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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE MERRILL LYNCH FIRST
FRANKLIN MORTGAGE LOAN TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2007-4,
Plaintiff,

Case No. 17CV27276

WRIT OF EXECUTION

v.

SHAUN A. FERGUSON AKA SHAUN
ADAM FERGUSON; TERI L. FERGUSON
AKA TERI LYNN GRIFFIN; VALLEY
CREDIT SERVICE, INC.; QUICK
COLLECT, INC.; UNITED STATES OF
AMERICA; STATE OF OREGON
DEPARTMENT OF REVENUE; RAINBOW
PUMP COMPANY, INC.; STATE OF
OREGON DEPARTMENT OF JUSTICE
DIVISION OF CHILD SUPPORT; AND ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
82815 BRADFORD RD, CRESWELL, OR
97426,

Defendant.

TO THE LANE COUNTY SHERIFF:

On May 8, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE MERRILL LYNCH FIRST FRANKLIN MORTGAGE LOAN

1 TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-4 c/o
2 Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

3 The real property to be sold at public auction is commonly known as 82815 BRADFORD
4 RD, CRESWELL, OR 97426 ("Subject Property"), and legally described as:

5 LOT 6, BLOCK 1, VALLEY GREEN ESTATES, AS PLATTED AND RECORDED IN
6 BOOK 52, PAGE 17, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
7 OREGON.

8 The total amount due and owing on the Judgment as of May 24, 2018;

| | | |
|-------------------|-------------------------------|-------------------------------------|
| 9 Judgment: | Principal | \$308,076.27 |
| 10 Pre-Judgment: | Interest(4.000%, \$30.50/day) | \$2,348.50 (2/21/18 through 5/8/18) |
| 11 | Attorney Fees | \$4,445.00 |
| 12 | Costs | \$2,759.80 |
| 13 | Prevailing Party Fee | \$300.00 |
| 14 Post-Judgment: | Interest(9.000%, \$78.46/day) | \$1,255.36 (5/9/18 through 5/24/18) |
| 15 | Attorney Fees | \$305.00 |
| 16 | | |

17 **TOTAL: \$319,489.93**

18 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
19 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
20 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
21 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
22 holder of the certificate of sale.

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1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.

COURT ADMINISTRATOR FOR
LANE COUNTY CIRCUIT COURT

May 29, 2018

By: Angie Jones
court clerk

8 Presented by:
ALDRIDGE PITE, LLP

9 By: Christi An

10 { Hunter Zook, OSB #095578
11 { Katie Riggs, OSB #095861
12 { Sarah Mathenia, OSB #120681
13 { Shannon K. Calt, OSB #121855
14 { Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com



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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE MERRILL LYNCH FIRST
FRANKLIN MORTGAGE LOAN TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2007-4,

Plaintiff,

v.

SHAUN A. FERGUSON AKA SHAUN
ADAM FERGUSON; TERI L. FERGUSON
AKA TERI LYNN GRIFFIN; VALLEY
CREDIT SERVICE, INC.; QUICK
COLLECT, INC.; UNITED STATES OF
AMERICA; STATE OF OREGON
DEPARTMENT OF REVENUE; RAINBOW
PUMP COMPANY, INC.; STATE OF
OREGON DEPARTMENT OF JUSTICE
DIVISION OF CHILD SUPPORT; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
82815 BRADFORD RD, CRESWELL, OR
97426,

Defendants.

Case No. 17CV27276

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against Defendants SHAUN A. FERGUSON
AKA SHAUN ADAM FERGUSON; TERI L. FERGUSON AKA TERI LYNN GRIFFIN;
VALLEY CREDIT SERVICE, INC.; QUICK COLLECT, INC.; UNITED STATES OF
AMERICA; STATE OF OREGON DEPARTMENT OF REVENUE; RAINBOW PUMP
COMPANY, INC.; STATE OF OREGON DEPARTMENT OF JUSTICE DIVISION OF
CHILD SUPPORT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING

1 ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY
2 KNOWN AS 82815 BRADFORD RD, CRESWELL, OR 97426, the records on file herein, and
3 pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
4 Plaintiff U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE MERRILL LYNCH FIRST
5 FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED
6 CERTIFICATES, SERIES 2007-4 ("Plaintiff"),

7 **IT IS HEREBY ADJUDGED:**

8 1. Plaintiff's security interest in the real property located at 82815 Bradford Rd,
9 Creswell, OR 97426 ("Subject Property"), as evidenced by the Deed of Trust recorded May 11,
10 2007 in the official records of LANE County as Instrument Number 2007-032061 ("Deed of
11 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
12 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
13 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

14 LOT 6, BLOCK 1, VALLEY GREEN ESTATES, AS PLATTED AND RECORDED IN
15 BOOK 52, PAGE 17, LANE COUNTY OREGON PLAT RECORDS, IN LANE
16 COUNTY, OREGON.

17 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
18 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
19 in the manner provided by law;

20 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
21 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
22 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
23 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

24 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
25 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
26 68(C), which amount may be added to the outstanding obligation due and owing under the Note

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
3 by sale of the Subject Property as directed under this Judgment;

4 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
5 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
6 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
7 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
8 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

9 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
10 sale of the Subject Property as directed under this Judgment.

11 7. The Sheriff shall make a return on the writ of execution to the court administrator
12 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
13 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
14 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
15 parties as may establish their right thereto. The Defendants and all persons claiming through or
16 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
17 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
18 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
19 every part of the Subject Property when the time for redemption has elapsed;

20 8. Plaintiff or any other party to this action may become a purchaser at the
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the
24 subject property if Defendants or any other party or person refuses to surrender possession;

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$308,076.27.
2. Simple interest at the variable rate currently at 4.000% (\$30.50 *per diem*) after February 20, 2018, through the date of judgment.
3. Attorney fees of \$4,445.00, plus \$305.00, through the date of sale.
4. Costs of \$2,759.80, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total amounts, Numbers 1 – 5, above, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 5/8/2018 10:03 AM



R. Curtis Conover, Circuit Court Judge

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

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3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me;
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.
6. Other: _____

Presented By:
ALDRIDGE PITE, LLP

| | |
|---|---------------|
| <i>/s/ Christina Andreoni</i> | Date: 4/30/18 |
| {} Hunter Zook, OSB #095578 {} Katie Riggs, OSB #095861 {} Sarah Mathenia, OSB #120681 {} Shannon K. Calt, OSB #121855 {X} Christina Andreoni, OSB #160875 <i>Of Attorneys for Plaintiff</i> (858)750-7600, (503)222-2260 (fax) orecourtnotices@aldridgepite.com | |

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