

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

NEW PENN FINANCIAL, LLC D/B/A
SHELLPOINT MORTGAGE SERVICING,

Plaintiff,

vs.

RYANN HIATT, an individual; RADENE
HIATT, an individual; and all other persons,
parties, or occupants unknown claiming any
legal or equitable right, title, estate, lien, or
interest in the real property described in the
complaint herein, adverse to Plaintiff's title, or
any cloud on Plaintiff's title to the Property.

Defendants.

CASE NO.: 15CV1465

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of MALHEUR)

TO THE SHERIFF OF MALHEUR COUNTY OREGON:

WHEREAS, on August 23, 2017, by consideration of the Malheur County Circuit Court,
there was entered a General Judgment of Foreclosure as to RYANN HIATT, an individual;
RADENE HIATT, an individual; and all other persons, parties, or occupants unknown claiming
any legal or equitable right, title, estate, lien, or interest in the real property described in the
complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's title to the Property. Said
General Judgment of Foreclosure was duly enrolled and docketed in the Court Administrator's

WRIT OF EXECUTION -1-

Zieve, Brodnax & Steele, LLP
Janaya L. Carter, Esq
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
jcarter@zbslaw.com

1 Office in said County on August 23, 2017; a true copy of the General Judgment of Foreclosure is
2 attached hereto and made a part hereof.

3 Judgment Creditor: NEW PENN FINANCIAL, LLC D/B/A
4 SHELLPOINT MORTGAGE SERVICING
5 c/o Shellpoint Mortgage Servicing
6 Judgment Creditor Address: 55 Beattie Place, Suite 100
7 Greenville, SC 29601

8 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
9 commanded to sell the real property as by said General Judgment of Foreclosure according to
10 law (subject to redemption) all of the interest that the borrower RYANN HIATT and RADENE
11 HIATT had on the 8th day of December 2005, the date of the Mortgage, and also all of the
12 interest that borrower had thereafter, in the real property described in the Judgment as:

13 LAND 'IN RESURVEYED' NORTHWEST TOWNSITE COMPANY'S FIRST
14 ADDITION, CITY OF VALE, MALHEUR COUNTY OREGON, AS FILED
15 UNDER GENERAL JUDGMENT CASE NO. 05-01-4154-E, MALHEUR
16 COUNTY CIRCUIT COURT AND RECORDED SEPTEMBER 18, 2006,
17 INSTRUMENT NO. 2006-6911. MALHEUR COUNTY RECORDS"AS
18 FOLLOWS:

19 LOT.32.

20 SAID PROPERTY FORMERLY DESCRIBED AS:

21 LAND IN NORTHWEST TOWNSITE FIRST ADDITION, CITY OF VALE,
22 MALHEUR COUNTY, OREGON. OREGON, ACCORDING TO THE
23 OFFICIAL PLAT THEREOF, AS FOLLOWS:

24 IN BLOCK 10: LOT 8 AND THE SOUTH 22 FEET OF LOT 9.

25 Tax Parcel Number: 19520

26 WRIT OF EXECUTION -2-

27 Zieve, Brodnax & Steele, LLP
28 Janaya L. Carter, Esq
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
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714-848-7920
jcarter@zbslaw.com

1 The street address of the real property to be levied upon is 1392 & 1394 Washington
2 Street, Vale, OR 97918.

3 The above referenced property shall be sold to satisfy the following sums: The principal
4 balance and interest in the amount of \$102,464.72; plus reasonable attorney fees and costs in the
5 amount of \$3,420.00; plus prejudgment interest from June 1, 2017 through August 23, 2017 in
6 the amount of \$1,259.16 (\$14.99 x 84 days); plus post-judgment interest accruing after August
7 23, 2017 through March 19, 2018 , at the rate of 9.0% per annum, of \$5,493.28 (\$26.41 per diem
8 x 208 days) for a total of \$112,637.16 with interest to continue to accrue at the rate of 9.0% per
9 annum (\$26.41 per diem) until the date of sale; Thus,

10 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
11 THE DATE OF SUBMISSION (March 19, 2018) IS AS FOLLOWS:

12 Base Judgment and Interest: \$102,464.72

13 Attorney Fees and Costs: \$3,420.00

14 Pre-Judgment Interest from

15 06/01/17 – 08/23/17 at 6.875%

16 (\$14.99 per diem) \$1,259.16

17 Post-Judgment Interest from

18 01/23/18 – 03/19/18 at 9.0%

19 (\$26.41 per diem) \$5,493.28

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26 WRIT OF EXECUTION -3-

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1 Total due as of March 19, 2018: \$ 112,637.16, with interest to continue to accrue at
2 9.0% (\$26.41 per diem) until the date of sale.

