

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  
FOR THE COUNTY OF MARION

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, NATIONAL  
ASSOCIATION FKA THE BANK OF NEW  
YORK TRUST COMPANY, N.A. AS  
SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE FOR  
RESIDENTIAL ASSET MORTGAGE  
PRODUCTS, INC., MORTGAGE ASSET-  
BACKED PASS-THROUGH  
CERTIFICATES SERIES 2006-RZ4,

Plaintiff,

v.

GREG LOOK AKA GREG MARK LOOK;  
KING A. PHELPS; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV41022  
Judge: Karsten H. Rasmussen

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE MARION COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on November 8, 2017.

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

THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL  
ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS  
SUCCESSOR TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR RESIDENTIAL  
ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH  
CERTIFICATES SERIES 2006-RZ4

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 \$659,201.93, plus post judgment interest at the statutory rate  
of 9.0% per annum from November 8, 2017 to 2/22/2018 in the amount of \$17,229.55, and

1 continuing with a per diem of \$162.54, currently totaling \$676,431.48.

2 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
3 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
4 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
5 about June 12, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
6 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R11652 and  
7 commonly known as: 17874 Shank Road NE, Hubbard, OR 97032.

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

13 **DATED:** \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: 2/28/2018 01:22 PM

  
Title Noel B. Herlitz, Court Clerk



16 By: \_\_\_\_\_

17 **McCarthy & Holthus, LLP**

18 s/ Robert B. Hakari 2/22/2018

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

# EXHIBIT "1"

## LEGAL DESCRIPTION

Beginning at a point on the East boundary line of the Donation Land Claim No. 54 of John Conlee and wife in Section 34, Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon as marked by a galvanized iron pipe and 6.66 chains South  $0^{\circ} 50'$  West from a galvanized iron pipe in the County Road marking the Northeast corner of the James M. Mishler 40 acre tract; thence West 10.32 chains to a point 20.00 feet West of a galvanized iron pipe; thence South  $0^{\circ} 50'$  West 4.85 chains to a point 20.00 feet West of a galvanized iron pipe; thence East 10.32 chains to a galvanized iron pipe on the East line of the Donation Land Claim No. 54; thence with said boundary line North  $0^{\circ} 50'$  East 4.85 chains to the place of beginning.

SAVE AND EXCEPT the West 20.00 feet thereof which is reserved for a roadway.

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  
FOR THE COUNTY OF MARION

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, NATIONAL  
ASSOCIATION FKA THE BANK OF  
NEW YORK TRUST COMPANY, N.A.  
AS SUCCESSOR TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE FOR  
RESIDENTIAL ASSET MORTGAGE  
PRODUCTS, INC., MORTGAGE ASSET-  
BACKED PASS-THROUGH  
CERTIFICATES SERIES 2006-RZ4,

Plaintiff,

v.

GREG LOOK AKA GREG MARK LOOK;  
KING A. PHELPS; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV41022  
Judge: Karsten H. Rasmussen

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

Defendants GREG LOOK AKA GREG MARK LOOK; KING A. PHELPS; STATE OF OREGON; 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:

- 1 a. The real property to which this judgment relates is located and situated in Marion County,  
 2 Oregon, and is commonly known as 17874 Shank Road NE, Hubbard, OR 97032 (the  
 3 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
 4 APN/Parcel No. R11652.
- 5 b. Plaintiff is entitled to enforce the note dated June 12, 2006 and made, delivered, and executed  
 6 by GREG LOOK AKA GREG MARK LOOK to SEBRING CAPITAL PARTNERS,  
 7 LIMITED PARTNERSHIP in the amount of \$378,000.00 (the "Note"). The Note was  
 8 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Defendant GREG LOOK AKA GREG  
 10 MARK LOOK on or about June 14, 2006 (the "Deed of Trust"). The Deed of Trust was  
 11 recorded on June 16, 2006 as Reel 2662 and Page 362 in the official records of Marion  
 12 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property  
 13 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or  
 14 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 15 d. The Borrower failed to make the payment that was due for November 1, 2010 and has not  
 16 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
 17 owing is comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$363,725.11
19	b) Prejudgment interest accruing from	
20	10/1/2010 through 11/7/2017 and	
21	continuing until the entry of	
22	judgment at the current Note rate of	
23	9.45%:	\$244,088.85
24	c) Additional amounts due under the	\$48,020.00
25	terms of the loan:	
26	d) Attorney fees and costs:	\$3,282.97
27	e) Prevailing party fee (ORS 20.190	\$85.00
28	(1)(a)):	
	<b>Total:</b>	<b>\$659,201.93</b>

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 contract rate of  
3 9.45% 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 Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant GREG LOOK AKA GREG  
9 MARK LOOK and KING A. PHELPS had as of the date of the Deed of Trust or thereafter  
10 acquired is hereby ordered to be sold by the Marion County Sheriff's Office in accordance  
11 with the process for sale upon execution, and 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 KING A. PHELPS may claim an interest in Subject Property by virtue of a  
7 judgment entered on 03/30/2011 in the Circuit Court of Marion County, Case  
8 No. 10C25299.

9 2) Defendant STATE OF OREGON acting through the department of Revenue, may  
10 also claim a junior interest in Subject Property by virtue of a Tax Lien recorded on  
11 02/23/2016 as Book. 3787 Page 243 in the official records of Marion County,  
12 Oregon.

13 Signed: 11/8/2017 02:37 PM

14  
15   
16 Circuit Court Judge Sean E. Armstrong  
17

18  
19 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

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

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

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

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

28  No objection has been served on me.



1 [ ] 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.

2 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
3 any remaining objection.

4 [x] The relief sought is against an opposing party who has been found in default.

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

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

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

9 [ ] Other: \_\_\_\_\_

10 Dated: November 7, 2017 and submitted by:

11 **McCarthy & Holthus, LLP**

12 s/ Jeremy Clifford

13 \_\_\_\_\_  
Jeremy Clifford OSB No. 142987

14 920 SW 3rd Ave, 1st Floor

15 Portland, OR 97204

16 Phone: (971) 201-3200

17 Fax: (971) 201-3202

18 jclifford@mccarthyholthus.com

19 Of Attorneys for Plaintiff

# EXHIBIT "1"

## LEGAL DESCRIPTION

Beginning at a point on the East boundary line of the Donation Land Claim No. 54 of John Conlee and wife in Section 34, Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon as marked by a galvanized iron pipe and 6.66 chains South 0° 50' West from a galvanized iron pipe in the County Road marking the Northeast corner of the James M. Mishler 40 acre tract; thence West 10.32 chains to a point 20.00 feet West of a galvanized iron pipe; thence South 0° 50' West 4.85 chains to a point 20.00 feet West of a galvanized iron pipe; thence East 10.32 chains to a galvanized iron pipe on the East line of the Donation Land Claim No. 54; thence with said boundary line North 0° 50' East 4.85 chains to the place of beginning.

SAVE AND EXCEPT the West 20.00 feet thereof which is reserved for a roadway.