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USDC - DISTRICT COURT, PORTLAND, OREGON

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

GREEN TREE SERVICING LLC

Case No.: 14CV08249

Plaintiff,

vs.

WRIT OF EXECUTION IN  
FORECLOSURE

MARK L. HISE; PENNY L. HISE;  
DISCOVER BANK, ISSUER OF THE  
DISCOVER CARD; MIDLAND FUNDING,  
LLC; PORTFOLIO RECOVERY  
ASSOCIATES, LLC; CAPITAL ONE BANK  
(U.S.A.), N.A.; CAVALRY SPV I, LLC;  
OCCUPANTS OF THE PROPERTY,

Defendants.

**TO THE POLK COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on January 5, 2015. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

GREEN TREE SERVICING LLC  
c/o Robert Hakari  
Attorney for Plaintiff

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

With the adjudicated amount due of \$315,555.33, plus post judgment interest at the statutory rate of 9.0% per annum from January 5, 2015 to February 6, 2018 in the amount of \$88,323.88, and continuing with a per diem of \$78.30, currently totaling \$405,879.21.

**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
2 about November 16, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
3 had thereafter, in the real property described as shown in Exhibit 1, APN/Parcel # 569430, and  
4 commonly known as: 1002 SE Barberry Avenue, Dallas, OR 97338.

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



Signed: 2/20/2018 02:08 PM

A handwritten signature in black ink, reading "Debora M. Dupras", is written over a horizontal line.

JSSII Debora M. Dupras

14 **McCarthy & Holthus, LLP**

15 s/ Robert B. Hakari 2/6/2018

16 Robert Hakari OSB No. 114082  
17 920 SW 3rd Ave, 1st Floor  
18 Portland, OR 97204  
19 Phone: (971) 201-3200  
20 Fax: (971) 201-3202  
21 rhakari@mccarthyholthus.com  
22 Of Attorneys for Plaintiff  
23  
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# Exhibit 1

Real property in the County of Polk, State of Oregon, described as follows:

PARCEL 1, PARTITION PLAT NO. 1998-0015, RECORDED APRIL 23, 1998 IN VOLUME 1998, PAGE 0015, BOOK OF PARTITION PLATS, IN THE CITY OF DALLAS, COUNTY OF POLK AND STATE OF OREGON.

SAVE AND EXCEPT THE FOLLOWING TRACT OF LAND; BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2, PARTITION NO. 1998-0015 IN SECTION 33, TOWNSHIP 7 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 89°56'01" WEST 71.99 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE NORTH 14°52'14" EAST 10.09 FEET TO BEGINNING POINT OF A 635.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE (THE LONG CHORD OF WHICH BEARS NORTH 12°53'18" EAST, 43.93 FEET) AN ARC DISTANCE OF 43.94 FEET TO AN IRON ROD; THENCE EAST 59.62 TO AN IRON ROD; THENCE SOUTH 00°00'52" WEST 52.66 FEET MORE OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH AND SAVE AND EXCEPT THOSE PARCELS EXCHANGED IN THAT CERTAIN BOUNDARY AGREEMENT RECORDED NOVEMBER 6, 2007 IN 2007-017059 BOOK OF RECORDS FOR POLK COUNTY, OREGON.

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF POLK

6 GREEN TREE SERVICING LLC,

7 Plaintiff,

8 vs.

9 MARK L. HISE; PENNY L. HISE; DISCOVER  
10 BANK, ISSUER OF THE DISCOVER CARD;  
11 MIDLAND FUNDING, LLC; PORTFOLIO  
RECOVERY ASSOCIATES, LLC; CAPITAL  
ONE BANK (U.S.A.), N.A.; CAVALRY SPV I,  
LLC; OCCUPANTS OF THE PROPERTY

12 Defendants.

Case No.: 14CV08249

GENERAL JUDGMENT OF  
FORECLOSURE

MONEY JUDGMENT AS TO MARK L.  
HISE and PENNY L. HISE

13  
14 1.

15 THIS MATTER came before the Court on Plaintiff's motion for entry of a General  
16 Judgment of Foreclosure. Defendants MARK L. HISE; PENNY L. HISE; DISCOVER BANK,  
17 ISSUER OF THE DISCOVER CARD; MIDLAND FUNDING, LLC; PORTFOLIO  
18 RECOVERY ASSOCIATES, LLC; CAPITAL ONE BANK (U.S.A.), N.A.; CAVALRY SPV I,  
19 LLC and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with  
20 process and failed to appear; the default has been entered against Defaulted Defendants, and it  
21 appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as  
22 defined in ORS 125.005, minors, or in the military service of the United States, now therefore,

23 2.

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

- 25 1. A money judgment shall be granted against MARK L. HISE and PENNY L. HISE  
26 ("Borrowers") as listed below.

