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

JAMES B. NUTTER & COMPANY, its  
successors in interest and/or assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF WANDA Y.  
CROWL; LARRY CROWL; D. LYNN  
CROWL; CLYDE H. VARNEY; UNITED  
STATES OF AMERICA; STATE OF  
OREGON; AND OCCUPANTS OF THE  
PREMISES,

Defendants.

Case No.: 17CV19819

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JOSEPHINE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on September 12, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the  
Plaintiff:

JAMES B. NUTTER & COMPANY  
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 \$252,881.04, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from September 12, 2017 to April 4, 2018 in the amount of \$12,720.26, and  
3 continuing with a per diem of \$62.35, currently totaling \$265,601.30.

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 October 17, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
8 had thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel #  
9 R342535, and commonly known as: 1439 Andy Griffith Dr. , Grants Pass, OR 97527.

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

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Court Clerk

APR 5 2018



18  
19 Dated: April 2, 2018 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Jeremy Clifford  
22 \_\_\_\_\_  
23 Jeremy Clifford OSB No. 142987  
24 920 SW 3rd Ave, 1st Floor  
25 Portland, OR 97204  
26 Phone: (971) 201-3200  
27 Fax: (971) 201-3202  
28 [jclifford@mccarthyholthus.com](mailto:jclifford@mccarthyholthus.com)  
Of Attorneys for Plaintiff

**Exhibit 1**

**Legal Description**

LOT 5, MAYBERRY MEADOWS SUBDIVISION, JOSEPHINE COUNTY, OREGON,  
ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 9, PAGE  
400, PLAT RECORDS

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

JAMES B. NUTTER & COMPANY, its  
successors in interest and/or assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF WANDA Y. CROWL;  
LARRY CROWL; D. LYNN CROWL; CLYDE  
H. VARNEY; UNITED STATES OF  
AMERICA; STATE OF OREGON; AND  
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 17CV19819

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE  
AGAINST:

- (1) UNKNOWN HEIRS OF WANDA Y. CROWL;
- (2) LARRY CROWL;
- (3) D. LYNN CROWL;
- (4) CLYDE H. VARNEY;
- (5) UNITED STATES OF AMERICA;
- (6) STATE OF OREGON; AND
- (7) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff James B. Nutter & Company, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendants Unknown Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America; State of Oregon; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Unknown Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America; State of Oregon; and Occupants of the Premises failed to appear; and

1 that an Order of Default has been filed concurrently with this Judgment and, consequently this General  
2 Judgment of foreclosure is submitted in accordance with UTCR 5.100 (3)(c).

3 2.

4 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the  
5 Court's register to accomplish the following: to foreclose any and all interest of defendants Unknown  
6 Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America;  
7 State of Oregon; and Occupants of the Premises in the real property subject to this foreclosure action,  
8 located at 1439 Andy Griffith Drive, Grants Pass, Oregon 97527 (the "Property").

10 3.

11 The court being fully advised in the Premise, finding good cause exists so this general judgment  
12 of foreclosure and sale may be entered in favor of Plaintiff and against Unknown Heirs of Wanda Y.  
13 Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America; State of Oregon; and  
14 Occupants of the Premises, all of them, it is hereby

15 ORDERED AND ADJUDGED:

17 4.

18 That the Deed of Trust dated October 17, 2007, executed by Wanda Y. Crowl for the benefit of  
19 EquiPoint Financial Network, Inc. ("Deed of Trust"), recorded on October 24, 2007 as Instrument No.  
20 2007-020453 in the official records of Josephine County, Oregon, and subsequently assigned to  
21 Plaintiff by way of an assignment recorded on August 15, 2008 as Instrument No. 2008-012872, is a  
22 valid lien for the amount due and owing as set forth in Paragraph 14 herein, against the Property  
23 situated in Josephine County, Oregon, and described as follows

24 //

1 LOT 5, MAYBERRY MEADOWS SUBDIVISION, JOSEPHINE COUNTY,  
2 OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF,  
3 RECORDED IN VOLUME 9, PAGE 400, PLAT RECORDS.

4 5.

5 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants  
6 Unknown Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of  
7 America; State of Oregon; and Occupants of the Premises in the Property, and that said Deed of Trust is  
8 hereby foreclosed by this Court on the Property.

9 6.

10 That on September 22, 2016, the grantors of the Note and Deed of Trust passed away. This suit  
11 constitutes an attempt to execute upon the Property as security for the Amount Due to Plaintiff under  
12 the terms of the Deed of Trust.

13 7.

