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

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

CLARA S. INGRAM; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 17CV10451

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 27, 2017.

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

MTGLQ INVESTORS, L.P.
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204


With the adjudicated amount due of \$173,330.70, plus post judgment interest at the statutory rate
of 9.0% per annum from December 27, 2017 to February 12, 2018 in the amount of \$2,008.78,
and continuing with a per diem of \$42.74, currently totaling \$175,339.48.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about November 16, 2013, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 0103360
6 and commonly known as: 27952 S Highway 213, Mulino, OR 97042.

7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
10 You are to make the return within 60 days after you receive this Writ. Should the sale be
11 continued, the writ may be automatically extended for 30 days.

12 **DATED:** 15 day of February, 2018.

13 Judicial Asst.
14 Title
15 By: Wendy Watson
16



17 Dated: 2/6/2018 and submitted by:

18 **McCarthy & Holthus, LLP**
19 Andreanna Smith
20 Andreanna Smith OSB No. 131336
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 ansmith@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
28

**Court Administrator relies on the information
provided by the person seeking issuance of
this writ of execution and is not liable for any
errors or omissions in the information**

**COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.**

A tract of land in Sections 20 and 21, Township 4 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of said Section 20; thence West 108.15 feet; thence North 248.12 feet to an iron pipe at the most Westerly Northwest corner of that tract conveyed to Tom Mayhew, et ux, by Deed recorded December 14, 1964, in Book 650, page 570, Clackamas County Deed Records, and the true point of beginning; thence West, parallel with the North line of Market Road No. 1, a distance of 352.18 feet to an iron pipe in the East right of way line of State Highway No. 213; thence North, along said East right of way line, 78.00 feet; thence Easterly, parallel with the Northerly line of that tract conveyed to Dwight P. Miller, et ux, by Deed recorded June 13, 1944, in Book 326, page 496, Clackamas County Deed Records, 460.33 feet, more or less, to the most Northerly West line of said Mayhew Tract; thence Southerly, along said Northerly West line, 78.00 feet, more or less, to an iron axel at the interior corner of said Mayhew Tract; thence Westerly, along the boundary of said Mayhew Tract, 108.15 feet to the true point of beginning. Except therefrom any portion in public roads or highways.

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

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

CLARA S. INGRAM; OCCUPANTS OF
THE PROPERTY;

Defendants.

Case No.: 17CV10451

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants CLARA S. INGRAM; OCCUPANTS OF THE PROPERTY ("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;

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 Clackamas County, Oregon, and is commonly known as 27952 S Highway 213, Mulino, OR 97042 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
2 01033606.

3 b. Plaintiff is entitled to enforce the note dated November 16, 2013 and made, delivered, and
4 executed by Clara Ingram to Bank of America, NA in the amount of \$153,450.00 (the
5 “Note”). The Note was transferred to Plaintiff by delivery of possession and by indorsement
6 set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant Clara S. Ingram on or about
8 November 16, 2013 (the “Deed of Trust”). The Deed of Trust was recorded on December
9 11, 2013 as Instrument No. 2013-081730 in the official records of Clackamas County,
10 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
11 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
12 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

13 d. The Borrower failed to make the payment that was due for October 1, 2015 and has not cured
14 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the “Amount Due”):

16	a) Unpaid principal balance:	\$149,117.09
17	b) Prejudgment interest accruing from	\$15,043.23
18	10/1/2015 through 11/9/2017 and	
19	continuing until the entry of	
	judgment at the current Note rate of	
	4.875%:	
20	c) Additional amounts due under the	\$5,358.68
21	terms of the loan:	
22	d) Attorney fees and costs:	\$3,726.70
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
24	Total:	\$173,330.70

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

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

7 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant Clara S. Ingram had as of
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,
11 and the proceeds of sale shall be applied:

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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

4 l. Pursuant to ORS 18.950 (4), there are no apparent priority of liens subsequent and inferior to
5 the Deed of Trust are as follows:
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Signed: 12/27/2017 01:39 PM

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10
11 
12 **Circuit Court Judge Michael C. Wetzel**

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

14 This proposed Judgment Of Foreclosure is ready for judicial signature because:

15 The relief sought is against an opposing party who has been found in default.
16

17 Dated: 11/9/2017 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Andreanna C. Smith

20 Andreanna C. Smith OSB No. 131336
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
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