

CLACKAMAS COUNTY SHERIFF
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

TYLER J. BRICKEY AKA TYLER JAY
BRICKEY; SHAWNA RENE BRICKEY
AKA SHAWNA RENE BRONSON
BRICKEY AKA SHAWNA BRONSON-
POHLSCHNEIDER; KENNETH WALTER
POHLSCHNEIDER; STATE OF OREGON;
PRESTIGE FINANCIAL SERVICES, INC.;
QUICK COLLECT, INC.; CITY OF
OREGON CITY; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 17CV16965

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS 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 Judgment Creditor:

NATIONSTAR MORTGAGE LLC
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$515,192.57, plus post judgment interest at the statutory rate of 9.0% per annum from March 26, 2018 to 4/18/18 in the amount of \$2,667.71, and continuing with a per diem of \$127.03, currently totaling \$517,860.28.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about May 22, 2012, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described in Exhibit 1, APN/Parcel #: 05009295 and commonly
6 known as: 16258 Tracey Lee Ct, Oregon City, OR 97045-8236.

7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
10 You are to make the return within 60 days after you receive this Writ. Should the sale be
11 continued, the writ may be automatically extended for 30 days.

12 **DATED:** 8 day of May, 2018.

13 Cleek
14 Title

15 By: Dorothy Watson



16 Submitted by:

17 **McCarthy & Holthus, LLP**

18 [Signature] 4/18/18
19 John Thomas OSB No. 024691
20 Robert Hakari OSB No. 114082
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 rhakari@mccarthyholthus.com
26 Of Attorneys for Plaintiff

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Court Administrator relies on the information
provided by the person seeking issuance of
this writ of execution and is not liable for any
errors or omissions in the information

EXHIBIT “ 1 ”

LOT 26, TRACEY HEIGHTS, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

TYLER J. BRICKEY AKA TYLER JAY
BRICKEY; SHAWNA RENE BRICKEY
AKA SHAWNA RENE BRONSON
BRICKEY AKA SHAWNA BRONSON-
POHLSCHNEIDER; KENNETH WALTER
POHLSCHNEIDER; STATE OF OREGON;
PRESTIGE FINANCIAL SERVICES, INC.;
QUICK COLLECT, INC.; CITY OF
OREGON CITY; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 17CV16965

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. The real property to which this judgment relates is located and situated in Clackamas County, Oregon, and is commonly known as 16258 Tracey Lee Ct, Oregon City, OR 97045-8236 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 05009295.
- b. Plaintiff is entitled to enforce the note dated May 22, 2012 and made, delivered, and executed

1 by Defendants Tyler J. Brickey and Shawna Rene Brickey (the "Borrower") to Advantage
2 Mortgage in the amount of \$396,750.00 (the "Note"). The Note was transferred to Plaintiff
3 by delivery of possession and by indorsement set forth on the Note.

4 c. A deed of trust was made, executed, and delivered by Borrower on or about May 23, 2012
5 (the "Deed of Trust"). The Deed of Trust was recorded on May 29, 2012 as Instrument No.
6 2012033248 in the official records of Clackamas County, Oregon. The Deed of Trust is a
7 valid and perfected lien against all of the Property for and securing the Amount Due. The
8 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
9 remain in effect until issuance of a Sheriff's Deed.

10 d. Borrower failed to make the payment that was due for May 1, 2013 and has not cured the
11 default. The amount of debt secured by the Deed of Trust that is now due and owing is
12 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 13 | a) Unpaid principal balance: | \$391,195.83 |
| 14 | b) Prejudgment interest accruing from | \$78,532.59 |
| 15 | 4/1/2017 through 12/22/2017 and | |
| 16 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 4.25%: | |
| 17 | c) Additional amounts due under the | \$39,285.85 |
| 18 | terms of the loan: | |
| 19 | d) Attorney fees and costs: | \$6,093.30 |
| 20 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 21 | Total: | \$515,192.57 |

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

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

- 1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Borrower had as of the date of the
3 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County
4 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
5 sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
16 Property from and after the date of the sale and is entitled to such remedies as are available at
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.
- 22 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
23 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
24 terminated.
- 25 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
26 Deed of Trust are as follows:

- 27 1) Defendants KENNETH WALTER POHLSCHNEIDER and STATE OF OREGON
- 28

1 may claim an interest in Subject Property by virtue of a judgment entered on
2 09/06/2011 in the Circuit Court of Clackamas County, Case No. DR09050540.

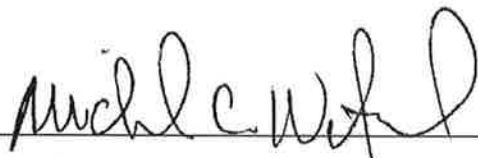
3 2) Defendant STATE OF OREGON may claim an interest in Subject Property by virtue
4 of a judgment entered on 12/03/2014 in the Circuit Court of Clackamas County, Case
5 No. DR13070439, and supplemented on 1/5/2015.

6 3) Defendant PRESTIGE FINANCIAL SERVICES, INC. may claim an interest in
7 Subject Property by virtue of a judgment entered on 08/19/2015 in the Circuit Court
8 of Clackamas County, Case No. CV15050285.

9 4) Defendant QUICK COLLECT, INC. may claim an interest in Subject Property by
10 virtue of a judgment entered on 04/08/2015 in the Circuit Court of Clackamas
11 County, Case No. SC152919, and recorded on 6/8/2015 as Instrument No. 2015-
12 034337 with the Clackamas County Recorder..

13 5) Defendant CITY OF OREGON CITY may claim an interest in Subject Property by
14 virtue of a judgment recorded on 01/27/2016 with the Clackamas County Recorder as
15 Instrument No. 2016-004839

Signed: 3/23/2018 04:25 PM

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Circuit Court Judge Michael C. Wetzel

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

26 This proposed Judgment Of Foreclosure is ready for judicial signature because:

27 Each opposing party affected by this order or judgment has stipulated to the order or
28 judgment, as shown by each opposing party's signature on the document being
submitted.

Each opposing party affected by this order or judgment has approved the order or
judgment, as shown by signature on the document being submitted or by written

confirmation of approval sent to me.

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

No objection has been served on me.

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.

After conferring about objections, _____ agreed to independently file any remaining objection.

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

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

Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

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 (4) of this rule.

Other: _____

McCarthy & Holthus, LLP

s/ Robert B. Hakari 12/22/17

Robert Hakari OSB No. 114082

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT " 1 "

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