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

U.S. BANK NATIONAL ASSOCIATION, AS  
SUCCESSOR TRUSTEE TO BANK OF  
AMERICA, NATIONAL ASSOCIATION AS  
SUCCESSOR BY MERGER TO LASALLE  
BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR WASHINGTON MUTUAL  
MORTGAGE PASS-THROUGH  
CERTIFICATES WMALT SERIES 2007-2  
TRUST,

Plaintiff,

vs.

TRAVIS W. FISHER, REBECCA L. FISHER;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV29558

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JOSEPHINE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on January 17, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR WASHINGTON MUTUAL MORTGAGE PASS-THROUGH CERTIFICATES WMALT SERIES 2007-2 TRUST

c/o Jeremy Clifford  
Attorney for Plaintiff

1 McCarthy & Holthus, LLP  
2 920 SW 3rd Ave, 1st Floor  
3 Portland, OR 97204

4 With the adjudicated amount due of \$881,265.53, plus post judgment interest at the statutory rate  
5 of 9.0% per annum from January 17, 2018 to February 5, 2018 in the amount of \$4,128.67, and  
6 continuing with a per diem of \$217.30, currently totaling \$885,394.20.

7 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
8 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
9 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
10 about October 23, 2006, the date of the Deed of Trust, and also the interest that the Defendant  
11 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R325715  
12 and commonly known as: 220 Newt Gulch Road, Wilderville, OR 97543.

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

18 B. Gasparis  
19 MAR 08 2018 Court Clerk



1 Dated: February 1, 2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

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4 \_ John Thomas OSB No. 024691  
5 \_ Robert Hakari OSB No. 114082  
6 \_ Andreanna Smith OSB No. 131336  
7 \_ Brady Godbout OSB No. 132708  
8 \_ Bryan Kidder OSB No. 140459  
9 x Jeremy Clifford OSB No. 142987  
10 \_ Michael Scott OSB No. 973947  
11 920 SW 3rd Ave, 1st Floor  
12 Portland, OR 97204  
13 Phone: (971) 201-3200  
14 Fax: (971) 201-3202  
15 jclifford@mccarthyholthus.com  
16 Of Attorneys for Plaintiff  
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# EXHIBIT "1"

## LEGAL DESCRIPTION

Beginning at the intersection of the West right of way line of the County Road and the South line of the Southeast Quarter of the Northwest Quarter of Section 9, Township 37 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon, said point being 75.6 feet West of the center of said Section 9; thence South  $89^{\circ}36'45''$  West 1260.57 feet to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 9; thence North  $0^{\circ}49'30''$  East 333.64 feet; thence North  $89^{\circ}36'45''$  East 1120.75 feet to the West right of way line of the County Road; thence South  $22^{\circ}39'$  East 362 feet along the West right of way line of said County Road to the point of beginning.

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

U.S. BANK NATIONAL ASSOCIATION,  
AS SUCCESSOR TRUSTEE TO BANK  
OF AMERICA, NATIONAL  
ASSOCIATION AS SUCCESSOR BY  
MERGER TO LASALLE BANK  
NATIONAL ASSOCIATION, AS  
TRUSTEE FOR WASHINGTON  
MUTUAL MORTGAGE PASS-  
THROUGH CERTIFICATES WMALT  
SERIES 2007-2 TRUST,

Plaintiff,

vs.

TRAVIS W. FISHER, REBECCA L.  
FISHER; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 15CV29558

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

Defendants TRAVIS W. FISHER, REBECCA L. FISHER, and OCCUPANTS OF THE  
PROPERTY ("Defendants") were duly served with process and failed to appear; the default  
has been entered against Defendants, and it appearing that 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 Josephine County,  
Oregon, and is commonly known as 220 Newt Gulch Road, Wilderville, OR 97543 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
2 APN/Parcel No. R325715.

3 b. Plaintiff is entitled to enforce the note dated October 23, 2006 and made, delivered, and  
4 executed by TRAVIS W. FISHER to GREENPOINT MORTGAGE FUNDING, INC. in the  
5 amount of \$510,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of  
6 possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants TRAVIS W. FISHER,  
8 REBECCA L. FISHER on or about October 24, 2006 (the "Deed of Trust"). The Deed of  
9 Trust was recorded on October 30, 2006 as Instrument No. 2006-021675 in the official  
10 records of Josephine County, Oregon. The Deed of Trust is a valid and perfected lien against  
11 all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to  
12 any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
13 Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for March 1, 2009 and has not cured  
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is  
16 comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$509,794.82
18	b) Prejudgment interest accruing from	
19	2/1/2009 through 1/10/2018 and	
20	continuing until the entry of	
21	judgment at the current Note rate of	
22	7.25%:	\$330,689.58
23	c) Additional amounts due under the	\$34,806.02
24	terms of the loan:	
25	d) Attorney fees and costs:	\$5,890.11
26	e) Prevailing party fee (ORS 20.190	\$85.00
27	(1)(a)):	
28	<b>Total:</b>	<b>\$881,265.53</b>

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 Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendants TRAVIS W. FISHER,  
9 REBECCA L. FISHER had as of the date of the Deed of Trust or thereafter acquired is  
10 hereby ordered to be sold by the Josephine County Sheriff's Office in accordance with the  
11 process for sale upon execution, 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.

Signed: 1/12/2018 03:39 PM



Circuit Court Judge Thomas M. Hull

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

12 On 1/10/2018 a copy of the Motion For Entry Of Judgment, Declaration Of Attorney  
13 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure  
was:

14  Mailed to:

15 Travis W. and Rebecca L. Fisher  
16 1630 Williams HWY PMB 363  
Grants Pass, OR 97527

17 By placing a copy of the executed documents into the firm's outgoing mailbox.

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

19  Each opposing party affected by this order or judgment has stipulated to the order or  
20 judgment, as shown by each opposing party's signature on the document being  
submitted.

21  Each opposing party affected by this order or judgment has approved the order or  
22 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

23  I have served a copy of this order or judgment on all parties entitled to service and:

24  No objection has been served on me.

25  I received objections that I could not resolve with the opposing party despite  
reasonable efforts to do so. I have filed a copy of the objections I received and  
indicated which objections remain unresolved.

26  After conferring about objections, \_\_\_\_\_ agreed to independently file  
27 any remaining objection.

1           [ ] The relief sought is against an opposing party who has been found in default.

2           [x] An order of default is being requested with this proposed judgment.

3           [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
4           otherwise.

5           [ ] This is a proposed judgment that includes an award of punitive damages and notice  
6           has been served on the Director of the Crime Victims' Assistance Section as required  
7           by subsection (4) of this rule.

8           [ ] Other: \_\_\_\_\_

9 Dated: January 10, 2018 and submitted by:

10 **McCarthy & Holthus, LLP**

11 s/ Jeremy Clifford

12 Jeremy Clifford OSB No. 142987

13 920 SW 3rd Ave, 1st Floor

14 Portland, OR 97204

15 Phone: (971) 201-3200

16 Fax: (971) 201-3202

17 jclifford@mccarthyholthus.com

18 Of Attorneys for Plaintiff

**EXHIBIT "1"**

## LEGAL DESCRIPTION

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