

Verified Correct Copy of Original 1/19/2018.

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

FREEDOM MORTGAGE CORPORATION
DBA FREEDOM HOME MORTGAGE
CORPORATION,

Plaintiff,

vs.

ESTATE OF KATHY A. TANNER, an
estate; LAURENE TERRY, an heir; TROY
TANNER, an heir; WILLIAM TANNER, an
heir; MIDLAND FUNDING LLC, a
Delaware corporation; SOUTHERN
OREGON CREDIT SERVICE, INC., an
Oregon corporation; GENERAL CREDIT
SERVICES, INC., an Oregon corporation;
and all other persons, parties, or occupants
unknown claiming any legal or equitable
right, title, estate, lien, or interest in the real
property described in the complaint herein,
adverse to Plaintiff's title, or any cloud on
Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 13CV1522

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON:

1.

WHEREAS, on April 19, 2016, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby

PAGE 1



Certified True Copy Of The Original
Dated This 24 Day Of Jan, 2018
Trial Court Administrator
By: [Signature]

Malcolm ♦ Cisneros, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, CA 92612

Verified Correct Copy of Original 1/19/2018.

1 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to
 2 redemption, if applicable), all of the interest which the Defendants ESTATE OF KATHY A.
 3 TANNER, an estate; LAURENE TERRY, TROY TANNER, WILLIAM TANNER, MIDLAND
 4 FUNDING LLC, SOUTHERN OREGON CREDIT SERVICE, INC., and GENERAL CREDIT
 5 SERVICES, INC. ("Defendants") had on November 11, 2009, the date of the foreclosed Deed of
 6 Trust which was recorded on November 17, 2009, as Instrument No. 2009-018057 in the official
 7 records of the Josephine County Recorder's Office, and/or all of the interest which Defendants had
 8 thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

9

10 **Lender's Principal Judgment:**

11 Unpaid Principal Balance:	\$279,350.20
12 Pre-Judgment Interest from May 1, 2013 to December 1, 2015, the date set 13 forth in the Judgment at 5.500%, per annum, (\$42.09 per diem):	\$39,690.85
14 Lender's Fees and Costs:	\$22,007.17
Attorney's Fees and Costs:	\$5,779.05
15 <i>Total Judgment Entered:</i>	<i>\$346,827.27</i>

16

17 **Additional Pre-Judgment Interest:**

18 Accrued Interest from December 2, 2015, the day after the date set forth in 19 the Judgment through April 19, 2016, the date of entry of the Judgment, at 20 5.50%, per annum (\$42.09 per diem):	\$5,850.51
21 <i>Total Judgment Entered Including Additional Pre-Judgment 22 Interest:</i>	<i>\$352,677.78</i>

23

24 3.

25 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
 26 legal rate of interest of 9% per annum, \$86.96 per diem, from April 20, 2016 to the date the real
 27 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
 28 this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.

Sarah M. [Signature]
January 19, 2018


Submitted by:

[Signature]

Dated: 1/12/18

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

EXHIBIT 1

_ Verified Correct Copy of Original 1/19/2018. _



LEGAL DESCRIPTION

Lot 5, FIRST ADDITION TO MESMAN ESTATES SUBDIVISION, Josephine County, Oregon, according to the Official Plat thereof, recorded in Volume 8, Page 329, Plat Records.



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

FREEDOM MORTGAGE CORPORATION
DBA FREEDOM HOME MORTGAGE
CORPORATION,

Plaintiff,

vs.

ESTATE OF KATHY A. TANNER, an
estate; LAURENE TERRY, an heir; TROY
TANNER, an heir; WILLIAM TANNER, an
heir; MIDLAND FUNDING LLC, a
Delaware corporation; SOUTHERN
OREGON CREDIT SERVICE, INC., an
Oregon corporation; GENERAL CREDIT
SERVICES, INC., an Oregon corporation;
and all other persons, parties, or occupants
unknown claiming any legal or equitable
right, title, estate, lien, or interest in the real
property described in the complaint herein,
adverse to Plaintiff's title, or any cloud on
Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 13CV1522

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. ESTATE OF KATHY A. TANNER
2. LAURENE TERRY
3. TROY TANNER
4. WILLIAM TANNER
5. MIDLAND FUNDING LLC
6. SOUTHERN OREGON CREDIT SERVICE, INC. AND
7. GENERAL CREDIT SERVICES, INC.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record



Certified True Copy OF FORECLOSURE
GENERAL JUDGMENT OF FORECLOSURE
Dated This 19th Day Of Jan, 2018
Circuit Court Administrator
By

1 herein that Plaintiff, FREEDOM MORTGAGE CORPORATION DBA FREEDOM HOME
 2 MORTGAGE CORPORATION (“Plaintiff”), filed its Complaint for Foreclosure of Deed of Trust;
 3 that Defendants ESTATE OF KATHY A. TANNER, LAURENE TERRY, TROY TANNER,
 4 WILLIAM TANNER, MIDLAND FUNDING LLC, SOUTHERN OREGON CREDIT SERVICE,
 5 INC., and GENERAL CREDIT SERVICES, INC. (collectively referred to as “Defendants”) were
 6 duly served with the Summons and Complaint as required by law; that Defendants failed to appear,
 7 and that ORDERS FOR ENTRY OF DEFAULT AGAINST DEFENDANTS ESTATE OF KATHY
 8 A. TANNER, LAURENE TERRY, TROY TANNER, WILLIAM TANNER, MIDLAND
 9 FUNDING LLC, SOUTHERN OREGON CREDIT SERVICE, INC., AND GENERAL CREDIT
 10 SERVICES, INC. have been entered against them on Plaintiff’s Complaint, and that Plaintiff is
 11 entitled to entry of a General Judgment foreclosing Plaintiff’s deed of trust against the property
 12 commonly known as 833 DELSIE DR, GRANTS PASS, OR 97527-6022 (“Property”) and
 13 extinguishing any and all interest of the Defendants in the Property.

