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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR ARGENT
SECURITIES INC., ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2005-
W4,

Plaintiff,

v.

BETTY A. HODGES; AMERICAN
GENERAL FINANCIAL SERVICES (DE),
INC.; OREGON COMMUNITY CREDIT
UNION; STATE OF OREGON; CACH LLC;
LVNV FUNDING LLC; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 17CV42492

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 28, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT
SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES
2005-W4
c/o McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$116,669.57, plus post-judgment interest at the statutory rate of 9.0% per annum from March 28, 2018 to April 20, 2018 in the amount of \$661.66, and continuing to accrue at \$28.77 *per diem*, currently totaling \$117,331.23.

EXHIBIT 1

Beginning at a point 397 feet North and 255 feet East of the Southwest corner of the William Shields and wife Donation Land Claim No. 56, Notification No. 607, in Section 33, Township 20 South, Range 3 West of the Willamette Meridian; running thence East 215 feet; thence North 62 feet; thence West 215 feet; thence South 62 feet to the place of beginning, in Section 33, Township 20 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon.

EXCEPTING THEREFROM that portion conveyed to Lane County, a political subdivision of the State of Oregon, by deed recorded November 21, 1979, Reel 1038, Reception No. 79-69562, Official Records of Lane County, Oregon.

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR ARGENT
SECURITIES INC., ASSET-BACKED
PASS-THROUGH CERTIFICATES,
SERIES 2005-W4,

Plaintiff,

v.

BETTY A. HODGES; AMERICAN
GENERAL FINANCIAL SERVICES (DE),
INC.; OREGON COMMUNITY CREDIT
UNION; STATE OF OREGON; CACH
LLC; LVNV FUNDING LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV42492

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants BETTY A. HODGES; AMERICAN GENERAL FINANCIAL SERVICES (DE), INC.; OREGON COMMUNITY CREDIT UNION; STATE OF OREGON; CACH LLC; LVNV FUNDING LLC; and the 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;

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

- a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 1331 South 6th Street, Cottage Grove, OR 97424 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0915106.
- b. Plaintiff is entitled to enforce the note dated May 26, 2005 and made, delivered, and executed by BETTY A. HODGES to Argent Mortgage Company in the amount of \$103,100.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendant BETTY A. HODGES on or about May 26, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on June 2, 2005 as Instrument No. 2005-040254 in the official records of Lane County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for July 1, 2015 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$95,149.06
- b) Prejudgment interest accruing from 6/1/2015 through 3/21/2018 and continuing until the entry of judgment at the current Note rate of 5.71461%: \$15,224.83
- c) Additional amounts due under the terms of the loan: \$1,844.76
- d) Attorney fees and costs: \$4,365.92

1 e) Prevailing party fee (ORS 20.190 (1)(b)): \$85.00

2 **Total: \$116,669.57**

3 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
4 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
5 per annum.

6 e. The interest of the Defendants and any successor in interest in the Subject Property is
7 foreclosed and terminated excepting only any statutory right of redemption as provided by
8 Oregon law.

9 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

10 g. All right, title and interest in the Subject Property that Defendant BETTY A. HODGES had
11 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
12 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the
13 proceeds of sale shall be applied:

- 14 1) First, to the costs of sale not incurred by Plaintiff;
15 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
16 entry of judgment through the date of the sale and any incurred costs of sale;
17 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
18 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
19 such party or parties as they may establish their right thereto.

20 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
21 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
22 the date of entry of judgment through the date of the sale and any incurred costs of sale.

23 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
24 Property from and after the date of the sale and is entitled to such remedies as are available at
25 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
26

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

3 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
4 entitled to any further or other judgment, including a judgment for the deficiency.

5 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
7 terminated.

8 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
9 Deed of Trust are as follows:

10
11 1) Defendant AMERICAN GENERAL FINANCIAL SERVICES (DE), INC may claim
12 a junior interest in Subject Property by virtue of a deed of trust recorded July 11,
13 2007 as Instrument No. 2007-047353 in the official records of lane County, Oregon,
14 securing a promissory note in the amount of \$21,271.00;

15 2) Defendant OREGON COMMUNITY CREDIT UNION may claim a junior interest in
16 Subject Property by virtue of a deed of trust recorded November 8, 2007 as
17 Instrument No. 2007-075931 in the official records of Lane County, Oregon, securing
18 a promissory note in the amount of \$18,335.43;

19 3) Defendant STATE OF OREGON acting through the Department of Revenue may
20 claim an interest in the subject property by way of a tax deferral program, notice of
21 deferral was recorded on July 2, 2008 as Instrument No. 2008-038923;

22 4) Defendant CACH LLC may claim an interest in Subject Property by virtue of a
23 judgment entered on July 6, 2010 in the Circuit Court of Lane County, Case No.
24 121008290, in the amount of \$3,402.99;

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5) Defendant LVNV FUNDING LLC may claim an interest in Subject Property by virtue of a judgment entered on December 13, 2010 in the Circuit Court of Lane County, Case No. 121014844, in the amount of \$5,632.73.

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Signed 3/28/2018 11:26 AM



Charles D. Carlson, Circuit Court Judge

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

This proposed Judgment of Foreclosure is ready for judicial signature because:

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

Dated: March 21, 2018 and submitted by:

McCarthy & Holthus, LLP

s/ Bryan Kidder
Bryan Kidder, OSB No. 140459
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bkidder@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Beginning at a point 397 feet North and 266 feet East of the Southwest corner of the William Shields and wife Donation Land Claim No. 56, Notification No. 607, in Section 33, Township 20 South, Range 3 West of the Willamette Meridian; running thence East 215 feet; thence North 62 feet; thence West 215 feet; thence South 62 feet to the place of beginning, in Section 33, Township 20 South, Range 3 West of the Willamette Meridian, in Lane County, Oregon.

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