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ANDY LOGG SHERIFF  
TILLAMOOK COUNTY  
TILLAMOOK OREGON



Certified True Copy of The Original  
Dated This 17 Day of May, 2018  
Twenty-seventh Judicial District, State of Oregon  
Trial Court Administrator

By 

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

U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST,

Case No.: 17CV42348

Plaintiff,

WRIT OF EXECUTION IN  
FORECLOSURE

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF SLOAN VOORHIES; REBECCA A.  
VOORHIES; CACH, LLC; CAPITAL ONE  
BANK (USA) N.A.; LVNV FUNDING, LLC;  
DYNAMIC STRATEGIES, INC.;  
CERASTES, LLC; JACK VOORHIES;  
OCCUPANTS OF THE PROPERTY,

Defendants.

**TO THE TILLAMOOK COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on April 4, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST

c/o Jeremy Clifford  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

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With the adjudicated amount due of \$90,228.13, plus post judgment interest at the statutory rate of 9.0% per annum from April 4, 2018 to May 14, 2018 in the amount of \$889.92, and continuing with a per diem of \$22.25, currently totaling \$91,118.05.

**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about December 23, 2005, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in the attached Exhibit 1, APN/Parcel #: 215074 and commonly known as: 17600 Sandlake Rd, Cloverdale, OR 97112-9543.

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

May 11, 2018

Maureen C. Clee

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Dated: May 10, 2018 and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

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\_ John Thomas OSB No. 024691  
\_ Robert Hakari OSB No. 114082  
\_ Andreanna Smith OSB No. 131336  
\_ Brady Godbout OSB No. 132708  
\_ Bryan Kidder OSB No. 140459  
x Jeremy Clifford OSB No. 142987  
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Of Attorneys for Plaintiff

# Exhibit 1

GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 3 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, IN TILLAMOOK COUNTY, OREGON, LESS THE EAST 10 RODS HERETOFORE CONVEYED TO ED CREECY BY DEED RECORDED JUNE 13, 1929 IN BOOK 57, PAGE 544, TILLAMOOK COUNTY RECORDS.

ALSO EXCEPTING THAT PARCEL OF LAND CONVEYED TO CROWN ZELLERBACH CORPORATION BY DEED RECORDED JUNE 4, 1968 IN BOOK 212, PAGE 419, TILLAMOOK COUNTY RECORDS

ALSO EXCEPTING THAT PARCEL OF LAND CONVEYED TO THOMAS W. RAY, ET UX, BY DEED RECORDED JANUARY 15, 1970 IN BOOK 218, PAGE 178, TILLAMOOK COUNTY RECORDS.

FURTHER EXCEPTING THAT PARCEL OF LAND CONVEYED TO DAVID B. DAGGETT, ET UX, BY DEED RECORDED APRIL 4, 1990 IN BOOK 327, PAGE 361, TILLAMOOK COUNTY RECORDS.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, DESCRIBED AS FOLLOWS: SAID EASEMENT IS 20 FEET EVEN WIDTH, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, TO-WIT: BEGINNING AT A POINT ON THE NORTHERLY SIDELINE OF THE SAND LAKE COUNTY ROAD WHICH IS NORTH 991.92 FEET AND EAST 2183.11 FEET FROM THE WEST QUARTER SECTION CORNER OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, IN TILLAMOOK COUNTY, OREGON; THENCE NORTH 44° 39' WEST 80.95 FEET; THENCE NORTH 9° 09' WEST 58 FEET; THENCE NORTH 5° 06' EAST 92.26 FEET TO THE NORTH SIDELINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, ITS TERMINUS.

MERIDIAN USED IN THE ABOVE DESCRIPTION IS TRUE MERIDIAN, DERIVED FROM ITS TO SOLAR OBSERVATION OF OREGON STATE FORESTRY DEPARTMENT FOR THE SUBDIVISION OF SECTION 11.

TOGETHER WITH A 20 FOOT PERMANENT RIGHT OF WAY EASEMENT FOR INGRESS AND EGRESS AS SET FORTH IN VESTING DEED TO DAVID B. DAGGETT, ET UX, RECORDED APRIL 4, 1990 IN BOOK 327, PAGE 361, TILLAMOOK COUNTY RECORDS.

