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

PROF-2014-S2 LEGAL TITLE TRUST II, BY
U.S. BANK NATIONAL ASSOCIATION, AS
LEGAL TITLE TRUSTEE,

Plaintiff,

vs.

TRACY L. WILLIAMS; STATE OF
OREGON; DAVID S. WILLIAMS; CAPITAL
ONE BANK (USA) NA; RAY KLEIN INC.;
OCCUPANTS OF THE PROPERTY

Defendants.

Case No.: 16CV16172

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE 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:

PROF-2014-S2 LEGAL TITLE TRUST II, BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE TRUSTEE
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$121,122.78, plus post judgment interest at the statutory rate
2 of 9.0% per annum from November 8, 2017 to 5/25/2018 in the amount of \$5,914.26, and
3 continuing with a per diem of \$29.87, currently totaling \$127,037.04.

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 December 8, 2004, 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 #: 0133601
9 and commonly known as: 5253 F Street, Springfield, OR 97478.

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 May 24, 2018

16 By: Angie Jones
17 court clerk



20 Dated: 5/22/2018 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ Andreanna C. Smith

23 Andreanna Smith OSB No. 131336
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 ansmith@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Lot 16, Block 1, FIRST ADDITION TO NAYLOR SUBDIVISION, as platted and recorded in Book 44, Page 6, Lane County Oregon Plat Records, in Lane County, Oregon.

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

PROF-2014-S2 LEGAL TITLE TRUST II,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

TRACY L. WILLIAMS; STATE OF
OREGON; DAVID S. WILLIAMS;
CAPITAL ONE BANK (USA) NA; RAY
KLEIN INC.; OCCUPANTS OF THE
PROPERTY

Defendants.

Case No.: 16CV16172

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants TRACY L. WILLIAMS, STATE OF OREGON, CAPITAL ONE BANK (USA) NA, RAY KLEIN INC. and 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;
- b. DAVID S. WILLIAMS was dismissed from this action;

2.

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 5253 F Street, Springfield, OR 97478 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
2 0133601.

3 b. Plaintiff is entitled to enforce the note dated December 8, 2004 and made, delivered, and
4 executed by TRACY L. WILLIAMS to RBC MORTGAGE COMPANY in the amount of
5 \$109,600.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant TRACY L. WILLIAMS on
8 or about December 13, 2004 (the “Deed of Trust”). The Deed of Trust was recorded on
9 December 14, 2004 as Instrument No. 2004-095260 in the official records of Lane County,
10 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
11 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
12 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

13 d. The Borrower failed to make the payment that was due for June 1, 2015 and has not cured
14 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the “Amount Due”):

16	a) Unpaid principal balance:	\$90,919.12
17	b) Prejudgment interest accruing from	
18	5/1/2015 through 11/2/2017 and	
19	continuing until the entry of	
	judgment at the current Note rate of	
	6.0%:	\$13,690.28
20	c) Additional amounts due under the	\$12,476.85
21	terms of the loan:	
22	d) Attorney fees and costs:\$	\$3,951.53
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
24	Total:	\$121,122.78

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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 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 TRACY L. WILLIAMS
9 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by
10 the Lane 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.

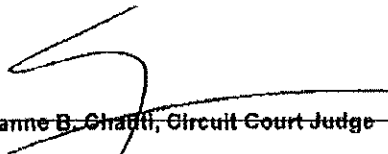
1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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 CAPITAL ONE BANK (USA) NA may claim a junior interest in Subject
7 Property by virtue of a judgment entered on 10/02/2009 in Case No. 120916576 in
8 the official Circuit Court of Lane County, Oregon.

9 2) Defendant RAY KLEIN INC. may claim a junior interest in Subject Property by
10 virtue of a judgment entered on 04/29/2013 in Case No. 161303727 in the Circuit
11 Court of Lane County, Oregon.

Signed 11/7/2017 09:28 PM

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17 **Suzanne B. Chaffin, Circuit Court Judge**
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:

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22 The relief sought is against an opposing party who has been found in default.
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Dated: 11/2/2017 and submitted by:

McCarthy & Holthus, LLP

s/ Brady Godbout

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Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

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