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MAY 17 2018

LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LINCOLN

SPECIALIZED LOAN SERVICING LLC

Case No. 16CV37116

Plaintiff,

WRIT OF EXECUTION

vs.

JACQUELYN SEBASTIANI; PARTIES IN
POSSESSION

Defendants.

TO: LINCOLN COUNTY SHERIFF

WHEREAS, on February 20, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, and a Corrected General Judgment of Foreclosure was entered on March 19, 2018 with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on May 29, 2007, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 13 SOUTH, RANGE 12 WEST, WILLAMETTE

1- WRIT OF EXECUTION
S&S No. 16-118938

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224

Telephone (360)260-2253 (800)970-5647

Fax (360)260-2285

ksutherland@logs.com

1 MERIDIAN, IN LINCOLN COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING
2 AT A POINT OF THE EASTERLY LINE OF THE ABANDONED SPRUCE PRODUCTION
3 RAILROAD RIGHT OF WAY THAT IS 3600 FEET NORTH OF THE SOUTH LINE OF
4 SAID SECTION 25; THENCE NORTH 360 FEET TO AN IRON PIN ON THE WEST SIDE
5 OF THE OREGON COAST HIGHWAY; THENCE NORTH 20 FEET; THENCE EAST ON A
6 LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 25 TO A POINT ON THE
7 EASTERLY LINE OF SAID ABANDONED SPRUCE PRODUCTION RAILWAY RIGHT OF
8 WAY; THENCE CONTINUING EAST ON THE SAME PARALLEL LINE ALONG THE
9 NORTH LINE OF THE PUBLIC ALLEY DESCRIBED IN DEED RECORDED DECEMBER
10 18, 1939 IN BOOK 83, PAGE 222, DEED RECORDS FOR LINCOLN COUNTY, OREGON,
11 A DISTANCE OF 524 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST
12 ALONG THE NORTH LINE OF SAID ALLEY, 60 FEET; THENCE NORTH 100 FEET;
13 THENCE WEST 60 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING.

14 and commonly known as 1104 SW Southmayd Lane, Waldport, OR 97394 to satisfy the sum of
15 \$198,562.65, as of April 20, 2018, together with additional post judgment interest of 9.00% from
16 that date (\$48.26 per day), and costs of this execution, making due return within 60 days after
17 you receive this writ.

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25 2- WRIT OF EXECUTION
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1 Specialized Loan Servicing LLC is the Judgment Creditor, and its address for purpose of
2 this writ only is: C/O Shapiro & Sutherland, LLC, 7632 SW Durham Road, Suite 350, Tigard,
3 OR 97224 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.
4



Signed: 5/1/2018 01:12 PM

St. Zell.

10 **Circuit Court Clerk Steven Zalewski**

11 Submitted by:
12 Attorneys for Plaintiff,
13 SHAPIRO & SUTHERLAND, LLC

14 By: _____

15 James A. Craft #090146 [jcraft@logs.com]
16 Kelly D. Sutherland #87357 [ksutherland@logs.com]
17 Cara J. Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
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26 3- WRIT OF EXECUTION
S&S No. 16-118938

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28 *SHAPIRO & SUTHERLAND, LLC*
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LINCOLN

SPECIALIZED LOAN SERVICING LLC,

Plaintiff,

vs.

JACQUELYN SEBASTIANI; PARTIES IN
POSSESSION,

Defendants.

Case No. 16CV37116

GENERAL JUDGMENT OF
FORECLOSURE
[CORRECTED]

Defaults having been granted against Defendant(s), Jacquelyn Sebastiani and Parties in

Possession:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Lincoln County, Oregon is commonly known as 1104 SW Southmayd Lane, Waldport, OR 97394 and is legally described as follows:

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1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 16-118938

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1 A tract of land situated in the Northeast quarter of the Northeast quarter of Section 25,
2 Township 13 South, Range 12 West, Willamette Meridian, in Lincoln County,
3 Oregon, described as follows: Beginning at a point of the Easterly line of the
4 abandoned Spruce Production Railroad right of way that is 3600 feet North of the
5 South line of said Section 25; thence North 360 feet to an iron pin on the West side of
6 the Oregon Coast Highway; thence North 20 feet; thence East on a line parallel with
7 the South line of said Section 25 to a point on the Easterly line of said abandoned
8 Spruce Production Railway right of way; thence continuing East on the same parallel
9 line along the North line of the public alley described in Deed recorded December 18,
10 1939 in Book 83, page 222, Deed Records for Lincoln County, Oregon, a distance of
11 524 feet to the true point of beginning; thence East along the North line of said alley,
12 60 feet; thence North 100 feet; thence West 60 feet; thence South 100 feet to the point
13 of beginning.

- 9 2. The Deed of Trust executed and delivered by Defendant, Ben A. Sebastiani and Jacquelyn
10 Sebastiani, as tenants by the entirety ("Borrower") on or about May 29, 2007 and recorded
11 on June 4, 2007 as Document No. 200708070 in the official records of Lincoln County,
12 Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's
13 judgment as provided herein.
- 14 3. The Plaintiff is the holder of the original note dated May 29, 2007 and made by Ben A.
15 Sebastiani and Jacquelyn Sebastiani in the amount of \$166,000.00. A copy of the Note was
16 attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the
17 beneficial interest in the Deed of Trust (together the "Loan").
- 18 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
19 interest in the Property is foreclosed and terminated excepting only any statutory right of
20 redemption as provided by Oregon law.

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lincoln
11 County Sheriff's Office in accordance with the process for sale upon execution, and the
12 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
13 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
14 as their interest may appear or to the clerk of the court to be distributed to such party of
15 parties as may establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
24 any person holding possession under or through such Defendant(s) shall refuse to surrender
25 possession to the purchaser immediately on the purchaser's demand for possession.

26 //

1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal	\$165,955.04	
3	Prejudgment interest at 6.5% through September 14, 2017 (accruing thereafter until entry of judgment at \$29.55 per diem)		\$18,362.60
4	Late Charges	\$0.00	
5	Other Costs and fees (recoverable)	2,305.22	
6	Property Inspections	\$174.05	
7	Escrow Advanced	\$2,131.17	
8	Subtotal		\$168,260.26
9	Total plus Prejudgment Interest		\$186,622.86

10
11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

12	Costs		\$1,794.00
13	Title Search Cost	\$615.00	
14	Filing Fee	\$531.00	
15	Lis Pendens Recording Fee	\$58.00	
16	Service Costs	\$315.00	
17	Prevailing Party Fee	\$275.00	
18	Attorney fees		\$2,600.00
19	Total		\$4,394.00

20 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate
of 9% per annum pursuant to ORS 82.010.

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25 4 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 16-118938

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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

9 15. Execution may issue against the subject property for the aggregate amount found due
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
12 ORS 18.936 or other applicable law.
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21

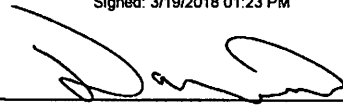
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 3/19/2018 01:23 PM



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Circuit Court Judge David V. Cramer

Certificate of Readiness under UTCR 5 100

This proposed order or judgment is ready for judicial signature because:

1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. I have served a copy of this order or judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5. This is a proposed judgment that includes an award of punitive damages and notice has been
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
4 this rule.

5 6. Other: _____

6 Submitted by:

7 Attorneys for Plaintiff,
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____

10 James A. Craft #090146 [jcraft@logs.com]

11 Kelly D. Sutherland #87357 [ksutherland@logs.com]

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