

RECEIVED
CIVIL DEPARTMENT
18 MAY 17 PM 1:41
ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

Verified Correct Copy of Original 5/3/2018.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF TILLAMOOK**

NATIONSTAR MORTGAGE LLC,
Plaintiff,
v.
WENDY WHITE; ASSET SYSTEMS, INC.;
AND OTHER PERSONS OR PARTIES,
INCLUDING OCCUPANTS, UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,
Defendant.

Case No. 132129

WRIT OF EXECUTION

TO THE TILLAMOOK COUNTY SHERIFF:

On March 5, 2014, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the TILLAMOOK County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: NATIONSTAR MORTGAGE LLC c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 302 FIRST ST, GARIBALDI, OR 97118 ("Subject Property"), and legally described as:

LOTS 10 AND 11, BLOCK 1, RUSSELL HAWKINS FIRST ADDITION IN GARIBALDI, IN TILLAMOOK COUNTY, OREGON

The total amount due and owing on the Judgment as of April 17, 2018;

1	Judgment:	Principal	\$118,400.22
2	Pre-Judgment:	Interest(6.375%, \$20.68/day)	\$8,404.77 (2/11/14 through 3/5/14)
3		Attorney Fees	\$2,050.00
4		Costs	\$1,524.50
5		Prevailing Party Fee	\$275.00
6	Post-Judgment:	Interest(9.000%, \$32.21/day)	\$1,256.19 (3/10/18 through 4/17/18)

7 **TOTAL: \$131,910.68**

8 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
9 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
10 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
11 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
12 holder of the certificate of sale.

13 //
14 //
15 //
16 //
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

COURT ADMINISTRATOR FOR
TILLAMOOK COUNTY CIRCUIT
COURT

By: *Marc Gault*

Presented by:
ALDRIDGE PITE, LLP

By: /s/ Christina Andreoni
{ } Hunter Zook, OSB #095578
{ } Katie Riggs, OSB #095861
{ } Sarah Mathenia, OSB #120681
{ } Shannon K. Calt, OSB #121855
{X} Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

RECEIVED
CIVIL DEPARTMENT

18 MAY 17 PM 1:41

ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

Verified Correct Copy of Original 3/4/2014.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

WENDY WHITE; ASSET SYSTEMS, INC.,
OTHER PERSONS OR PARTIES, including
OCCUPANTS, UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No. 132129

GENERAL JUDGMENT OF
FORECLOSURE

Defaults being granted contemporaneously against Defendant(s), Wendy White a/k/a
Wendy A. White, Other Persons or Parties Including Occupants, Unknown Claiming any Right,
Title, Lien or Interest in the Property Described in the Complaint Herein, and Asset Systems,
Inc.:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 13-112500

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@lgs.com

Verified Correct Copy of Original 3/4/2014.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. The real property to which this judgment relates (hereafter the "Property") is situated in Tillamook County, Oregon is commonly known as 302 First Street, Garibaldi, OR 97118 and is legally described as follows:

LOTS 10 AND 11, BLOCK 1, RUSSELL HAWKINS FIRST ADDITION IN GARIBALDI, IN TILLAMOOK COUNTY, OREGON.

- 2. The Deed of Trust executed and delivered by Defendant, Wendy White & Aaron White, Wife & Husband ("Borrower") on or about May 22, 2006 and recorded on May 30, 2006 as Instrument No. 2006-004467 in the official records of Tillamook County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 3. The Plaintiff is the holder of the original note dated May 22, 2006 and made by Wendy White and Aaron White in the amount of \$130,000.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
- 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.

2 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 13-112500

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

Verified Correct Copy of Original 3/4/2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Tillamook County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party of parties as may establish their right thereto.
8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession.
10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.
11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

//
//
//
//
//

3 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 13-112500

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

Verified Correct Copy of Original 3/4/2014

Principal	\$118,400.22	
Prejudgment interest at 6.375% through February 11, 2014 (accruing thereafter until entry of judgment at \$20.68/per diem)		\$8,404.77
Other Costs and fees (recoverable)	1,754.46	
Property Tax	\$1,124.41	
Hazard Insurance	\$229.05	
PML/MIP	\$338.00	
Property Inspections	\$63.00	
Subtotal		\$120,154.68
Total plus Prejudgment Interest		\$128,559.45

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs		\$1,524.50
Title Search Cost	\$497.50	
Filing Fee	\$505.00	
Lis Pendens Recording Fee	\$52.00	
Service Costs	\$195.00	
Prevailing Party Fee	\$275.00	
Attorney fees		\$2,050.00
Total		\$3,574.50

13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14. This judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay

Verified Correct Copy of Original 3/4/2014.