14 2.

15 The Court being fully advised; it is hereby
 16 ORDERED AND ADJUDGED that:

17 3.

18 Plaintiff is the holder of that certain promissory note (“Note”), dated November 11, 2009, in
 19 the amount of \$293,820.00, and executed by Borrowers William Francis Tanner and Kathy A.
 20 Tanner, deceased.

21 4.

22 The Note is secured by that certain deed of trust (“Deed of Trust”) executed on or about
 23 November 12, 2009, by Borrowers William Francis Tanner and Kathy A. Tanner, deceased. The
 24 Deed of Trust was recorded on November 17, 2009 under the recording number 2009-018057 of the
 25 Official Records of Josephine County, Oregon, against the Property, which is legally described as:

26 **Lot 5, FIRST ADDITION TO MESMAN ESTATES SUBDIVISION, Josephine**
 27 **County, Oregon, according to the Official Plate thereof, recorded in Volume 8, Page**
 28 **329, Plat Records.**

1 (“Property”) and constitutes a valid lien against the Property.

2 5.

3 Borrowers William Francis Tanner and Kathy A. Tanner, deceased, failed to comply with the
4 terms of the Note and Deed of Trust by failing to make the payments required by the terms of the
5 Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all
6 sums due and owing under the Note and Deed of Trust immediately due and payable.

7 6.

8 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
9 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
10 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
11 may be entitled under Oregon law.

12 7.

13 A judgment of foreclosure in the amount of \$346,827.27 shall be granted in favor of Plaintiff,
14 and its successors and/or assigns, as further described below (“Judgment”).

15 8.

16 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the
17 satisfaction of Plaintiff’s Judgment herein; and the surplus, if any to the Clerk of the Court to be
18 disbursed to such party or parties as may establish their right thereto.

19 9.

20 Plaintiff is entitled to recover its reasonable attorneys’ fees and all reasonable and necessary
21 costs and expenses incurred to enforcing the Note and Deed of Trust.

22 10.

23 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
24 assessments, municipal charges, and such other items as may constitute liens on the Property,
25 together with insurance and repairs necessary to prevent the impairment of the Property, together
26 with interest thereon from the date of payment may also be added to the Judgment and paid from the
27 proceeds from the sale of the Property.

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17.

This suit does not constitute an attempt to collect the debt against Defendants ESTATE OF KATHY A. TANNER, LAURENE TERRY, TROY TANNER, WILLIAM TANNER, MIDLAND FUNDING LLC, SOUTHERN OREGON CREDIT SERVICE, INC., and GENERAL CREDIT SERVICES, INC. Rather, it is a suit to execute upon the Property as security for the Judgment.

JUDGMENT

1. Judgment Creditor:	FREEDOM MORTGAGE CORPORATION
Address:	DBA FREEDOM HOME MORTGAGE CORPORATION
	c/o MALCOLM ♦ CISNEROS, A Law Corporation
	2112 Business Center Drive, 2 nd Floor
	Irvine, California 92612
Judgment Attorney:	Nathan F. Smith
Address:	MALCOLM ♦ CISNEROS, A Law Corporation
	2112 Business Center Drive, 2 nd Floor
	Irvine, California 92612
Telephone Number:	(949) 252-9400
2. Judgment Debtor:	ESTATE OF KATHY A. TANNER
Address:	4257 26 th St.
	San Francisco, CA 94131
Year of Birth:	Unknown
Final 4 digits of Social Security number:	XXX-XX-8820
Driver's license number and issuing state:	Unknown
Judgment Debtor Attorney:	N/A
3. Persons or Public Bodies Entitled to a Portion the Judgment:	N/A

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- 4. Judgment Amount:** \$341,048.22
- 5. Pre-Judgment Interest:** Simple interest to accrue on 279,350.20 from December 2, 2015, to the date the Judgment is entered into the Court's register at 5.50000% per annum, \$42.09 per diem.
- 6. Post-Judgment Interest:** Simple interest to accrue on \$346,827.27 plus Pre-Judgment Interest from the day after the Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.
- 7. Periodic accrual:** N/A

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8. Attorney's Fees and Costs:

An award of \$5,779.05 in attorney's fees and costs is made for Judgment of Foreclosure

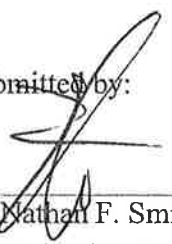
Attorney's Fees:	\$1,685.00
Litigation Guarantee Cost:	\$978.00
Filing Cost:	\$531.00
Recording Cost:	\$49.00
Service Cost:	\$2,170.00
Probate Cost:	\$329.50
UPS Cost:	\$36.55
Total Attorney's Fees and Costs:	\$5,779.05

Signed: 4/19/2016 10:21 AM



Circuit Court Judge Thomas M. Hull

Submitted by:



Dated:

2/2/16

- Nathan F. Smith, OSB #120112
 - Richard J. Bayless, OSB #101826
- Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, ALC
2112 Business Center Drive
Irvine, California 92612
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Fax: (949) 252-1032
Email: nathan@mclaw.org
Rbayless@mclaw.org

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CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required under UTCR 5.100 because the other party has been found in default or an order of default is being requested with this proposed Order or Judgment; because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this Order or Judgment is being submitted in open court with all parties present.
- Each party affected by this Order or Judgment has stipulated to or approved the Order or Judgment, as shown by the signatures on the Order or Judgment.
- I have served a copy of this Order or Judgment and written notice of the objection period set out in UTCR 5.100 on all parties entitled to service and:
 - No objections have been served on me within that time frame;
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the Court.