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

U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST,

Case No.: 17CV42348

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF SLOAN VOORHIES; REBECCA A.  
VOORHIES; CACH, LLC; CAPITAL ONE  
BANK (USA) N.A.; LVNV FUNDING,  
LLC; DYNAMIC STRATEGIES, INC.;  
CERASTES, LLC; JACK VOORHIES;  
OCCUPANTS OF THE PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF SLOAN VOORHIES, REBECCA A. VOORHIES, CACH, LLC, CAPITAL ONE BANK (USA) N.A., LVNV FUNDING, LLC, DYNAMIC STRATEGIES, INC., CERASTES, LLC, JACK VOORHIES, and OCCUPANTS OF THE PROPERTY ("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:

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a. The real property to which this judgment relates is located and situated in Tillamook County, Oregon, and is commonly known as 17600 Sandlake Rd, Cloverdale, OR 97112 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 215074.

b. Plaintiff is entitled to enforce the note dated December 23, 2005 and made, delivered, and executed by SLOAN VOORHIES and REBECCA A. VOORHIES to Bank of America N.A. in the amount of \$80,000.00 (the "Note"). On information and belief, the original Note has been lost or destroyed while in the possession of a person entitled to enforce the Note, and Plaintiff is currently entitled to enforce the Note. The party that lost the Note, Bank of America, executed an Affidavit of Lost Note, attached as part of Exhibit 2 of the Complaint and Exhibit 2 of Plaintiff's Declaration of Amounts Due and Owing. As successor in interest to Bank of America, Plaintiff is entitled to enforce the Note.

c. A deed of trust was made, executed, and delivered by Defendants SLOAN VOORHIES and REBECCA A. VOORHIES on or about December 23, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on January 23, 2006 as Instrument No. 2006-000569 in the official records of Tillamook 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 May 25, 2016 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: \$74,039.01

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b) Prejudgment interest accruing from 4/25/2016 through 4/3/2018 and continuing until the entry of judgment at the current Note rate of 5.49%:	\$6,936.10
c) Additional amounts due under the terms of the loan:	\$3,506.51
d) Attorney fees and costs:	\$5,661.51
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
<b>Total:</b>	<b>\$90,228.13</b>

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

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendants SLOAN VOORHIES and REBECCA A. VOORHIES had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Tillamook County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
  - 1) First, to the costs of sale not incurred by Plaintiff;
  - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
  - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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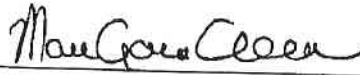
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale.
- i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.
- j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be entitled to any further or other judgment, including a judgment for the deficiency.
- k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.
- l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:
  - 1) Defendant CACH, LLC may claim an interest in Subject Property by virtue of a judgment entered on 07/25/2008 in the Circuit Court of Tillamook County, Oregon, Case No. 082017;
  - 2) Defendant CAPITAL ONE BANK (USA) N.A. may claim an interest in Subject Property by virtue of a judgment entered on 09/17/2008 in the Circuit Court of Tillamook County, Oregon, Case No. 088161;
  - 3) Defendant LVNV FUNDING, LLC may claim an interest in Subject Property by virtue of a judgment entered on 6/29/2009 in the Circuit Court of Tillamook County, Oregon, Case No. 092082;
  - 4) Defendant DYNAMIC STRATEGIES, INC. may claim an interest in Subject Property by virtue of a judgment entered on 04/29/2010 in the Circuit Court of Tillamook County, Oregon, Case No.102011;



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5) Defendant CERASTES, LLC may claim an interest in Subject Property by virtue of a judgment entered on 04/08/2013 in the Circuit Court of Tillamook County, Oregon, Case No. 132006;

Signed 4/4/2018 11 29 AM



Circuit Court Judge Mari Garric Trevino

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

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

Each opposing party affected by this order or judgment has stipulated to the order or 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.

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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: \_\_\_\_\_

Dated: April 3, 2018 and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

John Thomas OSB No. 024691  
x Jeremy Clifford OSB No. 142987  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
jclifford@mccarthyholthus.com  
Of Attorneys for Plaintiff

## EXHIBIT " 1 "

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