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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2005-
QA13,

Plaintiff,

v.

JAY E. EILERSEN AKA JAY ERIC
EILERSEN AKA JASON ERIC EILERSEN;
TANYA R. EILERSEN AKA TANYA
RENEE EILERSEN; TURNING LEAF
HOMES, LLC; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV29351

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CROOK COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 25, 2017.

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

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2005-QA13
c/o Jeremy Clifford, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$207,119.63, plus post judgment interest at the statutory rate
of 9.0% per annum from September 25, 2017 to 2/22/2018 in the amount of \$7,660.59, and
continuing with a per diem of \$51.07, currently totaling \$214,780.22.

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 October 20, 2005, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 16372 and
6 commonly known as: 455 Northeast Black Bear Street, Prineville, OR 97754.

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

12
13 This writ does not apply to a bona fide tenant who is subject to protection under the
14 federal Protecting Tenants at Foreclosure Act. _____
15 _____

16 Dated: 2/22/2018 and submitted by:

Signed: 2/27/2018 02:10 PM

17 **McCarthy & Holthus, LLP**

18 s/ Robert B. Hakari _____

19 _ John Thomas OSB No. 024691
20 x Robert Hakari OSB No. 114082
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 rhakari@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
28


Amy Bonkosky, Trial Court Administrator

EXHIBIT "1"

Legal Description

Lot 14 of Deer Ridge Subdivision - Phase I, according to the official plat thereof, recorded July 5, 2002 as Instrument No. 172118 records of Crook County, Oregon.

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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS,
INC., MORTGAGE ASSET-BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2005-QA13,

Case No.: 17CV29351

GENERAL JUDGMENT OF
FORECLOSURE

Plaintiff,

v.

JAY E. EILERSEN AKA JAY ERIC
EILERSEN AKA JASON ERIC
EILERSEN; TANYA R. EILERSEN AKA
TANYA RENEE EILERSEN; TURNING
LEAF HOMES, LLC; OCCUPANTS OF
THE PROPERTY,

Defendants.

1.

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

Defendants JAY E. EILERSEN AKA JAY ERIC EILERSEN AKA JASON ERIC
EILERSEN; TANYA R. EILERSEN AKA TANYA RENEE EILERSEN; TURNING LEAF
HOMES, LLC, and OCCUPANTS OF THE PROPERTY ("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:

- 1 a. The real property to which this judgment relates is located and situated in Crook County,
2 Oregon, and is commonly known as 455 Northeast Black Bear Street, Prineville, OR 97754
3 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. 16372.
- 5 b. Plaintiff is entitled to enforce the note dated October 20, 2005 and made, delivered, and
6 executed by JAY E. EILERSEN AKA JAY ERIC EILERSEN AKA JASON ERIC
7 EILERSEN and TANYA R. EILERSEN AKA TANYA RENEE EILERSEN to
8 HOMECOMINGS FINANCIAL NETWORK, INC. in the amount of \$147,200.00 (the
9 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
10 set forth on the Note.
- 11 c. A deed of trust was made, executed, and delivered by Defendants JAY E. EILERSEN AKA
12 JAY ERIC EILERSEN AKA JASON ERIC EILERSEN and TANYA R. EILERSEN AKA
13 TANYA RENEE EILERSEN on or about October 21, 2005 (the "Deed of Trust"). The Deed
14 of Trust was recorded on October 26, 2005 as Instrument No. 2005-205091 in the official
15 records of Crook County, Oregon. The Deed of Trust is a valid and perfected lien against all
16 of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
17 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
18 Sheriff's Deed.
- 19 d. The Borrower failed to make the payment that was due for November 1, 2011 and has not
20 cured the default. The amount of debt secured by the Deed of Trust that is now due and
21 owing is comprised of the following amounts (the "Amount Due"):

- 22 a) Unpaid principal balance: \$147,200.00
- 23 b) Prejudgment interest accruing from
24 10/1/2011 through 9/22/2017 and
25 continuing until the entry of
26 judgment at the current Note rate of
27 4.0%: \$36,538.70
- 28 c) Additional amounts due under the terms of the loan: \$20,306.22

d) Attorney fees and costs:	\$2,989.71
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
Total:	\$207,119.63

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

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendants JAY E. EILERSEN AKA JAY ERIC EILERSEN AKA JASON ERIC EILERSEN and TANYA R. EILERSEN AKA TANYA RENEE EILERSEN had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Crook County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale.
- i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at

1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
3 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

9
10 Signed: 9/25/2017 12:54 PM

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12 

13
14 _____
Circuit Court Judge, Daniel J. Ahern

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

16 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

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

24 No objection has been served on me.

25 I received objections that I could not resolve with the opposing party despite
26 reasonable efforts to do so. I have filed a copy of the objections I received and
27 indicated which objections remain unresolved.

28 After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

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

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

6 [] Other: _____

7 Dated: September 22, 2017 and submitted by:

8 **McCarthy & Holthus, LLP**

9 s/ Jeremy Clifford

10 Jeremy Clifford OSB No. 142987

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

15 jclifford@mccarthyholthus.com

16 Of Attorneys for Plaintiff

EXHIBIT “1”

Legal Description

Lot 14 of Deer Ridge Subdivision - Phase I, according to the official plat thereof, recorded July 5, 2002 as Instrument No. 172118 records of Crook County, Oregon.