1 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
2 entitled to any further judgment, including a judgment for deficiency.

3 15. Execution may issue against the subject property for the aggregate amount found due
4 Plaintiff herein as detailed in Paragraphs 11 through 13. (together "Amounts Due").
5 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
6 ORS 18.936 or other applicable law.
7

8 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the court
9 and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment
10 as to the amounts due shall be terminated.
11

12 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
13 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
14 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
15 18.936.

16 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
17 necessary to enforce this judgment, the writ of execution or for the purchaser at the
18 foreclosure sale to obtain possession.
19

20 //
21 //
22 //
23 //
24 //

Verified Correct Copy of Original 3/4/2014.

MONEY AWARD*

a.	Judgment Creditor:	Plaintiff, Nationstar Mortgage LLC
	Address for purpose of this judgment only:	c/o Shapiro & Sutherland, LLC 7632 SW Durham Road, Suite 350 Tigard, Oregon 97224 (360)260-2253
	Attorney for Judgment Creditor:	Shapiro & Sutherland, LLC 7632 SW Durham Road, Suite 350 Tigard, Oregon 97224 (360)260-2253
b.	Judgment Debtor**:	Wendy White and Aaron White, 302 First Street, Garibaldi, OR 97118
	Year of date of birth:	n/a
	Social Security number:	n/a
	Driver's license State and Number:	Last four digits: n/a
	Attorney for Judgment Debtor is:	none
c.	The name of any person or public body, other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment:	none
d.	The amount of the judgment exclusive of amounts included in subsection (e) to (h) is:	\$120,154.68
e.	Prejudgment interest:	at the rate of 6.375% through February 11, 2014 totaling, \$8,404.77 and thereafter at the rate of \$20.68 per diem until entry of judgment
f.	Post-judgment interest:	on all amounts awarded will accrue at the rate of 9.0% per annum pursuant to ORS 82.010 from the date of entry of judgment until the entire amount owing is paid
g.	monetary obligations that are payable on a periodic basis, any accrued arrearages, required further payments per period and payment dates	
h.	Costs and disbursements	\$1,524.50
	Attorney fees in the amount of:	\$2,050.00

Verified Correct Copy of Original 3/4/2014

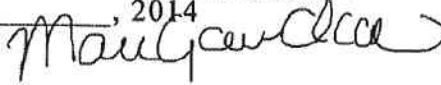
1 *This section is provided to comply with ORS 18.042 and/or ORS 88.070 and is not intended to
2 establish personal liability if such personal liability has been extinguished by a Bankruptcy
3 discharge or by an order granting relief from stay In Rem.

4 **For execution in rem on the subject Property only. Not intended to be a lien on any other
5 property of the Judgment Debtor.

6 Dated this _____ day of _____

Signed: 3/5/2014 10:24:05 AM

2014



CIRCUIT COURT JUDGE

7 Submitted by:

8
9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By:



James A. Craft #090146 [jcraft@logs.com]*

Kelly D. Sutherland #873575 [ksutherland@logs.com]

Cara J. Richter #094855 [crichter@logs.com]

Holger Uhl #950143 [huhl@logs.com]*

Mary Hannon # 131074 [mhannon@logs.com]*

14 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683

15 7632 SW Durham Road, Suite 350, Tigard, OR 97224*

(360)260-2253; Fax (360)260-2285

16
17
18
19
20
21
22
23
24
25
26 7 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 13-112500

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Verified Correct Copy of Original 3/4/2014

CERTIFICATE OF SERVICE

I certify that on February 27, 2014, I served a correct copy of the foregoing document to the interested parties by the method indicated below:

Occupants/Unknown Parties
302 First Street
Garibaldi, OR 97118

U. S. Mail, Postage Prepaid
 Personal Delivery
 Overnight Mail
 Via Facsimile
 Via Email

Wendy White a/k/a Wendy A. White
c/o Todd Trierweiler, Esq., Todd Trierweiler &
Associates
4721 NE 102nd Ave
Portland, OR 97220

U. S. Mail, Postage Prepaid
 Personal Delivery
 Overnight Mail
 Via Facsimile
 Via Email

toddtr@bankruptcylawctr.com

Asset Systems, Inc.
c/o Courtney Cross
12707 NE Halsey
Portland, OR 97230

U. S. Mail, Postage Prepaid
 Personal Delivery
 Overnight Mail
 Via Facsimile
 Via Email

toddtr@bankruptcylawctr.com

Wendy White
PO Box 496
Garibaldi, OR 97118

U. S. Mail, Postage Prepaid
 Personal Delivery
 Overnight Mail
 Via Facsimile
 Via Email



Of the Firm
SHAPIRO & SUTHERLAND, LLC

8 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 13-112500

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com