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

WILMINGTON SAVINGS FUND SOCIETY,  
FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR  
PRETIUM MORTGAGE ACQUISITION  
TRUST,

Plaintiff,

vs.

MARK RYAN AKA MARK A. RYAN;  
CRYSTAL RYAN AKA CRYSTAL G.  
RYAN; DANIEL S. CLOUSER; HERTZ  
EQUIPMENT RENTAL CORPORATION;  
UNITED STATES OF AMERICA;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV12695

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE CLACKAMAS COUNTY SHERIFF:**

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

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

Judgment Creditor:

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST,  
NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISITION TRUST  
c/o John Thomas  
Attorney for Plaintiff

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

3       With the adjudicated amount due of \$1,104,729.25, plus post judgment interest at the statutory  
4       rate of 9.0% per annum from December 4, 2017 to 1/31/18 in the amount of \$12,257.95, and  
5       continuing with a per diem of \$272.40, currently totaling \$1,116,987.20.

6           **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are  
7       hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
8       execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
9       about April 16, 2008, the date of the Deed of Trust, and also the interest that the Defendant had  
10      thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00991886 and  
11      commonly known as: 30690 E Montgomery St, Government Camp, OR 97028.

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

17           Dated: February 6, 2018.

18           *Dorothy Watson*



19           Dated: 31 and submitted by:

20           **McCarthy & Holthus, LLP**

21           *John Thomas*

22           John Thomas OSB No. 024691  
23           920 SW 3rd Ave, 1st Floor  
24           Portland, OR 97204  
25           Phone: (971) 201-3200  
26           Fax: (971) 201-3202  
              jthomas@mccarthyholthus.com  
              Of Attorneys for Plaintiff

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.

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 "**

PART OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 8 1/2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF 2ND STREET AND THE EAST LINE OF MONTGOMERY STREET ON THE RECORDED MAP OF POMPEII, THENCE SOUTH A DISTANCE OF 100 FEET ALONG THE EAST LINE OF MONTGOMERY STREET TO THE PLACE OF THE BEGINNING; THENCE EAST 50 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT DESCRIBED IN DEED TO NELL MALARKEY, JR., RECORDED IN BOOK 360, PAGE 736, DEED RECORDS; THENCE SOUTH 100 FEET ALONG THE WEST LINE OF THE MALARKEY TRACT TO THE NORTH LINE OF THIRD STREET, THENCE WEST A DISTANCE OF 50 FEET ALONG NORTH LINE OF THIRD STREET TO SAID MONTGOMERY STREET, THENCE NORTH A DISTANCE OF 100 FEET ALONG THE EAST LINE OF MONTGOMERY STREET, AND TO THE PLACE OF BEGINNING.

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

WILMINGTON SAVINGS FUND  
SOCIETY, FSB, D/B/A CHRISTIANA  
TRUST, NOT INDIVIDUALLY BUT AS  
TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISITION TRUST,

Plaintiff,

v.

MARK RYAN AKA MARK A. RYAN;  
CRYSTAL RYAN AKA CRYSTAL G.  
RYAN; DANIEL S. CLOUSER; HERTZ  
EQUIPMENT RENTAL CORPORATION;  
UNITED STATES OF AMERICA;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV12695

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

- a. Defendants DANIEL S. CLOUSER; HERTZ EQUIPMENT RENTAL CORPORATION; UNITED STATES OF AMERICA; and 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;
- b. An Order granting Summary Judgment in favor of Plaintiff has been entered with regard to

1 Defendants MARK RYAN and CRYSTAL RYAN; now therefore,

2 2.

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

- 4 a. The real property to which this judgment relates is located and situated in Clackamas County,  
5 Oregon, and is commonly known as 30690 E Montgomery St, Government Camp, OR 97028  
6 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
7 APN/Parcel No. 00991886.
- 8 b. Plaintiff is entitled to enforce the note dated April 16, 2008 and made, delivered, and  
9 executed by MARK RYAN and CRYSTAL RYAN to JPMorgan Chase Bank, N.A. in the  
10 amount of \$880,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of  
11 possession and by indorsement set forth on the Note.
- 12 c. A deed of trust was made, executed, and delivered by Defendants MARK RYAN and  
13 CRYSTAL RYAN on or about April 16, 2008 (the "Deed of Trust"). The Deed of Trust was  
14 recorded on April 16, 2008 as Instrument No. 2008-027587 in the official records of  
15 Clackamas County, Oregon. The Deed of Trust is a valid and perfected lien against all of the  
16 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any  
17 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
18 Sheriff's Deed.
- 19 d. The Borrower failed to make the payment that was due for September 1, 2013 and has not  
20 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
21 owing is comprised of the following amounts (the "Amount Due"):

- 22 a) Unpaid principal balance: \$836,437.97
- 23
- 24 b) Prejudgment interest accruing from \$208,507.02  
25 08/01/2013 through 9/14/2017 and  
26 continuing until the entry of  
27 judgment at the current Note rate of  
28 6.25%:
- c) Additional amounts due under the \$50,993.79  
terms of the loan:

