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LINN COUNTY
SHERIFFS OFFICE

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT J. BAUGHMAN, SHELLY J.
BAUGHMAN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 18CV03707

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LINN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 30, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"),
A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA
c/o McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$127,957.60, plus post-judgment interest at the statutory rate of 9.0% per annum from March 30, 2018 to April 20, 2018 in the amount of \$662.57, and continuing to accrue at \$31.55 *per diem*, currently totaling \$128,620.17.

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 September 8, 2003, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property legally described as:

6 **LOT 1, BAUGHMAN ADDITION, IN THE CITY OF MILL CITY, COUNTY OF**
7 **LINN AND STATE OF OREGON**, APN/Parcel # 881178, and commonly known as
8 (street address) 1017 and 1021 SE 2nd St, Mill City, OR 97360

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



Signed: 4/20/2018 11:58 AM


Rachael Pelroy, Administrative Authority

17 Dated: April 19, 2018 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Bryan Kidder

20 Bryan Kidder, OSB No. 140459
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 bkidder@mccarthyholthus.com
26 Of Attorneys for Plaintiff
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT J. BAUGHMAN; SHELLY J.
BAUGHMAN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 18CV03707

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

All defendants ("Defaulted 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 Linn County, Oregon, and is commonly known as 1017 and 1021 SE 2nd St, Mill City, OR 97360 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 881178.

1 b. Plaintiff is entitled to enforce the note dated September 8, 2003 and made, delivered, and
2 executed by SCOTT J. BAUGHMAN and SHELLY J. BAUGHMAN to GREENPOINT
3 MORTGAGE FUNDING, INC. in the amount of \$129,000.00 (the "Note"). The Note was
4 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendant(s) Scott J. Baughman,
6 Shelly J. Baughman on or about September 9, 2003 (the "Deed of Trust"). The Deed of
7 Trust was recorded on September 11, 2003 at Book 1485, Page 465 in the official records of
8 Linn County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
9 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
10 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
11 Sheriff's Deed.

12 d. The Borrower failed to make the payment that was due for April 1, 2017 and has not cured
13 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 15 | a) Unpaid principal balance: | \$112,176.35 |
| 16 | b) Prejudgment interest accruing from | |
| 17 | 3/1/2017 through 4/12/2018 and | |
| 18 | continuing until the entry of | |
| 19 | judgment at the current Note rate of | |
| 20 | 7.5%: | \$9,367.85 |
| 21 | c) Additional amounts due under the | \$2,969.11 |
| 22 | terms of the loan: | |
| 23 | d) Attorney fees and costs: | \$3,359.29 |
| 24 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| 25 | (1)(b)): | |
| 26 | Total: | \$127,957.60 |

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

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

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

5 g. All right, title and interest in the Subject Property that Defendants SCOTT J. BAUGHMAN
6 and SHELLY J. BAUGHMAN had as of the date of the Deed of Trust or thereafter acquired
7 is hereby ordered to be sold by the Linn County Sheriff's Office in accordance with the
8 process for sale upon execution, and the proceeds of sale shall be applied:

9 1) First, to the costs of sale not incurred by Plaintiff;

10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;

12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.

15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

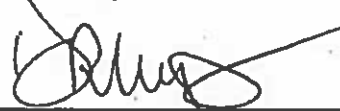
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 3/30/2018 08:09 AM



Circuit Court Judge, Daniel R. Murphy

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

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

12 [x] The relief sought is against an opposing party who has been found in default.
13

14 Dated: March 28, 2018 and submitted by:

15 **McCarthy & Holthus, LLP**

16 s/ Bryan Kidder

17 Bryan Kidder, OSB No. 140459
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EXHIBIT "1"

Legal Description

Lot 1, Baughman Addition, in the City of Mill City, County of Linn and State of Oregon.