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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE FUNDING TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-ARI,

Plaintiff,

v.

JASON S. KAMMERER; JANIECE R. KAMMERER; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.; GREENPOINT MORTGAGE FUNDING, INC.; CAPITAL ONE, NATIONAL ASSOCIATION; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV18997

WRIT OF EXECUTION IN FORECLOSURE

TO THE POLK COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 11, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE FUNDING TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-ARI

c/o Jeremy Clifford, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$497,723.32, plus post judgment interest at the statutory rate of 9.0% per annum from December 6, 2017 to 2/22/2018 in the amount of \$8,959.02, and continuing with a per diem of \$122.73, currently totaling \$506,682.34.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about December 8, 2006, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 568549 and
6 commonly known as: 354 Eagles Wing St NW, Salem, OR 97304.

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



12 _____
13 _____
14 _____
15 _____
16 Dated: 2/22/2018 and submitted by

Signed: 2/27/2018 02:24 PM

17 **McCarthy & Holthus, LLP**

A handwritten signature in black ink, appearing to read "Norm Hill", is written over a horizontal line.

Circuit Court Judge Norm R. Hill

18 s/ Robert B. Hakari
19 _____
20 _ John Thomas OSB No. 024691
21 x Robert Hakari OSB No. 114082
22 920 SW 3rd Ave, 1st Floor
23 Portland, OR 97204
24 Phone: (971) 201-3200
25 Fax: (971) 201-3202
26 rhakari@mccarthyholthus.com
27 Of Attorneys for Plaintiff
28

EXHIBIT "1"

LEGAL DESCRIPTION

Lot 207, Eagles View No. 3, in the City of Salem, County of Polk and State of Oregon.

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GREENPOINT
MORTGAGE FUNDING TRUST
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-AR1,

Plaintiff,

v.

JASON S. KAMMERER; JANIECE R.
KAMMERER; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS INC.; GREENPOINT
MORTGAGE FUNDING, INC.; CAPITAL
ONE, NATIONAL ASSOCIATION;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV18997

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants JASON S. KAMMERER; JANIECE R. KAMMERER; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS INC.; GREENPOINT MORTGAGE
FUNDING, INC.; CAPITAL ONE, NATIONAL ASSOCIATION; 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;

2.

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

1 a. The real property to which this judgment relates is located and situated in Polk County,
2 Oregon, and is commonly known as 354 Eagles Wing St NW, Salem, OR 97304 (the
3 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. 568549.

5 b. Plaintiff is entitled to enforce the note dated December 8, 2006 and made, delivered, and
6 executed by JASON S. KAMMERER and JANIECE R. KAMMERER to GREENPOINT
7 MORTGAGE FUNDING, INC. in the amount of \$304,000.00 (the "Note"). The Note was
8 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendants JASON S. KAMMERER
10 and JANIECE R. KAMMERER on or about December 12, 2006 (the "Deed of Trust"). The
11 Deed of Trust was recorded on December 18, 2006 as Instrument No. 2006-020661 in the
12 official records of Polk County, Oregon. The Deed of Trust is a valid and perfected lien
13 against all of the Property for and securing the Amount Due. The lien of the Plaintiff is
14 superior to any interest, lien, or claim of the Defendants and shall remain in effect until
15 issuance of a Sheriff's Deed.

16 d. The Borrower failed to make the payment that was due for December 1, 2009 and has not
17 cured the default. The amount of debt secured by the Deed of Trust that is now due and
18 owing is comprised of the following amounts (the "Amount Due"):

19	a) Unpaid principal balance:	\$322,730.38
20	b) Prejudgment interest accruing from	
21	11/1/2009 through 12/5/2017 and	
22	continuing until the entry of	
	judgment at the current Note rate of	
	4.125%:	\$99,467.99
23	c) Additional amounts due under the	\$69,875.13
24	terms of the loan:	
25	d) Attorney fees and costs:	\$5,564.82
26	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
27	Total:	\$497,723.32

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

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

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

8 g. All right, title and interest in the Subject Property that Defendants JASON S. KAMMERER
9 and JANIECE R. KAMMERER had as of the date of the Deed of Trust or thereafter acquired
10 is hereby ordered to be sold by the Polk County Sheriff's Office in accordance with the
11 process for sale upon execution, and the proceeds of sale shall be applied:

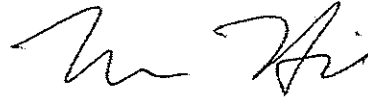
- 12 1) First, to the costs of sale not incurred by Plaintiff;
- 13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;
- 15 3) Third, the surplus, if any, to the Defendants in the priority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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
22 Property from and after the date of the sale and is entitled to such remedies as are available at
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
25 possession to the purchaser immediately upon the purchaser's demand for possession.
26

- 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.

Signed: 12/6/2017 11:55 AM



Circuit Court Judge Norm R. Hill

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

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

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

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

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

21 No objection has been served on me.

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

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

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

28 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 Dated: December 5, 2017 and submitted 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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