1	d) Attorney fees and costs:	\$8,705.47
2		
3	e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
4	<b>Total:</b>	<b>\$1,104,729.25</b>

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

- 8
- 9 e. The interest of the Defendants and any successor in interest in the Subject Property is  
10 foreclosed and terminated excepting only any statutory right of redemption as provided by  
11 Oregon law.
- 12 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
13 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
14 28 U.S.C. § 2410(c) one-year redemption right in this case.
- 15 g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 16 h. All right, title and interest in the Subject Property that Defendants MARK RYAN and  
17 CRYSTAL RYAN had as of the date of the Deed of Trust or thereafter acquired is hereby  
18 ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process  
19 for sale upon execution, and the proceeds of sale shall be applied:
- 20 1) First, to the costs of sale not incurred by Plaintiff;
  - 21 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
22 entry of judgment through the date of the sale and any incurred costs of sale;
  - 23 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
24 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
25 such party or parties as they may establish their right thereto.
- 26  
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- 1 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
5 Property from and after the date of the sale and is entitled to such remedies as are available at  
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
13 terminated.
- 14 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
15 Deed of Trust are as follows:
- 16 1) Defendant DANIEL S. CLOUSER may claim a junior interest in Subject Property  
17 by virtue of a deed of trust recorded on January 15, 2010 as Instrument No. 2010-  
18 003221 in the official records of Clackamas County, Oregon.
- 19 2) Defendant HERTZ EQUIPMENT RENTAL CORPORATION may claim a junior  
20 interest in Subject Property by virtue of a judgment lien entered on July 20, 2010  
21 as Case No. CV09110289 in the official records of Clackamas County, Oregon.
- 22 3) Defendant UNITED STATES OF AMERICA may claim an interest in the  
23 Subject Property by virtue of federal tax liens, notice of which was filed as  
24 follows:
- 25 i. Notice of Federal Tax Lien, recorded February 8, 2010, Official Records  
26 of Clackamas County, Instrument Number 2010-008158 wherein MARK  
27 RYAN of 18340 SW Fallatin Loop, Beaverton,, OR 97007 is named as  
28



1 taxpayer. The Notice was filed by the Internal Revenue Service and bears  
2 serial number 621720110 and identification number xxx-xx-0131.

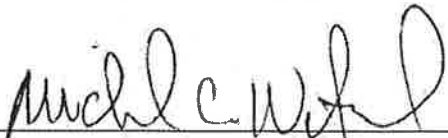
3 ii. Notice of Federal Tax Lien, recorded February 16, 2010, Official Records  
4 of Clackamas County, Instrument Number 2010-010082 wherein MARK  
5 RYAN of 18340 SW Fallatin Loop, Beaverton,, OR 97007 is named as  
6 taxpayer. The Notice was filed by the Internal Revenue Service and bears  
7 serial number 623967910 and identification number xxx-xx-0131.

8 iii. Notice of Federal Tax Lien, recorded September 7, 2010, Official Records  
9 of Clackamas County, Clackamas County, Instrument Number 2010-  
10 055166 wherein MARK RYAN of 18340 SW Fallatin Loop, Beaverton,  
11 OR 97007 is named as taxpayer. The Notice was filed by the Internal  
12 Revenue Service and bears serial number 694080710 and identification  
13 number xxx-xx-0131.

14 iv. Notice of Federal Tax Lien, recorded June 27, 2014, Official Records of  
15 Clackamas County, Instrument Number 2014-031302 wherein MARK  
16 RYAN of 18340 SW Fallatin Loop, Beaverton, OR 97007 is named as  
17 taxpayer. The notice was filed by the Internal Revenue Service and bears  
18 serial number 105961214 and identification number xxx-xx-0131

19 n. Defendants MARK RYAN and CRYSTAL RYAN's affirmative defenses and counterclaims  
20 are dismissed with prejudice.

Signed: 11/30/2017 04:33 PM

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24 **Circuit Court Judge Michael C. Wetzel**

25 I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
26  
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1 On September 21, 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  
3 [ X] Served on:

4 Aaron Bell  
5 PO Box 1547  
6 Wilsonville, OR 97070

7  
8 *Via email to aaron@blf-pc.com with permission*

9 not less than 3 days prior to submission to the court.

10 [ ] Accompanied by a stipulation that no objection exists as to the judgment or order.

11 [ ] Mailed to:

12  
13 not less than 7 days prior to submission to the court with a notice of the time period to  
14 object.

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

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

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

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

21 [ ] No objection has been served on me.

22 [ ] 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.

23 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

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

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

4 [X] Other: Mr. Bell has not communicated any formal objection to the form of judgment,  
5 although he has made inquiries regarding potential resolutions of the case.

6 Dated: 10/16/2017 and submitted by:

7 **McCarthy & Holthus, LLP**

8 s/ John Thomas

9 

---

John Thomas OSB No. 024691

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 jthomas@mccarthyholthus.com

15 Of Attorneys for Plaintiff

# Exhibit "1"

PART OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 8 1/2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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