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

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR
RESIDENTIAL ASSET SECURITIZATION
TRUST SERIES 2005-A13 MORTGAGE
PASS-THROUGH CERTIFICATES SERIES
2005-M,

Plaintiff,

v.

CHARLES B. MORRIS AKA CHARLES B.
MORRIS, SR AKA CHARLES BURTON
MORRIS AKA CHARLES MORRIS; CAROL
M. MORRIS; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV29311

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 16, 2017.

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

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR
RESIDENTIAL ASSET SECURITIZATION TRUST SERIES 2005-A13 MORTGAGE PASS-
THROUGH CERTIFICATES SERIES 2005-M

c/o Bryan Kidder
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$297,461.89, plus post judgment interest at the statutory rate
2 of 9.0% per annum from November 16, 2017 to February 2, 2018 in the amount of \$5,721.05,
3 and continuing with a per diem of \$73.35, currently totaling \$303,182.94.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about May 20, 2005, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R321764 and
9 commonly known as: 5415 Riverbanks Road, Grants Pass, OR 97527.

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



15
16 FEB 06 2018

Chilens

17
18 Court Clerk

19 Dated: February 2, 2018 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Bryan Kidder

22 Bryan Kidder, OSB No. 140459
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 bkidder@mccarthyholthus.com
28 Of Attorneys for Plaintiff

EXHIBIT 1

That portion of the following described tract lying Northerly and Easterly of Shan Creek: Commencing at the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 11, Township 36 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence South, along the Quarter-Quarter line, 1038 feet to the true point of beginning; thence North $00^{\circ} 20' 10''$ West, along the Quarter-Quarter line, 650 feet to the Southeast corner of that property described in Volume 133, Page 237, Josephine County Deed Records; thence due West 177 feet, more or less, to the Easterly right of way line of Riverbanks Road; thence Southwesterly along the curves and tangents of the Easterly right of way line of Riverbanks Road to a point which bears due West from the true point of beginning; thence due East 500 feet, more or less, to the true point of beginning.

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR
RESIDENTIAL ASSET
SECURITIZATION TRUST SERIES
2005-A13 MORTGAGE PASS-
THROUGH CERTIFICATES SERIES
2005-M,

Case No.: 17CV29311

GENERAL JUDGMENT OF
FORECLOSURE

Plaintiff,

v.

CHARLES B. MORRIS AKA CHARLES
B. MORRIS, SR AKA CHARLES
BURTON MORRIS AKA CHARLES
MORRIS; CAROL M. MORRIS;
OCCUPANTS OF THE PROPERTY,

Defendants.

1.

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

All defendants ("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 Josephine County, Oregon, and is commonly known as 5415 Riverbanks Road, Grants Pass, OR 97527 (the

1 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. R321764.

3 b. Plaintiff is entitled to enforce the note dated May 21, 2005 and made, delivered, and executed
4 by CHARLES B. MORRIS and CAROL M. MORRIS to LOANCITY, FORMERLY KNOWN
5 AS LOANCITY.COM in the amount of \$222,000.00 (the “Note”). The Note was transferred
6 to Plaintiff by delivery of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants CHARLES B. MORRIS
8 and CAROL M. MORRIS on or about May 21, 2005 (the “Deed of Trust”). The Deed of
9 Trust was recorded on May 26, 2005 as Instrument No. 2005-011736 in the official records
10 of Josephine County, Oregon. The Deed of Trust is a valid and perfected lien against all of
11 the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
12 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 October 1, 2013 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:	\$221,934.03
18	b) Prejudgment interest accruing from	
19	9/1/2013 through 11/13/2017 and	
20	continuing until the entry of	
	judgment at the current Note rate of	
	5.5%:	\$51,300.78
21	c) Additional amounts due under the	\$20,493.68
22	terms of the loan:	
23	d) Attorney fees and costs:	\$3,648.40
24	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
25	Total:	\$297,461.89

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 CHARLES B. MORRIS
9 AKA CHARLES B. MORRIS, SR AKA CHARLES BURTON MORRIS AKA CHARLES
10 MORRIS and CAROL M. MORRIS had as of the date of the Deed of Trust or thereafter
11 acquired is hereby ordered to be sold by the Josephine County Sheriff's Office in accordance
12 with the process for sale upon execution, and the proceeds of sale shall be applied:

13 1) First, to the costs of sale not incurred by Plaintiff;

14 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
15 entry of judgment through the date of the sale and any incurred costs of sale;

16 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
17 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
18 such party or parties as they may establish their right thereto.

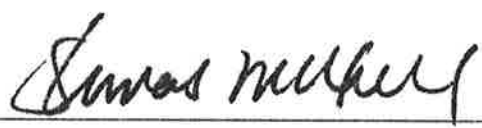
19 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
20 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
21 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

Signed: 11/15/2017 05:04 PM



I hereby certify that the requirements of UTCR ~~Section 5.010~~ **Circuit Court Judge Thomas M. Hull**

This proposed Judgment of Foreclosure is ready for judicial signature because:

An order of default is being requested with this proposed judgment.

Dated: November 13, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Bryan Kidder

Bryan Kidder, OSB No. 140459
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bkidder@mccarthyholthus.com
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