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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 FOR ARGENT
SECURITIES INC., ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-
W8,

Plaintiff,

v.

JOHN M. PENSIS; KATHERINE E.
SLATTERY; HOUSEHOLD FINANCE
CORPORATION II; ADVANTAGE ASSETS
II INC.; CENTURY MEADOWS
HOMEOWNERS ASSOCIATION, INC.;
CENTURY MEADOWS SANITARY
SYSTEM, INC.; MEADOWLAKE
PROPERTY OWNERS ASSOCIATION;
CENTURY MEADOWS WATER SYSTEM,
INC.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV01821
Judge: Audrey J Broyles

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 25, 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 FOR ARGENT
SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-W8
c/o Jeremy Clifford
Attorney for Plaintiff

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

3 With the adjudicated amount due of \$141,064.04, plus post judgment interest at the statutory rate
4 of 9.0% per annum from April 25, 2017 to September 11, 2017 in the amount of \$4,834.83, and
5 continuing with a per diem of \$34.78, currently totaling \$145,898.87.

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 February 24, 2004, the date of the Deed of Trust, and also the interest that the Defendant
10 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R44811
11 and commonly known as: 23750 Meadows Drive Northeast, Aurora, OR 97002.

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:** ____ day of _____, 20__.

Signed: 9/12/2017 04:23 PM
Signed: 9/12/2017 04:24 PM

18 _____
19 Title *Amy E. [Signature]*
 Court Clerk

20 By: _____



1 Dated: September 7, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

- 4 _ John Thomas OSB No. 024691
 - 5 _ Robert Hakari OSB No. 114082
 - 6 _ Andreanna Smith OSB No. 131336
 - 7 _ Brady Godbout OSB No. 132708
 - 8 _ Brian Kidder OSB No. 140459
 - 9 x Jeremy Clifford OSB No. 142987
 - 10 _ Michael Scott OSB No. 973947
- 920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

LEGAL DESCRIPTION

Lot 1, Block 18, CENTURY MEADOWS NO. 3, in Marion County, Oregon.

ALSO: Beginning at the Southeast corner of Lot 1, Block 18, CENTURY MEADOWS NO. 3, of Marion County, Oregon; thence North $0^{\circ} 01'$ East along the East line of said lot 66.48 feet to the Northeast corner thereof; thence South $89^{\circ} 59'$ East 6.00 feet to a point; thence South $0^{\circ} 01'$ West parallel with the East line of said lot 66.48 feet to a point; thence North $89^{\circ} 59'$ West 6.0 feet to the point of beginning.

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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 FOR ARGENT
SECURITIES INC., ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-
W8,

Plaintiff,

v.

JOHN M. PENSIS; KATHERINE E.
SLATTERY; HOUSEHOLD FINANCE
CORPORATION II; ADVANTAGE ASSETS
II INC.; CENTURY MEADOWS
HOMEOWNERS ASSOCIATION, INC.;
CENTURY MEADOWS SANITARY
SYSTEM, INC.; MEADOWLAKE
PROPERTY OWNERS ASSOCIATION;
CENTURY MEADOWS WATER SYSTEM,
INC.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV01821
Judge: Audrey J Broyles

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants JOHN M. PENSIS; KATHERINE E. SLATTERY; HOUSEHOLD
FINANCE CORPORATION II; ADVANTAGE ASSETS II INC.; CENTURY
MEADOWS HOMEOWNERS ASSOCIATION, INC.; CENTURY MEADOWS
SANITARY SYSTEM, INC.; MEADOWLAKE PROPERTY OWNERS
ASSOCIATION; CENTURY MEADOWS WATER SYSTEM, INC.; 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

1 125.005, minors, or in the military service of the United States;