- 1 2. Plaintiff's lien is a valid first lien upon the subject property commonly known as 1002 SE  
2 Barberry Avenue, Dallas, OR 97338, in Polk County, Oregon (the "Subject Property") and  
3 legally described as provided by the attached *EXHIBIT 1* and having APN/Parcels #: 569430,  
4 and that lien is superior to any interest, lien or claim of the Defendants.
- 5 3. Plaintiff's lien is foreclosed and the Subject Property shall be sold at a foreclosure sale by the  
6 Polk County Sheriff (the "Sheriff") in the manner provided by law, and the proceeds thereof  
7 are to be applied first toward the costs of sale; then toward the satisfaction of Plaintiff's  
8 judgment awarded herein; and the surplus, if any, to such party or parties as may establish  
9 their right thereto.
- 10 4. Defendants, and all persons claiming by, through, or under them, as purchasers,  
11 encumbrancers, or otherwise, are adjudged inferior and subordinate to Plaintiff and are  
12 forever foreclosed of all interest, lien, or claim in the Subject Property described above and  
13 every portion thereof, excepting only any statutory right of redemption as Defendants may  
14 have therein.
- 15 5. Plaintiff or any other party to this suit may become the purchaser at the sale of the Subject  
16 Property. The purchaser is entitled to exclusive possession of the Subject Property from and  
17 after the date of sale and is entitled to such remedies as are available at law to secure  
18 possession, including the application for a writ of assistance, if Defendants or any other party  
19 or person shall refuse to surrender possession to the purchaser immediately on the purchaser's  
20 demand for possession.
- 21 6. Plaintiff may credit bid the amount of its judgment together with accruing interest and any  
22 accruing costs paid by the Plaintiff pursuant to ORS 18.936, 18.950, and 18.999.

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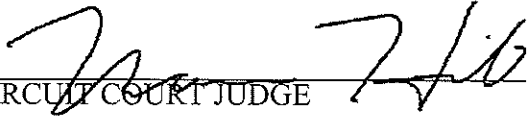
**MONEY AWARD:**

- a. Judgment Creditor: GREEN TREE SERVICING LLC
- b. Judgment Creditor's Address: c/o McCarthy & Holthus, LLP (see (e.))
- c. Judgment Creditor's Date of Birth: N/A
- d. Attorney for Judgment Creditor: Lisa Lear, OSB# 852672
- e. Attorney for Judgment Creditor's Address and Phone No.: 920 SW 3rd Ave, 1st Floor  
Portland, OR 97204 [(855) 809-3977]
- f. Judgment Debtor name: *Judgment Debtor (1)* Mark Hise *Judgment Debtor (2)* Penny Hise
- g. Judgment Debtor's Address: 1002 SE Barberry Avenue, Dallas, OR 97338 1002 SE Barberry Avenue, Dallas, OR 97338  
POLK County POLK County
- h. Judgment Debtor's date of birth: Unknown Unknown
- i. Judgment Debtor's SS No. XXX-XX-9293 XXX-XX-5554
- j. Judgment Debtor's driver's lic. No. Unknown Unknown
- k. Attorney for Judgment Debtor No appearance filed No appearance filed
- l. Attorney for Judgment Debtor's address and phone number N/A N/A
- m. Other Persons Entitled to Payment: None.
- n. Judgment Principal Amount \$288,314.09
- o. Pre-Judgment Interest accruing from 8/1/2013 to 12/12/2014 at the Note rate, currently at the rate of 6.25%: \$ 24,585.89
- p. Post-Judgment Interest shall accrue at 9.0% (per ORS 82.010) per annum, with a per diem of \$77.69 from the date of the judgment: \$ \_\_\_\_\_
- q. Other Amounts Due Under Terms of Loan:
  - Late Charges: \$ 545.86
  - Escrow Balance Less Unapplied Funds: \$ 44.16
- /// **Subtotal:** \$ 590.02
- ///
- ///

1 r. Costs, Disbursements, and  
2 Litigation Expenses:  
3 • Litigation guarantee policy: \$ 923.00  
4 • Filing fees: \$ 531.00  
5 • Recording fees: \$ 61.00  
6 • Service fees: \$ 1,112.26  
7 • Mailing costs: \$ 3.07  
8 **Subtotal:** \$ **2,630.33**  
9 s. Attorney fees awarded: \$ 1,435.00  
10  
11 **Total Judgment (Money Award): \$317,555.33**

Signed: 12/22/2014 09:14 AM

12 Dated: \_\_\_\_ day of \_\_\_\_\_, 2014

13   
14 \_\_\_\_\_  
15 CIRCUIT COURT JUDGE

16 Presented by:

17 **McCarthy & Holthus, LLP**

18 s/ Lisa E. Lear

19 [ ] Casey Pence, OSB #975271  
20 [X] Lisa E. Lear, OSB #852672  
21 920 SW 3rd Ave, 1st Floor  
22 Portland, OR 97204  
23 Phone: (855) 809-3977  
24 Fax: (971) 201-3202  
25 Email: LLear@mccarthyholthus.com  
26 Of Attorneys for Plaintiff



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