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MAY 22 2018

JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

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

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

Plaintiff,

v.

CHRISTOPHER BEERS; CROOKED RIVER
RANCH CLUB AND MAINTENANCE
ASSOCIATION; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV10391

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JEFFERSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on July 5, 2017. 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 Bryan Kidder
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$96,088.98, plus post-judgment interest at the statutory rate
2 of 9.0% per annum from July 5, 2017 to April 27, 2018 in the amount of \$7,013.18, and
3 continuing to accrue at \$23.69 *per diem*, currently totaling **\$103,102.16**.

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 November 19, 2002, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described as **LOT 191, CROOKED RIVER RANCH NO. 8,**
9 **RECORDED IN PLAT BOOK 4, PAGE 6, JEFFERSON COUNTY, OREGON** and
10 *commonly known as (street address):* 8883 SW Sand Ridge Rd, Crooked River Ranch, OR
11 97760.

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

17 This writ does not apply to a bona fide tenant who is subject to protection under the
18 federal Protecting Tenants at Foreclosure Act.

Signed: 5/1/2018 04:03 PM

Amy Bonkosky, Trial Court Administrator


19
20 Dated: April 26, 2018 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ Bryan Kidder

23 Bryan Kidder, OSB No. 140459
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 bkidder@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Lot 191, Crooked River Ranch No. 8, recorded in Plat Book 4, Page 6, Jefferson County, Oregon.

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JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

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

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

Plaintiff,

vs.

CHRISTOPHER BEERS; CROOKED
RIVER RANCH CLUB AND
MAINTENANCE ASSOCIATION;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV10391

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants CHRISTOPHER BEERS, CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION, and OCCUPANTS OF 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 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 Jefferson County, Oregon, and is commonly known as 8883 SW Sand Ridge Rd, Crooked River Ranch, OR

1 97760 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and
2 having APN/Parcel No. 7032.

3 b. Plaintiff is entitled to enforce the note dated November 19, 2002 and made, delivered, and
4 executed by Christopher Beers to CAPITOL COMMERCE MORTGAGE CO., A
5 CALIFORNIA CORPORATION in the amount of \$74,700.00 (the "Note"). The Note was
6 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Christopher Beers on or
8 about November 19, 2002 (the "Deed of Trust"). The Deed of Trust was recorded on
9 December 2, 2002 as Instrument No. 2002-5523 in the official records of Jefferson County,
10 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
11 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
12 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for September 1, 2013 and has not
14 cured the default. The amount of debt secured by the Deed of Trust that is now due and
15 owing is comprised of the following amounts (the "Amount Due"):

- 16
- 17 a) Unpaid principal balance: \$ 62,090.62
- 18 b) Prejudgment interest accruing from \$ 16,072.63
19 8/1/2013 through 6/28/2017 and
20 continuing until the entry of
21 judgment at the current Note rate of
22 6.625%:
- 23 c) Additional amounts due under the \$ 14,100.49
24 terms of the loan:
- 25 d) Attorney fees and costs: \$ 3,740.24
- 26 e) Prevailing party fee (ORS 20.190 \$ 85.00
27 (1)(a)):

28 **TOTAL: \$ 96,088.98**

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

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

7 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant Christopher Beers had as of
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Jefferson County Sheriff's Office in accordance with the process for sale upon execution, and
11 the proceeds of sale shall be applied:

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

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

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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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.

4 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
5 Deed of Trust are as follows:

6 1) Defendant CROOKED RIVER RANCH CLUB AND MAINTENANCE
7 ASSOCIATION may claim a junior interest in Subject Property by virtue of a lien
8 recorded on 07/23/2014 as Instrument No. 2014-2246 in the official records of
9 Jefferson County, Oregon.

Signed: 7/3/2017 04:28 PM



Annette C. Hillman, Circuit Court Judge

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

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

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.

