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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

STANLEY MCNULTY AKA STANLEY M.
MCNULTY AKA STANLEY MORTON
MCNULTY; DISCOVER BANK; EGP
INVESTMENTS LLC; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 17CV31747
Judge: INSERT_JUDGE_NAME

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 1, 2017.

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST
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 \$222,281.39, plus post judgment interest at the statutory rate
2 of 9.0% per annum from November 1, 2017 to December 21, 2017 in the amount of \$2,740.46,
3 and continuing with a per diem of \$54.81, currently totaling \$225,021.85.

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 October 3, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R31852 and
9 commonly known as: 190 Friendship Ave SE, Salem, OR 97302.

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.

Signed: 12/28/2017 01:54 PM


Noel B. Herlitz, Court Clerk



20 Dated: December 19, 2017 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ Jeremy Clifford

23

Jeremy Clifford OSB No. 142987

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

27 Fax: (971) 201-3202

28 yclifford@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT " 1 "

BEGINNING AT A POINT WHICH IS 379.90 FEET NORTH 1°47' WEST AND 804.52 FEET NORTH 75° 03' WEST AND 239.50 FEET NORTH 14° 57' EAST FROM THE MOST EASTERLY NORTHWEST CORNER OF THE JOSEPH R. PATTERSON DONATION LAND CLAIM NO. 50 IN TOWNSHIP 8 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN THE CITY OF SALEM, MARION COUNTY, STATE OF OREGON; THENCE NORTH 14° 57' EAST A DISTANCE OF 91.89 FEET; THENCE NORTH 74° 27' WEST, A DISTANCE OF 135 FEET; THENCE SOUTH 14° 57' WEST A DISTANCE OF 93.30 FEET; THENCE SOUTH 75° 03' EAST A DISTANCE OF 135 FEET TO THE POINT OF BEGINNING.

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

STANLEY MCNULTY AKA STANLEY
M. MCNULTY AKA STANLEY MORTON
MCNULTY; DISCOVER BANK; EGP
INVESTMENTS LLC; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 17CV31747
Judge: Susan M Tripp

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants STANLEY MCNULTY AKA STANLEY M. MCNULTY AKA STANLEY
MORTON MCNULTY; DISCOVER BANK; EGP INVESTMENTS LLC; 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 Marion County,
2 Oregon, and is commonly known as 190 Friendship Ave SE, Salem, OR 97302 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 R31852 .

5 b. Plaintiff is entitled to enforce the note dated October 3, 2006 and made, delivered, and
6 executed by Stanley McNulty to AEGIS Wholesale Corporation in the amount of
7 \$136,640.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
8 and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant Stanley McNulty on or
10 about October 3, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on October
11 11, 2006 as Reel 2717 Page 464 in the official records of Marion County, Oregon. The Deed
12 of Trust is a valid and perfected lien against all of the Property for and securing the Amount
13 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
14 shall remain in effect until issuance of a Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for June 1, 2009 and has not cured
16 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
17 comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$136,598.72
19	b) Prejudgment interest accruing from	\$56,898.62
20	5/1/2009 through 10/27/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	7.25%:	
22	c) Additional amounts due under the	\$25,481.05
23	terms of the loan:	
24	d) Attorney fees and costs:	\$3,218.00
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	Total:	\$222,281.39

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 Stanley McNulty had as of
9 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Marion 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 DISCOVER BANK may claim an interest in Subject Property by virtue of
7 a judgment entered on 05/24/2010 in the Circuit Court of Marion County, Oregon,
8 Case No. 10C13770, in the amount of \$9,590.50.
- 9 2) Defendant EGP INVESTMENTS LLC may claim an interest in Subject Property by
10 virtue of a judgment entered on 05/23/2012 in the Circuit Court of Marion County,
11 Oregon, Case No. 12C11758, in the amount of \$6,399.83.

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13 Signed: 11/1/2017 01:41 PM

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17 **Circuit Court Judge Susan M. Tripp**

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
submitted.

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

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

26 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
any remaining objection.

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

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

5 [x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
6 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: October 27, 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

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