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

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED CERTIFICATE HOLDERS OF FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-FF5,

Plaintiff,

v.

PEGGY J. NASSET; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; FIRST FRANKLIN A DIVISION OF NAT CITY BANK OF IN; PNC BANK, N.A.; YELENA P. NASSET; STATE OF OREGON; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV21928
Judge: Judge Mary M. James

WRIT OF EXECUTION IN FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on August 4, 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, IN TRUST FOR THE REGISTERED CERTIFICATE HOLDERS OF FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-FF5
c/o Jeremy Clifford
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$160,827.40, plus post judgment interest at the statutory rate
2 of 9.0% per annum from August 4, 2017 to September 5, 2017 in the amount of \$1,268.99, and
3 continuing with a per diem of \$39.66, currently totaling \$162,096.39.

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 January 25, 2006, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R75717
9 and commonly known as: 885 Sand Piper Court NE, Salem, OR 97301.

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.

Signed: 9/27/2017 09:27 AM


Court Clerk



19 Dated September 15, 2017 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Michael Scott

22 Michael Scott OSB No. 973947

23 920 SW 3rd Ave, 1st Floor

24 Portland, OR 97204

25 Phone: (971) 201-3200

26 Fax: (971) 201-3202

27 msscott@mccarthyholthus.com

28 Of Attorneys for Plaintiff

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE, IN TRUST
FOR THE REGISTERED CERTIFICATE
HOLDERS OF FIRST FRANKLIN
MORTGAGE LOAN TRUST 2006-FF5,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-FF5,

Plaintiff,

v.

PEGGY J. NASSET; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; FIRST FRANKLIN A
DIVISION OF NAT CITY BANK OF IN;
PNC BANK, N.A.; YELENA P. NASSET;
STATE OF OREGON; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 16CV21928
Judge: Judge Mary M. James

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants PEGGY J. NASSET, MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., FIRST FRANKLIN A DIVISION OF NAT CITY BANK OF IN, PNC
BANK, N.A., YELENA P. NASSET, STATE OF OREGON 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;

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 Marion County, Oregon, and is commonly known as 885 Sand Piper Court NE, Salem, OR 97301 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R75717.
- b. Plaintiff is entitled to enforce the note dated January 24, 2006 and made, delivered, and executed by MICHAEL M. NASSET to FIRST FRANKLIN A DIVISION OF NAT. CITY BANK OF IN in the amount of \$127,600.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by borrower MICHAEL M. NASSET on or about January 25, 2006 (the "Deed of Trust"). The Deed of Trust was recorded January 30, 2006 on Reel 2600 Page 30 in the official records of Marion County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for January 1, 2015 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$120,899.17
- b) Prejudgment interest accruing from 12/1/2014 through 8/3/2017 and continuing until the entry of judgment at the current Note rate of 7.25%: \$23,159.47
- c) Additional amounts due under the terms of the loan: \$9,740.02
- d) Attorney fees and costs: \$6,943.74
- e) Prevailing party fee (ORS 20.190 (1)(a)): \$85.00

1 **Total:** **\$160,827.40**

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

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

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

9 g. All right, title and interest in the Subject Property that Defendants had as of the date of the
10 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Marion County
11 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
12 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.
27

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.

6 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
7 Deed of Trust are as follows:

8 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
9 FIRST FRANKLIN A DIVISION OF NAT CITY BANK OF IN and PNC BANK,
10 N.A. may claim an interest in Subject Property by virtue of a deed of trust recorded
11 01/30/2006 as Reel 2600, Page 31 in the official records of Marion County, Oregon,
12 securing a promissory note in the amount of \$31,900.00.

13 2) Defendants, YELENA P. NASSET and STATE OF OREGON, may claim an interest
14 in Subject Property by virtue of a judgment entered on 05/20/2014 in the Circuit
15 Court of Marion County, Case No. 13C32212, in the amount of \$2,000.00, \$800.00
16 per month child support. These interests appear to be related to the decedent's son,
17 Michael Marlin Nasset III, based on the age of Yelena P. Nasset, however. If these
18 interests are related to the decedent's son, and not the decedent, these interests are
19 inferior to that of Peggy J. Nasset, the decedent's spouse at that time of decedent's
20 death.

21 3) Defendant, YELENA P. NASSET, may also claim an interest in Subject Property by
22 virtue of a judgment entered on 05/20/2014 in the Circuit Court of Marion County,
23 Case No. 13C32212, in the amount of \$900.00 per month spousal support. If the
24 judgment is against decedent's son, this interest is inferior to that of Peggy J. Nasset
25 for the same reasons, above.

1 4) Defendant, PEGGY J. NASSET, may also claim an interest in the Subject Property
2 by virtue of her survivorship interest in the Subject Property described in Paragraph 4,
3 above, and by any additional interest, if any, from the estate. See Probate, Case No.
4 17PB01131, Marion County Circuit Court.

Signed: 8/4/2017 04:20 PM



Circuit Court Judge Mary M. James

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

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

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

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

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

20 No objection has been served on me.

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

24 After conferring about objections, _____ agreed to independently file
25 any remaining objection.

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

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

28 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
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 [] Other: _____

5 Dated: August 3, 2017, and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 — John Thomas OSB No. 024691
9 — Robert Hakari OSB No. 114082
10 — Andreanna Smith OSB No. 131336
11 — Brady Godbout OSB No. 132708
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21 Of Attorneys for Plaintiff

EXHIBIT 1

LOT 49, BLOCK 2, GREENBRIAR SUBDIVISION, IN THE CITY OF SALEM, MARION COUNTY,
OREGON.