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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN
INTEREST TO BANK OF AMERICA,
NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER
TO LASALLE BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR EMC
MORTGAGE LOAN TRUST 2004-B,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-B

Case No. 17CV34128

Plaintiff,

WRIT OF EXECUTION

vs.

SAMUEL F. HUGHES; BRANDIE M.
HUGHES; UNKNOWN HEIRS OF ELLEN
L. HUGHES; PARTIES IN POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on January 31, 2018, 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

1- WRIT OF EXECUTION
S&S No. 16-118494

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 (subject to redemption) all of the interest which the defendants had on October 1, 1997, the date
2 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the
3 real property described in the judgment:

4 THE EAST 75 FEET OF LOTS 9, 10 AND 11, BLOCK 4, PLAT OF NORWOOD, AS
5 PLATTED AND RECORDED IN BOOK 6, PAGE 31, LANE COUNTY OREGON PLAT
6 RECORDS, IN LANE COUNTY, OREGON.

7 TOGETHER WITH THE WEST 1/2 OF FOURTH STREET ABUTTING SAID LOTS AS
8 VACATED BY ORDER NO. 79-10-10-8 OF LANE COUNTY COMMISSIONER,
9 RECORDED MAY 18, 1981, AS RECEPTION NO. 8121170, LANE COUNTY OFFICIAL
RECORDS, LANE COUNTY, OREGON.

10 and commonly known as 13284 Highway 36, Swisshome, OR 97480 to satisfy the sum of
11 \$33,450.22, as of February 13, 2018, together with additional post judgment interest of 9.00%
12 from that date (\$8.22 per day), and costs of this execution, making due return within 60 days
13 after you receive this writ.
14

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25 2- WRIT OF EXECUTION
26 S&S No. 16-118494

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1 U.S. Bank National Association, as Trustee, successor in interest to Bank of America,
2 National Association, as Trustee, successor by merger to LaSalle Bank, National Association as
3 Trustee for EMC Mortgage Loan Trust 2004-B, Mortgage Pass-Through Certificates, Series
4 2004-B is the Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro &
5 Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253.
6
7 Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.
8
9

10 FEB 26 2018

11
12 By: *Angie Jones*
13 *Court Clerk*



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

17 By: 

18 James A. Craft #090146 [jcraft@logs.com]
19 Kelly D. Sutherland #87357 [ksutherland@logs.com]
20 Cara J. Richter #094855 [crichter@logs.com]
21 Holger Uhl #950143 [huhl@logs.com]*
22 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
23 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
24 (360)260-2253; Fax (360)260-2285

25 3- WRIT OF EXECUTION
26 S&S No. 16-118494

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR EMC MORTGAGE LOAN TRUST 2004-B, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-B,

Case No. 17CV34128

Plaintiff,

GENERAL JUDGMENT OF FORECLOSURE AND SALE

vs.

SAMUEL F. HUGHES; BRANDIE M. HUGHES; UNKNOWN HEIRS OF ELLEN L. HUGHES; PARTIES IN POSSESSION,

Defendants.

Defaults having been granted against Defendant(s), Samuel F. Hughes, Brandie M. Hughes, Unknown Heirs of Ellen L. Hughes and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 16-118494

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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Lane County, Oregon is commonly known as 13284 Highway 36, Swisshome, OR 97480
3 and is legally described as follows:

4 The East 75 feet of Lots 9, 10 and 11, Block 4, PLAT OF NORWOOD, as platted and
5 recorded in Book 6, Page 31, Lane County Oregon Plat Records, in Lane County,
6 Oregon.

7 TOGETHER with the West 1/2 of Fourth Street abutting said lots as vacated by Order
8 No. 79-10-10-8 of Lane County Commissioner, recorded May 18, 1981, as Reception
9 No. 8121170, Lane County Official Records, Lane County, Oregon.

10 2. The Deed of Trust executed and delivered by Defendant, Ellen L. Hughes, an unmarried
11 woman ("Borrower") on or about October 1, 1997 and recorded on October 8, 1997 as
12 Reception No. 9768616 in the official records of Lane County, Oregon, is a valid and
13 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
14 herein.

15 3. The Plaintiff is the holder of the original note dated October 1, 1997 and made by Ellen L.
16 Hughes in the amount of \$27,000.00. A copy of the Note was attached to the complaint as
17 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
18 Trust (together the "Loan").

19 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
20 interest in the Property is foreclosed and terminated excepting only any statutory right of
21 redemption as provided by Oregon law.
22

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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 16-118494

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
11 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
12 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
13 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
14 may appear or to the clerk of the court to be distributed to such party of parties as may
15 establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
24 any person holding possession under or through such Defendant(s) shall refuse to surrender
25 possession to the purchaser immediately on the purchaser's demand for possession.

26 //

27 3 - GENERAL JUDGMENT OF FORECLOSURE AND
28 SALE
S&S No. 16-118494

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

| | | | | |
|---|--|------------|-------------|-------------|
| 2 | Principal | | \$21,817.39 | |
| 3 | Prejudgment interest at 8.875% through December 15, 2017 (accruing thereafter until entry of judgment at \$4.70 per diem/mensum | | | \$4,191.70 |
| 4 | Late Charges | | \$36.72 | |
| 5 | Advances | \$98.00 | | |
| 6 | Escrow Advance | \$2,157.65 | | |
| 7 | Total plus Prejudgment Interest | | | \$28,301.46 |

47

8
9 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

| | | | | |
|----|---------------------------|--|------------|------------|
| 10 | Costs | | | \$2,221.00 |
| 11 | Filing Fee | | \$531.00 | |
| 12 | Lis Pendens Recording Fee | | \$52.00 | |
| 13 | Service by Publication | | \$1,530.00 | |
| 14 | Service Costs | | \$108.00 | |
| 15 | Attorney fees | | | \$2,600.00 |
| 16 | Total | | | \$4,821.00 |

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

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

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

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


17. 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.

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

- 4 DENIED
5
6 GRANTED
7

Signed: 1/31/2018 03:25 PM



R.Curtia Conover, Circuit Court Judge

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15 **Certificate of Readiness under UTCR 5 100**

- 16 This proposed order or judgment is ready for judicial signature because:
- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
18 by each party's signature on the document being submitted.
19 2. Each party affected by this order or judgment has approved the order or judgment, as shown
20 by each party's signature on the document being submitted or by written confirmation of approval
21 sent to me.
22 3. I have served a copy of this order or judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
25 have filed a copy of the objections I received and indicated which objections remain unresolved.
26 c. After conferring about objections, [role and name of objecting party] agreed to independently
27 file any remaining objection.


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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-118494

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- 1 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)
- 2 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
- 3 this rule.
- 4 6. [] Other: _____

5 Submitted by:
6 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

7 By:  1-22-18

- 8 James A. Craft #090146 [jcraft@logs.com]
- 9 Kelly B. Sutherland #87357 [ksutherland@logs.com]
- 10 Cara J. Richter #094855 [crichter@logs.com]
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7- GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118494

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