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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LANE

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
CARRINGTON MORTGAGE LOAN
TRUST, SERIES 2005-FRE1 ASSET-
BACKED PASS-THROUGH
CERTIFICATES

Case No. 16CV36528

Plaintiff,

WRIT OF EXECUTION

vs.

CLIFF D. PEARSON; TONYA N.
PEARSON; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC.;
FREMONT INVESTMENT & LOAN
COMPANY N/K/A FREMONT
REORGANIZING CORPORATION;
MORGAN STANLEY MORTGAGE
CAPITAL HOLDINGS LLC;
SPECIALIZED LOAN SERVICING, LLC;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION; STATE
OF OREGON; CINDY LOWE; RAY
KLEIN, INC., DBA PROFESSIONAL
CREDIT SERVICE; PARTIES IN
POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

1- WRIT OF EXECUTION
S&S No. 15-116300

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 WHEREAS, on February 1, 2018, in the above-entitled court, a General Judgment of
2 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and
3 was duly entered and docketed in the above-entitled cause

4 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
5 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
6 (subject to redemption) all of the interest which the defendants had on June 28, 2005, the date of
7 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
8 property described in the judgment:

9 PARCEL 2, LAND PARTITION PLAT NO. 94-P0558, LANE COUNTY OREGON PLAT
10 RECORDS, IN LANE COUNTY, OREGON.

11 and commonly known as 930 Williams Street, Eugene, OR 97402 to satisfy the sum of
12 \$251,517.99, as of February 13, 2018, together with additional post judgment interest of 9.00%
13 from that date (\$61.84 per day), and costs of this execution, making due return within 60 days
14 after you receive this writ.
15

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25 2- WRIT OF EXECUTION
26 S&S No. 15-116300

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1 Deutsche Bank National Trust Company, as Trustee for Carrington Mortgage Loan Trust,
2 Series 2005-FRE1 Asset-Backed Pass-Through Certificates is the Judgment Creditor, and its
3 address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center
4 Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the
5 attorney for the Judgment Creditor.
6

7
8
9 FEB 27 2018
10

11 By: Angela Jones
12 court clerk

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

15 By: [Signature]

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Cara J. Richter #094855 [crichter@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
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20 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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25 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR CARRINGTON
MORTGAGE LOAN TRUST, SERIES 2005-FRE1
ASSET-BACKED PASS-THROUGH
CERTIFICATES,

Plaintiff,

Case No. 16CV36528

GENERAL JUDGMENT OF
FORECLOSURE AND SALE AS TO
DEFENDANTS:

- 1) CLIFF D. PEARSON – Defaulted
- 2) TONYA N. PEARSON – Defaulted
- 3) MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC. - Stipulated
- 4) FREMONT INVESTMENT & LOAN COMPANY N/K/A FREMONT REORGANIZING CORPORATION - Defaulted
- 5) MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC – Limited Judgment
- 6) SPECIALIZED LOAN SERVICING, LLC – Stipulated
- 7) OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION – Defaulted
- 8) STATE OF OREGON - Defaulted
- 9) CINDY LOWE – Defaulted
- 10) RAY KLEIN, INC., DBA PROFESSIONAL CREDIT SERVICE – Defaulted

vs.

CLIFF D. PEARSON; ET AL,

Defendants.

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-116300

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
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1 Defaults having been entered as to Defendants, Cliff D. Pearson and Cindy Lowe, Tonya
2 N. Pearson, Fremont Investment & Loan Company n/k/a Fremont Reorganizing Corporation,
3 Oregon Affordable Housing Assistance Corporation, State of Oregon and Ray Klein, Inc., dba
4 Professional Credit Service and Defendant, Parties in Possession, having been dismissed and
5 Limited Judgment having been entered as to Defendant, Morgan Stanley Mortgage Capital
6 Holdings, LLC, and Defendants, Specialized Loan Servicing, LLC, and Mortgage Electronic
7 Registration Systems, Inc., having stipulated to entry of judgment:

9 It is hereby

10 ORDERED AND ADJUDGED:

11 1. The real property to which this judgment relates (hereafter the "Property") is situated in
12 Lane County, Oregon is commonly known as 930 Williams Street, Eugene, OR 97402 and is
13 legally described as follows:

14 Parcel 2, LAND PARTITION PLAT NO. 94-P0558, Lane County Oregon Plat
15 Records, in Lane County, Oregon.

16 2. The Deed of Trust executed and delivered by Defendant, Cliff D. Pearson and Tonya N.
17 Pearson ("Borrower") on or about June 28, 2005 and recorded on June 30, 2005 as
18 Reception No. 2005-048732 in the official records of Lane County, Oregon, is a valid and
19 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
20 herein.

