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

8 NATIONSTAR MORTGAGE LLC D/B/A
9 CHAMPION MORTGAGE COMPANY,

10 Plaintiff,

11 vs.

12 THE UNKNOWN HEIRS AND DEVISEES
13 OF CHARLES T. LOCKAMY; UNITED
14 STATES OF AMERICA; STATE OF
15 OREGON; AMBER PETERSON; LINDA
16 LOCKAMY; OCCUPANTS OF THE
17 PROPERTY,

18 Defendants.

Case No.: 16CV18110

WRIT OF EXECUTION IN
FORECLOSURE

19 **TO THE CLACKAMAS COUNTY SHERIFF:**

20 A Judgment of Foreclosure was entered and docketed in this case on December 4, 2017.

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

22 Judgment Creditor:

23 NATIONSTAR MORTGAGE LLC
24 D/B/A CHAMPION MORTGAGE COMPANY
25 c/o Andreanna Smith
26 Attorney for Plaintiff
27 McCarthy & Holthus, LLP
28 920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$184,338.49, plus post judgment interest at the statutory rate
2 of 9.0% per annum from December 4, 2017 to January 22, 2018 in the amount of \$2,227.05, and
3 continuing with a per diem of \$45.45, currently totaling \$186,565.54.

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 March 25, 2008, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel
9 #00844607, and commonly known as: 723 Molalla Ave, Oregon City, OR 97045.

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 Dated: January 25, 2018.



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

21 *Wendy Watson*

22 Dated: 1/16/2018 and submitted by:

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

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

EXHIBIT 1

LOT 5 AND THE SOUTHERLY ONE-HALF OF LOT 4, BLOCK 12, MOUNTAIN VIEW ADDITION TO OREGON CITY, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON. SAID SOUTHERLY ONE-HALF OF LOT 4 TO BE DIVIDED FROM THE NORTHERLY ONE-HALF OF LOT 4 BY A LINE PARALLEL TO THE NORTHERLY LINE OF SAID LOT.

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

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF CHARLES T. LOCKAMY; UNITED
STATES OF AMERICA; UNITED STATES
OF AMERICA; UNITED STATES OF
AMERICA; STATE OF OREGON; AMBER
PETERSON; LINDA LOCKAMY;
OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV18110

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF CHARLES T. LOCKAMY and ~~LINDA LOCKAMY~~ ("Defaulted Defendants") were duly served with process; 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; Summary judgment granted against Linda Lockamy
- b. A Limited Judgment has been entered with regard to Defendants UNITED STATES OF AMERICA; STATE OF OREGON; AMBER PETERSON; OCCUPANTS OF THE

1 PROPERTY ("Limited Defendants") (collectively Defaulted and Limited Defendants are
2 referred to as "Defendants");

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 5 a. The real property to which this judgment relates is located and situated in Clackamas County,
6 Oregon, and is commonly known as 723 Molalla Ave, Oregon City, OR 97045 (the "Subject
7 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
8 00844607.
- 9 b. Plaintiff is entitled to enforce the note dated March 25, 2008 and made, delivered, and
10 executed by Charles Lockamy to Bank of America, N.A. a National Banking Association up
11 to the amount of \$300,000.00 (the "Note").
- 12 c. A deed of trust was made, executed, and delivered by Defendant Charles T. Lockamy on or
13 about March 25, 2008 (the "Deed of Trust"). The Deed of Trust was recorded on March 31,
14 2008 as Instrument No. 2008-022676 in the official records of Clackamas County, Oregon.
15 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
16 Amount Due. The Deed of Trust was transferred to Plaintiff; an assignment was recorded
17 11/21/2012 as Instrument Number 2012-076734. The lien of the Plaintiff is superior to any
18 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
19 Sheriff's Deed.
- 20 d. Charles Lockamy passed away on September 10, 2015. The amount of debt secured by the
21 Deed of Trust that is now due and owing is comprised of the following amounts (the
22 "Amount Due"):

- 23 a) Unpaid principal balance: \$145,247.01
- 24 b) Prejudgment interest accruing from \$13,522.05
25 9/30/2012 through 4/30/2017 and
26 continuing until the entry of
27 judgment at the current Note rate
- 28 c) Additional amounts due under the \$19,077.98
terms of the loan:

d) Attorney fees and costs:	\$6,406.45
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
Total:	\$184,338.49

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

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

f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

h. All right, title and interest in the Subject Property that Charles T. Lockamy had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:

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

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

- 1 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
2 Property from and after the date of the sale and is entitled to such remedies as are available at
3 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
4 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
5 possession to the purchaser immediately upon the purchaser's demand for possession.
- 6 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
7 entitled to any further or other judgment, including a judgment for the deficiency.
- 8 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
9 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
10 terminated.
- 11 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
12 Deed of Trust are as follows:

- 13 1) STATE OF OREGON may claim an interest in Subject Property by virtue of a
14 support judgment entered on 01/30/1996 in the Circuit Court of Clackamas County,
15 Case No. DR9511465.
- 16 2) UNITED STATES OF AMERICA may claim an interest in the Subject Property
17 under the terms of an additional, subordinate note and deed of trust, associated with
18 this loan issued to the Secretary of Housing and Urban Development (the "HUD
19 Loan") in the amount of 300,000.00. The deed of trust associated with the HUD
20 Loan is recorded in the official records of Clackamas County as Instrument No. 2008-
21 022677 on 03/31/2008.

Signed: 11/30/2017 04:58 PM

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Circuit Court Judge Michael C. Wetzel

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

1 On August 25, 2017 a copy of the Motion For Entry Of Judgment, Declaration Of
Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of
Foreclosure was:

2 Mailed to:

3 Linda Lockamy
4 13419 S.E. Piper Dr.
Happy Valley, OR 97086

5 Linda Lockamy
6 723 Molalla Ave
Oregon City, OR 97045

7 State of Oregon
8 c/o Kristen Gilman
9 1162 Court Street NE
Salem, OR 97301

10 not less than 7 days prior to submission to the court with a notice of the time period to
11 object.

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

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

14 No objection has been served on me.

15 Dated: 9/5/2017 and submitted by:

16 **McCarthy & Holthus, LLP**

17 s/ Andreanna C. Smith

18 Andreanna Smith OSB No. 131336
19 920 SW 3rd Ave, 1st Floor
Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
ansmith@mccarthyholthus.com
Of Attorneys for Plaintiff

LOT 5 AND THE SOUTHERLY ONE-HALF OF LOT 4, BLOCK 12, MOUNTAIN VIEW ADDITION TO OREGON CITY, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON. SAID SOUTHERLY ONE-HALF OF LOT 4 TO BE DIVIDED FROM THE NORTHERLY ONE-HALF OF LOT 4 BY A LINE PARALLEL TO THE NORTHERLY LINE OF SAID LOT.