3 The proceeds of sale shall be applied, delivered, and distributed according to ORS
4 18.950.

Marilee Aldred
Jrial Court Administrator

5
6 3/27/18

By: *[Signature]*

7 Submitted by:

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9 Janaya L. Carter, OSB No. 32830



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26 WRIT OF EXECUTION -4-

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

NEW PENN FINANCIAL, LLC D/B/A
SHELLPOINT MORTGAGE SERVICING,

Plaintiff,

vs.

RYANN HIATT, an individual; RADENE
HIATT, an individual; and all other persons,
parties, or occupants unknown claiming any
legal or equitable right, title, estate, lien, or
interest in the real property described in the
complaint herein, adverse to Plaintiff's title, or
any cloud on Plaintiff's title to the Property.

Defendants.

CASE NO.: 15CV1465

**CORRECTED GENERAL
JUDGMENT OF
FORECLOSURE
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

Based upon the Motion for Order of Default and Entry of a General Judgment of Foreclosure filed by plaintiff, New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing ("Plaintiff") and against defendants Ryann Hiatt ("Borrower 1") and Radene Hiatt ("Borrower 2" together with Borrower 1, collectively "Borrowers" or "Defendants"), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and Disbursements,

IT IS HEREBY ORDERED AND ADJUDGED:

1.

Plaintiff is awarded judgment against Defendants and all persons claiming through or

1 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
2 interest, lien or claim in the real property described above and every portion thereof excepting
3 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

4 **2.**

5 Writ of execution upon this General Judgment of Foreclosure shall issue.

6 **3.**

7 The Deed of Trust executed by Borrowers and recorded on December 30, 2005, in the
8 Malheur County Recorder's Office as document number 2005-9657, is a valid mortgage lien for
9 the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
10 Malheur County, Oregon commonly referred to as 1392 & 1394 Washington Street Vale, OR
11 97918, with a legal description as follows:

12 Land 'in Resurveyed' Northwest Townsite Company's First Addition, City of Vale, Malheur
13 County Oregon, as filed under General Judgment Case No. 05-01-4154-E, Malheur County
14 Circuit Court and recorded September 18, 2006, Instrument No. 2006-6911. Malheur County
15 Records"as follows:

16 Lot.32.

17 Said property formerly described as:

18 Land in Northwest Townsite First Addition, City of Vale, Malheur County, Oregon. Oregon,
19 according to the Official Plat thereof, as follows:

20 In Block 10: Lot 8 and the South 22 feet of Lot 9.

21 **4.**

22 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
23 property, and all other interest in the property gained by him thereafter, or so much interest as
24 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Malheur
25 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

26 **5.**

1 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
2 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
3 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
4 may establish their right thereto.

5 **6.**

6 Defendants and all persons claiming through or under Defendants, as purchasers,
7 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
8 property described above and every portion thereof excepting only any satisfactory right of
9 redemption as Defendants may have.

10 **7.**

11 Plaintiff or any other party to this suit or third party purchase may become the purchaser
12 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
13 property from and after the date of sale and is entitled to such remedies as are available at law to
14 secure possession, including writ of assistance, if the Defendants and any other party or person
15 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
16 possession.

17 **SECURED DEBT**

- 18
- 19 1. Judgment Creditor: New Penn Financial, LLC d/b/a Shellpoint
20 Mortgage Servicing
21 c/o Zieve, Brodnax, & Steele, LLP
22 One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
- 23 2. Judgment Creditor's Attorney: Amy Harrington
24 Zieve, Brodnax, & Steele, LLP
25 One World Trade Center
121 Southwest Salmon St., 11th Floor
26 Portland, OR 97204
714-848-7920

1 3. Person or public body entitled to any portion of money award herein: None

2 4. Total Amount of Secured Debt:

3 a. Lenders' Principal and Interest

4 Principal Balance \$79,579.79

5 Accrued interest and fees on \$ 22,884.93
6 the principal balance through
7 5/31/17

8 **Total Principal and Interest**
9 **Through 5/31/17 at the rate of**
10 **6.875% per annum plus \$14.99**
11 **per diem thereafter. \$102,464.72**

12 b. Attorneys' Fees and Costs

13 Attorney Fees Judicial Flat Rate \$ 3,030.00

14 Litigation Guarantee \$ 390.00

15 **Total Attorney Fees and Costs \$ 3,420.00**

16 **Total Secured Debt (Judgment) \$ 105,884.72**

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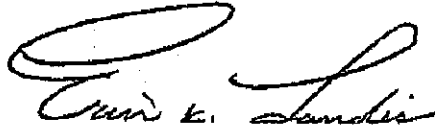
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1 Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ
2 of Execution will issue. This judgment is not and is not intended to be a monetary judgment
3 against the Borrowers.
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9
10 **Erin K. Landis, Circuit Court Judge**

11 Submitted By:

Signed: 8/23/2017 12:50 PM

12
13 */s/Amy Harrington*

14 _____
15 Amy Harrington, OSB No.123363
16 Attorney for Plaintiff
17 New Penn Financial, LLC d/b/a
18 Shellpoint Mortgage Servicing
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