

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LANE COUNTY S.O. CIVIL
02.16.18 RBY

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

BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP

Case No. 17CV11472

Plaintiff,

WRIT OF EXECUTION

vs.

CLIFFORD DERECK CLEMENTS;
CONNIE L. CLEMENTS; AMAZON
MEADOWS HOMEOWNERS
ASSOCIATION, INC; STATE OF
OREGON; PARTIES IN POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on September 19, 2017, 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 July 24, 2008, the date of

1- WRIT OF EXECUTION
S&S No. 16-118110

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

3 DESCRIBED IN THE DEED OF TRUST AS:
4 LOT 58, AMAZON MEADOWS, AS PLATTED AND RECORDED JUNE 17, 2004,
5 RECEPTION NO. 2004-046180, LANE COUNTY DEEDS OF RECORDS, IN THE CITY OF
6 EUGENE, IN LANE COUNTY, OREGON.

7 AND MORE ACCURATELY DESCRIBED AS:
8 LOT 58, AMAZON MEADOWS, AS PLATTED AND RECORDED JUNE 17, 2004,
9 RECEPTION NO. 2004-046180, LANE COUNTY DEEDS AND RECORDS, IN THE CITY
10 OF EUGENE, IN LANE COUNTY, OREGON.

11 and commonly known as 5579 Mehr Avenue, Eugene, OR 97402 to satisfy the sum of
12 \$415,265.71, as of November 22, 2017, together with additional post judgment interest of 9.00%
13 from that date (\$100.80 per day), and costs of this execution, making due return within 60 days
14 after you receive this writ.

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24

25 2- WRIT OF EXECUTION
26 S&S No. 16-118110

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

27

28

1 Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka
2 Countrywide Home Loans Servicing, LP is the Judgment Creditor, and its address for purpose of
3 this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
4 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
5 Judgment Creditor.
6

7
8
9 DEC - 4 2017

10
11 By: Angie 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]*
20 Joshua R. Orem # 116872 [jorem@logs.com]*
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
23 (360)260-2253; Fax (360)260-2285
24

25 3- WRIT OF EXECUTION
26 S&S No. 16-118110

27 SHAPIRO & SUTHERLAND, LLC
28 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS SERVICING,
LP FKA COUNTRYWIDE HOME LOANS
SERVICING, LP,

Case No. 17CV11472

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

CLIFFORD DERECK CLEMENTS; CONNIE L.
CLEMENTS; AMAZON MEADOWS
HOMEOWNERS ASSOCIATION, INC; STATE
OF OREGON; PARTIES IN POSSESSION,

Defendants.

Defaults being granted contemporaneously against Defendant(s), Clifford Dereck
Clements, Connie L. Clements, Amazon Meadows Homeowners Association, Inc. and State of
Oregon:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118110

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 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Lane County, Oregon is commonly known as 5579 Mehr Avenue, Eugene, OR 97402 and is
3 legally described as follows:

4 Described in the Deed of Trust as:

5 Lot 58, AMAZON MEADOWS, as platted and recorded June 17, 2004, Reception No.
6 2004-046180, Lane County Deeds of Records, in Lane County, Oregon.

7 And more accurately described as:

8 Lot 58, AMAZON MEADOWS, as platted and recorded June 17, 2004, Reception No.
2004-046180, Lane County Deeds and Records, in Lane County, Oregon.

9 2. The Deed of Trust executed and delivered by Defendant, Clifford Dereck Clements and
10 Connie L Clements, as tenants by the entirety ("Borrower") on or about July 24, 2008 and
11 recorded on July 29, 2008 as Reception No. 2008-043664 in the official records of Lane
12 County, Oregon, is a valid and perfected lien against all of the Property for the amount of
13 Plaintiff's judgment as provided herein.

14 3. The Plaintiff is the holder of the original note dated July 24, 2008 and made by Clifford
15 Dereck Clements and Connie L Clements in the amount of \$264,351.00. A copy of the Note
16 was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the
17 beneficial interest in the Deed of Trust (together the "Loan").

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

21 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
22 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
23

24
25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 16-118110

SHAPIRO & SUTHERLAND, LLC
1499 SE Toth Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2233 (800)970-3647
Fax (360)260-2285
ksutherland@lajs.com

28

1 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
2 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
3 interests and priorities.

4 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

5 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
6 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
7 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
8 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
9 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
10 may appear or to the clerk of the court to be distributed to such party of parties as may
11 establish their right thereto.
12

13 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

14 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
15 from and after the date of the sale and is entitled to such remedies as are available at law or
16 in equity to secure possession.
17

18 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
19 any person holding possession under or through such Defendant(s) shall refuse to surrender
20 possession to the purchaser immediately on the purchaser's demand for possession.
21

22 //

23 //

24 //

25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 16-118110

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@jops.com

28

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

Principal		\$258,340.26	
Prejudgment interest at 6% through June 1, 2017 (accruing thereafter until entry of judgment at \$1,309.75 per mensum)			\$109,794.50
Late Charges		\$0.00	
Other Costs and fees (recoverable)		33,273.50	
Property Tax	\$19,372.67		
Hazard Insurance	\$5,237.89		
PMI/MIP	\$7,907.13		
Appraisal/BPO	\$108.00		
Property Inspections	\$315.00		
Property Preservation	\$50.00		
FHA Premium Due HUD 6.1.17	\$282.81		
	Subtotal		\$291,613.76
	Total plus Prejudgment Interest		\$401,408.26

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

Costs			\$727.00
Filing Fee		\$531.00	
Lis Pendens Recording Fee		\$52.00	
Service Costs		\$144.00	
Attorney fees			\$2,750.00
Total			\$3,477.00

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

//

//

4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 16-118110

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

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

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.

21 //

22 //

23 //

25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 16-118110

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 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 GRANTED
5
6 DENIED

Signed: 9/18/2017 11:38 AM



Charles D. Carlson, Circuit Court Judge

13
14 **Certificate of Readiness under UTCR 5 100**

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

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

28 //

//

6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118110

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 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
3 5. This is a proposed judgment that includes an award of punitive damages and notice has
4 been served on the Director of the Crime Victims' Assistance Section as required by subsection
5 (5) of this rule.
6 6. Other: _____

7 Dated: September 7, 2017

8 Submitted by:

9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By: 

James A. Craft #090146 [jcraft@logs.com]

Kelly D. Sutherland #873575

[ksutherland@logs.com]

Cara J. Richter #094855 [crichter@logs.com]

Holger Uhl #950143 [huhl@logs.com]*

Joshua R. Orem # 116872 [jorem@logs.com]*

1499 SE Tech Center Place, Suite 255, Vancouver,

15 WA 98683

7632 SW Durham Road, Suite 350, Tigard, OR

16 97224*

(360)260-2253; Fax (360)260-2285

17
18
19
20
21
22
23
24
25
26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118110

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-3647
Fax (360)260-2285
ksutherland@logs.com