14 That defendants Unknown Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney;  
15 State of Oregon; and Occupants of the Premises each of them, and all parties claiming by, through, or  
16 under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interests,  
17 liens, or claims in the Property and every portion thereof excepting only the statutory right of  
18 redemption provided by the laws of the State of Oregon.

19 8.

20 That the lien of the defendant, the United States of America, and all parties claiming by,  
21 through, or under it, is forever barred and foreclosed of all interest, lien, or claim to the Property and  
22 every portion thereof excepting the statutory right of redemption. The lien of the defendant, the United  
23 States of America, is a "reverse mortgage" issued by and through the Department of Housing and Urban  
24 Development; under Section 255 of the National Housing Act (12 USC § 1715z-20). Pursuant to 12  
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1 USC § 1701k, the United States is not entitled to a redemption period which exceeds the statutory right  
2 of redemption under the laws of the State of Oregon.

3 9.

4 That defendants Unknown Heirs of Wanda Y. Crowl; Larry Crowl; D. Lynn Crowl; Clyde H.  
5 Varney; United States of America; State of Oregon; and Occupants of the Premises, all of them, are not  
6 entitled to a homestead exemption as against Plaintiff's Deed of Trust.

7 10.

8 That all of the right, title and interest which Wanda Y. Crowl had on October 17, 2007, the date  
9 of the Deed of Trust, and all of the right, title and interest defendants Unknown Heirs of Wanda Y.  
10 Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America; State of Oregon; and  
11 Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered  
12 to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of  
13 sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 14 herein; and the  
14 surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their  
15 right thereto.

16 11.

17 That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the  
18 aggregate amount due and owing set forth in Paragraph 14 herein, plus interest from the date of this  
19 Judgment until sale without advancing any cash except money required for the sheriff's sale.

20 12.

21 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the  
22 right to motion the court after sale for exclusive and immediate possession of the Property through the  
23

1 issuance and enforcement of a writ of assistance, should defendants Unknown Heirs of Wanda Y.  
2 Crowl; Larry Crowl; D. Lynn Crowl; Clyde H. Varney; United States of America; State of Oregon; and  
3 Occupants of the Premises refuse to surrender possession of the Property immediately upon the  
4 purchaser's demand for possession.

5  
6 13.

7 That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this  
8 action, and that Plaintiff's attorney fees in the amount of \$2,600.00 and its litigation costs in the amount  
9 of \$2,132.21, shall be, and is hereby declared additional amounts secured by and hereinafter shall be  
10 made part of the amount of the debt secured by Plaintiff's Deed of Trust.

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1 Additional pre-judgment interest pursuant to ORS  
2 18.042 from July 28, 2017 the date entry of judgment  
3 at the contract rate as defined by Section 2 and 5 of  
4 the Note

5 Post-Judgment interest thereafter on the Total  
6 Amount Due at the variable contract rate as defined  
7 by Section 2 and 5 of the note, or 9.000% per annum,  
8 whichever is greater.

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**Total Amount Due**

**\$252,881.04**


Signed: 9/11/2017 11:06 AM



Circuit Court Judge Lindi L. Baker

14 Presented by:

15 **RCO LEGAL, P.C.**

16 By  DATED 9/5/17  
17 Calvin Knickerbocker, OSB # 050110  
18 Attorneys for Plaintiff  
19 511 SW 10<sup>th</sup> Ave., Ste. 400  
20 Portland, OR 97205  
21 Telephone (503) 977-7840 Facsimile (503) 977-7963  
22 cknickerbocker@rcolegal.com  
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**CERTIFICATE OF UTCR 5.100 COMPLIANCE**

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

- A.  The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B.  The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C.  The judgment or order is exempt from UTCR 5.100(1) because:
  - a.  The judgment or order is a proposed order or judgment presented in open court with the parties present.
  - b.  The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.
  - c.  The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.
  - d.  The proposed judgment is subject to UTCR 10.0099
  - e.  The proposed judgment or order is an uncontested probate and protective proceeding.
  - f.  This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.
- D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:
  - 1.  Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
  - 2.  Each opposing party affected by this order or judgment has approved the order or judgment, as shown by 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 all parties entitled to service and:
    - a.  No objection has been served on me.
    - b.  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.
    - c.  After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
  - 4.  The relief sought is against an opposing party who has been found to be in default.

1 5. [ ] An order of default is being requested with this proposed judgment.

2 6. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise  
3 noted.

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

7 Dated this 5 day of September, 2017

8 By, Carlin Williams  
9 Calvin Knickerbocker OSB#050110  
10 Attorney for Plaintiff  
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