of Attorneys for Plaintiff

THE NORTH 97.89 FEET OF THE WEST 59.96 FEET OF LOT 7, E. M. HINSHAW PLAT, AS  
PLATTED AND RECORDED IN BOOK 12, PAGE 20, LANE COUNTY OREGON PLAT RECORDS, IN  
LANE COUNTY, OREGON.

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

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

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES OF GLORIA C. HUFFMAN; JULIAN CANTU; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV27921

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF GLORIA C. HUFFMAN were served by publication in the Guard Publishing Company on which ran four consecutive weeks on January 27, February 3, February 10, and February 17, 2017 with follow up mailing on January 27, 2017. JULIAN CANTU was served by personal service on November 21, 2016 at 12:38 pm. The OCCUPANTS OF THE PROPERTY were served by publication in the Guard Publishing Company on which ran four consecutive weeks on January 27, February 3, February 10, and February 17, 2017 with follow up mailing on January 27, 2017. 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;

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 4523 Aster St, Springfield, OR 97478 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0129674.
- b. Plaintiff is entitled to enforce the note dated August 30, 2012 and made, delivered, and executed by Gloria C. Huffman to QUICKEN LOANS, INC. in the amount of \$175,150.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendant Gloria C. Huffman on or about August 30, 2012 (the "Deed of Trust"). The Deed of Trust was recorded on September 12, 2012 as Instrument No. 2012-046315 in the official records of Lane County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for November 1, 2015 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$ 166,091.47
- b) Prejudgment interest accruing from 10/1/2015 through 6/22/2017 and continuing until the entry of judgment at the current Note rate of 4.375%: \$ 12,540.57
- c) Additional amounts due under the terms of the loan: \$ 4,398.41
- d) Attorney fees and costs: \$ 3,882.94
- e) Prevailing party fee (ORS 20.190 (1)(a)): \$ 85.00

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**TOTAL:                      \$ 186,998.39**

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

- 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 Oregon law.
- f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendant Gloria C. Huffman had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
  - 1) First, to the costs of sale not incurred by Plaintiff;
  - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
  - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale.
- i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant, other party, or other person shall refuse to surrender 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 JULIANCA may claim an interest in the Subject Property by virtue  
9 succession, devise, or other transfer of the interest.

Signed: 7/10/2017 02:58 PM



**Charles D. Carlson, Circuit Court Judge**

17 I hereby certify that the requirements of UCR 5.100 have been satisfied.

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

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

20 Dated: June 29, 2017 and submitted by:

21 McCarthy & Holthus, LLP

22 s/ Michael S. Scott

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23 ~~Andreanna Smith OSIN 131336~~  
24 ~~X Michael S. Scott OSIN 973947~~  
25 920 SW 3rd Ave, 1st Floor  
26 Portland, OR 97204  
27 Phone: (71)201 -3200  
28 Fax: (71)201 -3202  
msscott@ccarthyholthus.com  
Of Attorneys for Plaintiff



THE NORTH 97.89 FEET OF THE WEST 59.96 FEET OF LOT 7, E. M. HINSHAW PLAT, AS  
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