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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

STACEY LEE ANNE WHITE-EVERTZ;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION; CAVALRY
SPV I, LLC; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV28572

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on January 26, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NATIONSTAR MORTGAGE 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 \$229,373.92, plus post judgment interest at the statutory rate of 9.0% per annum from January 26, 2018 to February 22, 2018 in the amount of \$1,527.06, and continuing with a per diem of \$56.56, currently totaling \$230,900.98.

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 July 25, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
3 thereafter, in the real property described as shown in Exhibit 1, having APN No. R333191, and
4 commonly known as: 1213 Aberdeen Way, Grants Pass, OR 97526.

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.

10
11
12 **FEB 26 2018**



Court Clerk



13
14 **McCarthy & Holthus, LLP**

15 s/ Robert B. Hakari 2/22/2018
16 _____
17 Robert Hakari OSB No. 114082
18 920 SW 3rd Ave, 1st Floor
19 Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
22 rhakari@mccarthyholthus.com
23 Of Attorneys for Plaintiff
24
25
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EXHIBIT "1"

LOT 3, BLOCK "A", ABERDEEN SUBDIVISION, IN THE CITY OF GRANTS PASS,
JOSEPHINE
COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN
VOLUME 8,
PAGE 268, PLAT RECORDS.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

STACEY LEE ANNE WHITE-EVERTZ;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION;
CAVALRY SPV I, LLC; OCCUPANTS OF
THE PROPERTY;

Defendants.

Case No.: 17CV28572

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

2.

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 Josephine County, Oregon, and is commonly known as 1213 Aberdeen Way, Grants Pass, OR 97526 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R333191.
- b. Plaintiff is entitled to enforce the note dated July 25, 2007 and made, delivered, and executed by David C. White ("Borrower") to Amerisave Mortgage Corporation in the amount of \$165,600.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession

1 and by indorsement set forth on the Note.

2 c. A deed of trust was made, executed, and delivered by Borrower on or about July 25, 2007
3 (the "Deed of Trust"). The Deed of Trust was recorded on July 27, 2007 as Instrument No.
4 2007-014641 in the official records of Josephine County, Oregon. The Deed of Trust is a
5 valid and perfected lien against all of the Property for and securing the Amount Due. The
6 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
7 remain in effect until issuance of a Sheriff's Deed.

8 d. Borrower failed to make the payment that was due for October 1, 2016 and has not cured the
9 default. The amount of debt secured by the Deed of Trust that is now due and owing is
10 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 11 | a) Unpaid principal balance: | \$162,002.73 |
| 12 | b) Prejudgment interest accruing from | \$10,474.35 |
| 13 | 9/1/2016 through 1/24/2018 and | |
| 14 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 4.625%: | |
| 15 | c) Additional amounts due under the | \$52,729.60 |
| 16 | terms of the loan: | |
| 17 | d) Attorney fees and costs: | \$4,082.24 |
| 18 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 19 | Total: | \$229,373.92 |

20 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
21 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
22 per annum. The interest of the Defendants and any successor in interest in the Subject
23 Property is foreclosed and terminated excepting only any statutory right of redemption as
24 provided by Oregon law.

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

26 f. All right, title and interest in the Subject Property that Borrower had as of the date of the
27 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Josephine County

1 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
2 sale shall be applied:

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

9 g. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
10 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
11 the date of entry of judgment through the date of the sale and any incurred costs of sale.

12 h. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
13 Property from and after the date of the sale and is entitled to such remedies as are available at
14 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
15 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
16 possession to the purchaser immediately upon the purchaser's demand for possession.

17 i. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
18 entitled to any further or other judgment, including a judgment for the deficiency.

19 j. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
20 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
21 terminated.

22 k. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
23 Deed of Trust are as follows:

- 24 1) Defendant STACEY LEE ANNE WHITE-EVERTZ may claim an interest in Subject
25 Property by virtue of a Personal Representative's Deed recorded on 04/28/2009 with
26 Instrument No. 2009-007174 in the official records of Josephine County, Oregon;
- 27 2) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION may

1 claim a junior interest in Subject Property by virtue of a deed of trust recorded on
2 10/05/2011 as Instrument No. 2011-011436 in the official records of Josephine County,
3 Oregon; and,

4 3) Defendant CAVALRY SPV I, LLC may claim a junior interest in Subject Property by
5 virtue of a judgment entered on 09/28/2015 as Case No. 15CV25964 in the official
6 records of Josephine County, Oregon.

Signed: 1/25/2018 03:35 PM



Senior Judge Michael Newman

14 I hereby certify that the requirements of UTCR 5.100 have been satisfied.
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
18 submitted.

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

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

23 No objection has been served on me.

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

27 After conferring about objections, _____ agreed to independently file
28 any remaining objection.

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

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

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 **McCarthy & Holthus, LLP**

6 s/ Robert B. Hakari 1/24/2018

7 _____
8 John Thomas OSB No. 024691

9 x Robert Hakari OSB No. 114082

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 rhakari@mccarthyholthus.com

15 Of Attorneys for Plaintiff

EXHIBIT “1”

**LOT 3, BLOCK "A", ABERDEEN SUBDIVISION, IN THE CITY OF GRANTS PASS,
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