1
2 Dated: June 28, 2017 and submitted by:

3 **McCarthy & Holthus, LLP**

4 s/Brady Godbout

5 Brady Godbout OSB No. 132708

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

8 Phone: (971) 201-3200

9 Fax: (971) 201-3202

10 bgodbout@mccarthyholthus.com

11 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 191, Crooked River Ranch No. 8, recorded in Plat Book 4, Page 6, Jefferson County, Oregon.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
JEFFERSON COUNTY**

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

Plaintiff/s,

v.

CHRISTOPHER BEERS; CROOKED RIVER RANCH
CLUB AND MAINTENANCE ASSOCIATION;
OCCUPANTS OF THE PROPERTY,

Defendant/s.

Case No.: 17CV10391

CHALLENGE TO EXECUTION

THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

I/We claim that the following described property or money is exempt from execution:

I/We believe this property is exempt from execution because (the Notice of Exempt Property at the end of this form describes most types of property that you can claim as exempt from execution):

I am a person other than the Debtor and I have the following interest in the property:

Name _____

Name _____

Signature _____

Signature _____

Address _____

Address _____

Telephone Number

(required): _____

Telephone Number

(required): _____

YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

You may seek to reclaim your exempt property by doing the following:

- (1) Fill out the Challenge to Execution form that you received with this notice.
- (2) Mail or deliver the Challenge to Execution form to the court administrator at the address shown on the writ of execution.
- (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the address shown on the writ of execution.

You should be prepared to explain your exemption in court. If you have any questions about the execution or debt, you should see an attorney.

YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE VALIDITY OF THE DEBT.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject to are listed in ORS 18.899.

NOTICE OF EXEMPT PROPERTY

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers are enclosed.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below.

- (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following amounts is less:
 - (a) 75 percent of your take-home wages; or
 - (b) \$218 per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI).
- (4) Public assistance (welfare).
- (5) Unemployment benefits.
- (6) Disability benefits (other than SSI benefits).
- (7) Workers' compensation benefits.
- (8) All Social Security Benefits and Supplemental Security Income benefits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are held in a bank account.
- (9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.

- (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly own the homestead with another person who is also liable on the debt, up to \$50,000 of the value of the homestead is exempt.
- (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure another homestead.
- (12) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.
- (13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.
- * (14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$5,000.
- * (15) Books, pictures and musical instruments with a combined value not to exceed \$600.
- * (16) Wearing apparel, jewelry and other personal items with a combined value not to exceed \$1,800.
- (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000 and their food for 60 days.
- (18) Provisions and fuel for your family for 60 days.
- (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1,000.
- (20) Public or private pensions.
- (21) Veterans' benefits and loans.
- (22) Medical assistance benefits.
- (23) Health insurance proceeds and disability proceeds of life insurance policies.
- (24) Cash surrender value of life insurance policies not payable to your estate.
- (25) Federal annuities.
- (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same exemption as wages).
- (27) Professionally prescribed health aids for you or any of your dependents.
- * (28) Elderly rental assistance allowed pursuant to ORS 310.635.
- * (29) Your right to receive, or property traceable to:
- * (a) An award under any crime victim reparation law.
- * (b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily injury suffered by you or an individual of whom you are a dependent.
- * (c) A payment in compensation of loss of future earnings of you or an individual of whom you are or were a dependent, to the extent reasonably necessary for your support and the support of any of your dependents.
- (30) Amounts paid to you as an earned income tax credit under federal tax law.
- (31) Your right to the assets held in, or right to receive payments under, a medical savings account or health savings account authorized under section 220 or 223 of the Internal Revenue Code.
- (32) Interest in personal property to the value of \$400, but this cannot be used to increase the amount of any other exemption.
- (33) Equitable interests in property.

Note: If two or more people in your household owe the claim or judgment, each of them may claim the exemptions marked by an asterisk (*).

SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt may be taken to pay for overdue support. For instance, Social Security benefits, workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support obligation.