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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-
QS6,

Plaintiff,

v.

SHELLY TAYLOR; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS
INC.; UNITED FINANCIAL MORTGAGE
CORP.; CENTRAL WILLAMETTE
COMMUNITY CREDIT UNION; UNITED
STATES OF AMERICA; STATE OF
OREGON; MIDLAND FUNDING LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV19944
Judge: Tracy Prall

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 3, 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 2006-QS6
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 \$231,778.35, plus post judgment interest at the statutory rate
2 of 9.0% per annum from November 3, 2017 to 2/22/2018 in the amount of \$6,343.74, and
3 continuing with a per diem of \$57.15, currently totaling \$238,122.09.

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 February 6, 2006, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R32301
9 and commonly known as: 387 Pamela Court, Jefferson, OR 97352.

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.

15 **DATED:** ____ day of _____, 20__.

Signed: 2/28/2018 01:25 PM


Title Noel B. Herlitz, Court Clerk



18 By: _____

19
20
21 **McCarthy & Holthus, LLP**

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

23 John Thomas OSB No. 024691

24 x Robert Hakari OSB No. 114082

25 920 SW 3rd Ave, 1st Floor

26 Portland, OR 97204

27 Phone: (971) 201-3200

28 Fax: (971) 201-3202

rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT "1"

LEGAL DESCRIPTION

Lot 6, GREENWOOD ESTATES, Marion County, Oregon.

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MARION

6 DEUTSCHE BANK TRUST COMPANY
7 AMERICAS, AS TRUSTEE FOR
8 RESIDENTIAL ACCREDIT LOANS,
9 INC., MORTGAGE ASSET-BACKED
10 PASS-THROUGH CERTIFICATES,
11 SERIES 2006-QS6,

12 Plaintiff,

13 v.

14 SHELLY TAYLOR; MORTGAGE
15 ELECTRONIC REGISTRATION
16 SYSTEMS INC.; UNITED FINANCIAL
17 MORTGAGE CORP.; CENTRAL
18 WILLAMETTE COMMUNITY CREDIT
19 UNION; UNITED STATES OF
20 AMERICA; STATE OF OREGON;
21 MIDLAND FUNDING LLC;
22 OCCUPANTS OF THE PROPERTY,

23 Defendants.

Case No.: 17CV19944
Judge: Tracy Prall

GENERAL JUDGMENT OF
FORECLOSURE

1. 24

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

- 26 a. Defendants SHELLY TAYLOR, MORTGAGE ELECTRONIC REGISTRATION
27 SYSTEMS INC., UNITED FINANCIAL MORTGAGE CORP., CENTRAL
28 WILLAMETTE COMMUNITY CREDIT UNION, UNITED STATES OF AMERICA,
MIDLAND FUNDING 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;

1 b. A Stipulated Limited Judgment has been submitted with regard to Defendant STATE OF
2 OREGON (“Stipulating Defendants”) (collectively Defaulted and Stipulating Defendants are
3 referred to as “Defendants”);

4 2.

5 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

6 a. The real property to which this judgment relates is located and situated in Marion County,
7 Oregon, and is commonly known as 387 Pamela Court, Jefferson, OR 97352 (the “Subject
8 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
9 R323019.

10 b. Plaintiff is entitled to enforce the note dated February 6, 2006 and made, delivered, and
11 executed by SHELLY TAYLOR to UNITED FINANCIAL MORTGAGE CORP. in the
12 amount of \$144,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of
13 possession and by indorsement set forth on the Note.

14 c. A deed of trust was made, executed, and delivered by Defendant SHELLY TAYLOR on or
15 about February 6, 2006 (the “Deed of Trust”). The Deed of Trust was recorded on February
16 21, 2006 as Reel 2609 and Page 151 in the official records of Marion County, Oregon. The
17 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
18 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
19 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

20 d. The Borrower failed to make the payment that was due for March 1, 2012 and has not cured
21 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
22 comprised of the following amounts (the “Amount Due”):

23 a) Unpaid principal balance: \$133,307.06

24 b) Prejudgment interest accruing from
25 2/1/2012 through 11/1/2017 and
26 continuing until the entry of
27 judgment at the current Note rate of
28 6.875%: \$52,716.89

c) Additional amounts due under the \$40,172.23

terms of the loan:

d) Attorney fees and costs:	\$5,497.17
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
Total:	\$231,778.35

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. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a 28 U.S.C. § 2410(c) one-year redemption right in this case.
- g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- h. All right, title and interest in the Subject Property that Defendant SHELLY TAYLOR had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Marion 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.

- 1 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.
- 14 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
15 Deed of Trust are as follows:
- 16 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and
17 UNITED FINANCIAL MORTGAGE CORP. may claim an interest in Subject
18 Property by virtue of a deed of trust recorded 02/21/2006 as Reel 2609, Page 152 in
19 the official records of Marion County.
- 20 2) Defendant CENTRAL WILLAMETTE COMMUNITY CREDIT UNION may claim
21 an interest in Subject Property by virtue of a judgment entered on 02/24/2009 in the
22 Circuit Court of Marion County, Case No. 08C26253, in the amount of \$11,130.05.
- 23 3) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
24 Property by virtue of a federal tax lien in the amount of \$525.11, filed 03/09/2009,
25 Office of County Record, Marion County, Reel 3040, Page 281 wherein SHELLY
26 TAYLOR of 387 Pamela Court, Jefferson, OR 97352 is named as taxpayer. The
27 notice was filed by the Internal Revenue Service and bears serial number 520749409.
- 28

1 4) Defendant MIDLAND FUNDING LLC may claim an interest in Subject Property by
2 virtue of a judgment entered on 05/02/2013 in the Circuit Court of Marion County,
3 Case No. 12C24119.
4

Signed: 11/3/2017 02:38 PM

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8 **Circuit Court Judge Tracy A. Prall**
9

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

11 On 11/1/2017, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney
12 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure
was:

13 Served on:

14 Byron D. Hadley
15 Attorney for State of Oregon
16 1162 Court Street NE
Salem, OR 97301

17 by placing the executed documents in the firm's outbox for mailing.

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

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

21 Each opposing party affected by this order or judgment has approved the order or
22 judgment, as shown by signature on the document being submitted or by written
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
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

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

27 The relief sought is against an opposing party who has been found in default.
28

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

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

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

6 [] Other: _____

7 Dated: November 1, 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

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LEGAL DESCRIPTION

Lot 6, GREENWOOD ESTATES, Marion County, Oregon.