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

REVERSE MORTGAGE FUNDING, LLC,

Plaintiff,

vs.

ESTATE OF MYRTLE CREEL, an estate;  
ALICE WILBER, an heir; CAROL FISHER,  
an heir; LINDA PERKINS, an heir;  
UNKNOWN HEIRS OF MYRTLE CREEL,  
heirs; and all other persons, parties, or  
occupants unknown claiming any legal or  
equitable right, title, estate, lien, or interest in  
the real property described in the complaint  
herein, adverse to Plaintiffs title, or any cloud  
on Plaintiffs title to the Property,

Defendants.

Case No.: 16CV02327

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE WASCO COUNTY SHERIFF:**

A Corrected General Judgment of Foreclosure was entered and docketed in this case on  
December 15, 2017. A true copy of the Corrected General Judgment is attached hereto. The  
Judgment was entered in favor of the Plaintiff:

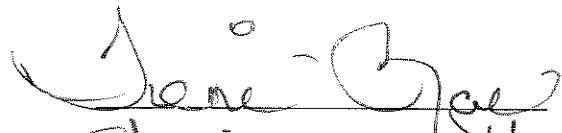
REVERSE MORTGAGE FUNDING, LLC  
c/o Jeremy Clifford  
Attorney for Plaintiff

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

1 With the adjudicated amount due of \$153,299.35 plus post judgment interest at the statutory rate  
2 of 9.0% per annum from December 15, 2017 to April 30, 2018 in the amount of \$5,140.78, and  
3 continuing with a per diem of \$37.80, currently totaling \$158,440.13.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about July 12, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel No. 1S  
9 13E 26DA-5500, and commonly known as (street address): 181 NW Johnston Street, Dufur, OR  
10 97021.

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

16  
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18 *Jane Gae*  
*April 26<sup>th</sup>, 18*

19 Dated: April 26, 2018 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Jeremy Clifford

22 Jeremy Clifford OSB No. 142987

23 920 SW 3rd Ave, 1st Floor

24 Portland, OR 97204

25 Phone: (971) 201-3200

26 Fax: (971) 201-3202

27 [jlifford@mccarthyholthus.com](mailto:jlifford@mccarthyholthus.com)

28 Of Attorneys for Plaintiff

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

REVERSE MORTGAGE FUNDING, LLC,

Case No.: 16CV02327

Plaintiff,

vs.

GENERAL JUDGMENT OF  
FORECLOSURE

ESTATE OF MYRTLE CREEL, an estate;  
ALICE WILBER, an heir; CAROL FISHER,  
an heir; LINDA PERKINS, an heir;  
UNKNOWN HEIRS OF MYRTLE CREEL,  
heirs; and all other persons, parties, or  
occupants unknown claiming any legal or  
equitable right, title, estate, lien, or interest in  
the real property described in the complaint  
herein, adverse to Plaintiffs title, or any  
cloud on Plaintiffs title to the Property.

Defendants.

1.

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

a. Defendants ESTATE OF MYRTLE CREEL, an estate; ALICE WILBER, an heir; CAROL FISHER, an heir; LINDA PERKINS, an heir; UNKNOWN HEIRS OF MYRTLE CREEL, heirs; and all other persons, parties, or occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real property described in the complaint herein, adverse to Plaintiffs title, or any cloud on Plaintiffs title to the Property. ("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

1 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 Wasco County,  
5 Oregon, and is commonly known as 181 NW Johnston Street, Dufur, OR 97021 (the  
6 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
7 APN/Parcel No. 1S 13E 26DA-5500.
- 8 b. Plaintiff is entitled to enforce the note dated July 12, 2006 and made, delivered, and executed  
9 by Vaughn Creel, Myrtle Creel to Seattle Mortgage Company in the amount of \$217,500.00  
10 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
11 indorsement set forth on the Note.
- 12 c. A deed of trust was made, executed, and delivered by Defendants Vaughn Creel, Myrtle  
13 Creel on or about July 12, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on  
14 July 17, 2006 as Instrument No. 2006-004049 in the official records of Wasco County,  
15 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
16 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
17 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 September 26, 2015 and has not  
19 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
20 owing is comprised of the following amounts (the "Amount Due"):

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1	a) Unpaid principal balance:	\$113,770.20
2	b) Prejudgment interest accruing from	\$11,861.19
3	7/18/2006 through 6/30/2017 and	
4	continuing until the entry of	
	judgment at the current Note rate.	
5	c) Additional amounts due under the	\$25,158.03
	terms of the loan:	
6	d) Attorney fees and costs:	\$1,515.07
7	e) Prevailing party fee (ORS 20.190	\$85.00
8	(1)(a)):	
9	<b>Total:</b>	<b>\$152,389.49</b>

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

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

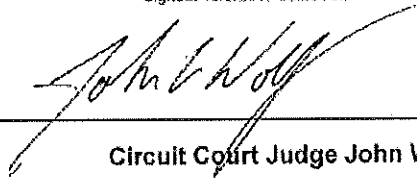
16 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

17 g. All right, title and interest in the Subject Property that Defendant(s) Vaughn Creel, Myrtle  
18 Creel had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be  
19 sold by the Wasco County Sheriff's Office in accordance with the process for sale upon  
20 execution, and the proceeds of sale shall be applied:

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

- 1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
5 Property from and after the date of the sale and is entitled to such remedies as are available at  
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
13 terminated.
- 14 l. Pursuant to ORS 18.950 (4), there are no apparent priority of liens subsequent and inferior to  
15 the Deed of Trust.

Signed: 10/5/2017 08:20 AM



Circuit Court Judge John Wolf

22 I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
23 This proposed Judgment Of Foreclosure is ready for judicial signature because:  
24  
25 The relief sought is against an opposing party who has been found in default.

1 Dated: 10/2/2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

4 Brady Godbout OSB No. 132708

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

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10 Of Attorneys for Plaintiff

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# EXHIBIT 1



**The North 75 feet of Lot 1, Block 7 of First Addition to Dufur, Wasco County, State of Oregon.**