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 Marion County,
5 Oregon, and is commonly known as 23750 Meadows Drive Northeast, Aurora, OR 97002
6 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
7 APN/Parcel No. R44811.
- 8 b. Plaintiff is entitled to enforce the note dated 2/24/2004 and made, delivered, and executed by
9 JOHN M. PENSIS and KATHERINE E. SLATTERY to ARGENT MORTGAGE
10 COMPANY, LLC in the amount of \$101,600.00 (the "Note"). The Note was transferred to
11 Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 12 c. A deed of trust was made, executed, and delivered by Defendants JOHN M. PENSIS and
13 KATHERINE E. SLATTERY on or about 2/26/2004 (the "Deed of Trust"). The Deed of
14 Trust was recorded on 3/3/2004 as Reel 2282 and Page 478 in the official records of Marion
15 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
16 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
17 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 18 d. The Borrower failed to make the payment that was due for 6/1/2012 and has not cured the
19 default. The amount of debt secured by the Deed of Trust that is now due and owing is
20 comprised of the following amounts (the "Amount Due"):

- 21 a) Unpaid principal balance: \$92,862.96
- 22 b) Prejudgment interest accruing from
23 5/1/2012 through 4/22/2017 and
24 continuing until the entry of judgment
at the current Note rate of 7.325%: \$34,009.37
- 25 c) Additional amounts due under the terms of the loan: \$9,681.21
- 26 d) Attorney fees and costs: \$4,425.50
- 27

1 e) Prevailing party fee (ORS 20.190 (1)(b)): \$85.00

2 **Total: \$141,064.04**

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

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

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

12 g. All right, title and interest in the Subject Property that Defendants JOHN M. PENSIS and
13 KATHERINE E. SLATTERY had as of the date of the Deed of Trust or thereafter acquired is
14 hereby ordered to be sold by the Marion County Sheriff's Office in accordance with the
15 process for sale upon execution, and the proceeds of sale shall be applied:

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

22 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
23 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
24 the date of entry of judgment through the date of the sale and any incurred costs of sale.

25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
26 Property from and after the date of the sale and is entitled to such remedies as are available at
27 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
28

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

5 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
7 terminated.

8 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
9 Trust are as follows:

- 10 1) Defendant MEADOWLAKE PROPERTY OWNERS ASSOCIATION and
11 CENTURY MEADOWS HOMEOWNERS ASSOCIATION, INC. may claim
12 a junior interest in Subject Property by virtue of CC & Rs recorded on October 10,
13 1972, as Reel 736/Page 764, restated 2/8/1999; Bylaws recorded as Reel 1566, Page
14 173 in the official records of Marion County, Oregon and Bylaws recorded February
15 8, 1999, Reel 1556, Page 173.
- 16 2) Defendant HOUSEHOLD FINANCE CORPORATION II may claim a junior interest
17 in Subject Property by virtue of a Deed of Trust recorded on 5/9/2005 as Reel 2475,
18 Page 201 in the official records of Marion County, Oregon.
- 19 3) Defendant ADVANTAGE ASSETS II INC. may claim a junior interest in Subject
20 Property by virtue of a judgment entered on 9/21/2010 as Case No. 10C19082 in the
21 Circuit Court of Marion County, Oregon.
- 22 4) Defendant CENTURY MEADOWS WATER SYSTEM, INC. may claim a junior
23 interest in Subject Property Bylaws recorded on 5/21/2014 as Reel 3606, Page 142 in
24 the official records of Marion County, Oregon and subsequent amendments.

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1 5) Defendant CENTURY MEADOWS SANITARY SYSTEM, INC. may claim a junior
2 interest in Subject Property Bylaws recorded on 6/18/2014 as Reel 3612, page 288 in
3 the official records of Marion County, Oregon and any subsequent amendments.
4

5 Signed: 4/25/2017 10:02 AM

6
7 

8 Circuit Court Judge Audrey J. Broyles
9

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

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

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

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

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

17 No objection has been served on me.

18 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.

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

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

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

22 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
23 otherwise.

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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
 by subsection (4) of this rule.

3 [] Other: _____

4 Dated: April 22, 2017

5 Presented by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 _____
 Jeremy Clifford, OSB No. 142987

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 jclifford@mccarthyholthus.com

14 Of Attorneys for Plaintiff

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