21 3. The Deed of Trust executed and delivered by Borrowers and recorded in Lane County
22 Deeds and Records on June 30, 2005, under Recording No. 2005-048733 (the "Morgan
23 Stanley Deed of Trust") is a valid and perfected lien against all of the property.
24

25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 15-116300

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- 1 4. The Plaintiff is the holder of the original note dated June 28, 2005 and made by Cliff D.
2 Pearson and Tonya N. Pearson in the amount of \$157,250.00. A copy of the Note was
3 attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the
4 beneficial interest in the Deed of Trust (together the "Loan").
5
- 6 5. The interest of each of the Defendant(s) subject to this Judgment and any successor in
7 interest in the Property is foreclosed and terminated excepting only any statutory right of
8 redemption as provided by Oregon law.
- 9 6. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
10 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
11 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
12 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
13 interests and priorities.
14
- 15 7. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 16 8. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
17 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
18 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
19 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
20 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
21 may appear or to the clerk of the court to be distributed to such party of parties as may
22 establish their right thereto.
23
- 24 9. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

25 J - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 15-116300

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- 1 10. Morgan Stanley may become purchaser at any sale of the Property.
- 2 11. Morgan Stanley reserves any statutory right of redemption as provided by Oregon law.
- 3 12. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 4 from and after the date of the sale and is entitled to such remedies as are available at law or
- 5 in equity to secure possession.
- 6
- 7 13. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 8 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 9 possession to the purchaser immediately on the purchaser's demand for possession.
- 10 14. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$197,912.56	
Prejudgment interest at 4.25% through August 12, 2017 (accruing thereafter until entry of judgment at \$38.63 per diem)			\$29,631.10
Late Charges		\$0.00	
Other Costs and fees (recoverable)		13,470.26	
Property Tax	\$9,637.18		
Hazard Insurance	\$3,575.08		
Appraisal/BPO	\$18.00		
Property Inspections	\$240.00		
	Subtotal		\$211,382.82
Total plus Prejudgment Interest			\$241,013.92

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
 26 SALE
 S&S No. 15-116300

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1 15. Attorney Fees and Costs are awarded to Plaintiff as follows:

2	Costs		\$979.00
3		Filing Fee/Complaint & Summons	\$531.00
4		Service Costs	\$396.00
5		Lis Pendens Recording Fee	\$52.00
6	Attorney fees		\$2,100.00
	Total		\$3,079.00

7 16. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
8 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

9 17. This Judgment shall not create a personal lien or liability against Borrower except as is
10 customary or necessary to execute on such Judgment and for purposes of redemption. In no
11 event should it be construed as establishing personal liability for any persons whose debt has
12 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
13 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
14 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
15 entitled to any further judgment, including a judgment for deficiency.

16 18. Execution may issue against the subject property for the aggregate amount found due
17 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
18 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
19 ORS 18.936 or other applicable law.

20 19. If before sale such amount, including sheriff's fees for the execution, is tendered to the
21 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
22 judgment as to the amounts due shall be terminated.

23 5 - GENERAL JUDGMENT OF FORECLOSURE AND
24 SALE
25 S&S No. 15-116300

26 *SHAPIRO & SUTHERLAND, LLC*
27 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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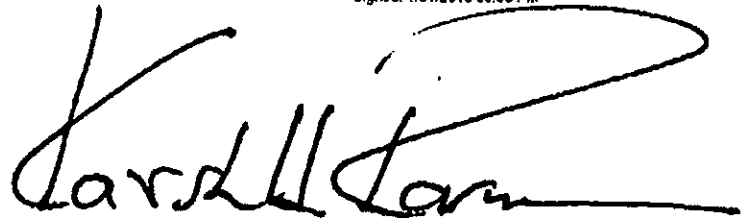
20. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

21. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

DENIED.

GRANTED

Signed: 1/31/2018 05:05 PM



Karsten H. Rasmussen, Circuit Court Judge

Certificate of Readiness under UTCR 5 100

This proposed order or judgment is ready for judicial signature because:

- 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

6 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 15-116300

SHAPIRO & SUTHERLAND, LLC
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- 1 3. I have served a copy of this order or judgment on each party entitled to service and:
a. No objection has been served on me.
2 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
have filed a copy of the objections I received and indicated which objections remain unresolved.
3 c. After conferring about objections, [role and name of objecting party] agreed to independently
file any remaining objection.
4 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
5 5. This is a proposed judgment that includes an award of punitive damages and notice has been
served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
6 this rule.
7 6. Other: _____

8 Submitted by:

9 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

10 By: _____

- 11 James A. Craft #090146 [jcraft@logs.com]
12 Kelly D. Sutherland #87357 [ksutherland@logs.com]
13 Cara J. Richter #094855 [crichter@logs.com]
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(360)260-2253; Fax (360)260-2285

16 Approved as to form and content:

17
18 /s/ Jaimie A. Fender _____

Jaimie A. Fender, OSB # 120832
19 Attorney for Stipulating Defendants, Mortgage
Electronic Registration Systems, Inc., and
20 Specialized Loan Servicing, LLC
21 Robinson Tait, P.S.
16760 SW Upper Boones Ferry Rd, Suite 104
22 Durham, OR 97224
(971)282-4376

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24
25 7-GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 15-116300

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