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

MORTGAGE RESEARCH CENTER, LLC  
D/B/A VETERANS UNITED HOME  
LOANS, A MISSOURI LIMITED  
LIABILITY COMPANY,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF RONALD E. OLIVER; DIANNE  
OLIVER; OCCUPANTS OF THE  
PROPERTY;

Defendants.

Case No.: 17CV25173

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on January 8, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MORTGAGE RESEARCH CENTER, LLC D/B/A VETERANS UNITED HOME  
LOANS, A MISSOURI LIMITED LIABILITY COMPANY  
c/o Robert Hakari, Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$267,131.37, plus post judgment interest at the statutory rate of 9.0% per annum from January 8, 2018 to 3/30/2018 in the amount of \$5,335.31, and continuing with a per diem of \$65.87, currently totaling \$272,466.68.

**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 on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or

1 about April 27, 2016, the date of the Deed of Trust, and also the interest that the Defendant had  
2 thereafter, in the real property described in *Exhibit 1*, having APN/Parcel #: 0352409 and  
3 commonly known as 1121 Barstow Ave, Eugene, OR 97404.

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

9 APR - 2 2018

10 By: Angie Jones  
11 court clerk



12  
13  
14 **McCarthy & Holthus, LLP**

15 s/ Robert B. Hakari 3/30/18

16 \_\_\_\_\_  
17 \_ John Thomas OSB No. 024691  
18 x Robert Hakari OSB No. 114082  
19 920 SW 3rd Ave, 1st Floor  
20 Portland, OR 97204  
21 Phone: (971) 201-3200  
22 Fax: (971) 201-3202  
23 rhakari@mccarthyholthus.com  
24 Of Attorneys for Plaintiff  
25  
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# **EXHIBIT “ 1 ”**

Lot 4, Block 7, THIRD ADDITION TO WILDWOOD PARK, as platted and recorded in Book 42,  
Page 7, Lane County Oregon Plat Records, in Lane County, Oregon.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
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LOANS, A MISSOURI LIMITED  
LIABILITY COMPANY,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF RONALD E. OLIVER; DIANNE  
OLIVER; OCCUPANTS OF THE  
PROPERTY;

Defendants.

Case No.: 17CV25173

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

- a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 1121 Barstow Ave, Eugene, OR 97404 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0352409.
- b. Plaintiff is entitled to enforce the note dated April 27, 2016 and made, delivered, and executed by Ronald Oliver to Mortgage Research Center, LLC dba Veterans United Home Loans in the amount of \$247,000.00 (the "Note"). The Note was transferred to Plaintiff by

1 delivery of possession and by indorsement set forth on the Note.  
2 c. A deed of trust was made, executed, and delivered by Ronald E. Oliver and Dianne Oliver  
3 (“Borrowers”) on or about April 28, 2016 (the “Deed of Trust”). The Deed of Trust was  
4 recorded on April 29, 2016 as Instrument No. 2016-019652 in the official records of Lane  
5 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property  
6 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or  
7 claim of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

8 d. Borrowers failed to make the payment that was due for September 1, 2016 and has not cured  
9 the default. The amount of debt secured by the Deed of Trust that is now due and owing is  
10 comprised of the following amounts (the “Amount Due”):

- 11 a) Unpaid principal balance: \$245,855.64
- 12 b) Prejudgment interest accruing from \$12,685.08  
13 8/1/2016 through 1/3/2018 and  
14 continuing until the entry of  
judgment at the current Note rate of  
3.625%:
- 15 c) Additional amounts due under the \$4,669.73  
16 terms of the loan:
- 17 d) Attorney fees and costs: \$3,835.92
- 18 e) Prevailing party fee (ORS 20.190 \$85.00  
19 (1)(a)):
- 20 **Total: \$267,131.37**

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

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

26 f. The Defendants is not entitled to a homestead exception as against Plaintiff’s judgment.

27 g. All right, title and interest in the Subject Property that Borrowers had as of the date of the  
28

1 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane County  
2 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of  
3 sale shall be applied:

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

10 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
11 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
12 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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1 l. Pursuant to ORS 18.950 (4), there are no apparent priority of liens subsequent and inferior to  
2 the Deed of Trust.

Signed: 1/8/2018 02:43 PM

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8 **Karsten H. Rasmussen, Circuit Court Judge**

9 I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
10 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

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

16  No objection has been served on me.

17  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.

18  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

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

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

25  Other: \_\_\_\_\_

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**McCarthy & Holthus, LLP**

s/ Robert B. Hakari 1/3/18

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\_ John Thomas OSB No. 024691  
x Robert Hakari OSB No. 114082  
920 SW 3rd Ave, 1st Floor  
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rhakari@mccarthyholthus.com  
Of Attorneys for Plaintiff



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