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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MARION

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

Case No. 17CV32145

Plaintiff,

WRIT OF EXECUTION

vs.

RONALD L. SPERRY III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CONNIE THOMAS; SHANE A.
THOMAS; ANDREW C. DYGART, AS
SUCCESSOR TRUSTEE OF THE
CONNIE KAY THOMAS REVOCABLE
LIVING TRUST DATED NOVEMBER 19,
2007; UNKNOWN SUCCESSOR
TRUSTEE OF THE CONNIE KAY
THOMAS REVOCABLE LIVING TRUST
DATED NOVEMBER 19, 2007;
UNKNOWN BENEFICIARIES OF THE
CONNIE KAY THOMAS REVOCABLE
LIVING TRUST DATED NOVEMBER 19,
2007; UNKNOWN HEIRS OF CONNIE
KAY THOMAS; GB HOME EQUITY,
LLC; BMO HARRIS BANK NATIONAL
ASSOCIATION; SUCCESSOR IN
INTEREST TO M&I BANK FSB;
PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

1- WRIT OF EXECUTION
S&S No. 16-118289

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 WHEREAS, on February 28, 2018, in the above-entitled court, a General Judgment of
2 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and
3 was duly entered and docketed in the above-entitled cause

4 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
5 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
6 (subject to redemption) all of the interest which the defendants had on August 13, 2002, the date
7 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the
8 real property described in the judgment:

9 BEGINNING AT A POINT ON THE NORTH LINE OF CENTER STREET IN THE CITY OF
10 SALEM, MARION COUNTY, OREGON AT A POINT 50.00 FEET WESTERLY FROM THE
11 INTERSECTION OF THE NORTH LINE OF SAID CENTER STREET, WITH THE WEST
12 LINE OF NORTH 20TH STREET; THENCE NORTH 18' EAST PARALLEL WITH THE
13 WEST LINE OF NORTH 20TH STREET, 113.9 FEET; THENCE WEST 50.3 FEET; THENCE
14 SOUTH 5' WEST 118.4 FEET TO THE NORTH LINE OF CENTER STREET; THENCE
15 EASTERLY 50.00 FEET TO THE PLACE OF BEGINNING, AND BEING SITUATED IN
16 THE DONATION LAND CLAIM OF J. L. PARRISH AND WIFE IN MARION COUNTY,
17 OREGON.

18 and commonly known as 1975 Center Street NE, Salem, OR 97301 to satisfy the sum of
19 \$97,461.13, as of March 2, 2018, together with additional post judgment interest of 9.00% from
20 that date (\$24.02 per day), and costs of this execution, making due return within 60 days after
21 you receive this writ.

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25 //

26 2- WRIT OF EXECUTION
S&S No. 16-118289

27 *SHAPIRO & SUTHERLAND, LLC*
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
28 ksutherland@logs.com

1 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust is the Judgment
2 Creditor, and its address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499
3 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland,
4 LLC is the attorney for the Judgment Creditor.
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Signed: 3/8/2018 02:25 PM



Noel B. Herlitz, Court Clerk



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10
11
12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: per 3-2-18

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Cara J. Richter #094855 [crichter@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
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7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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26 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MARION

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

Case No. 17CV32145

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

RONALD L. SPERRY III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CONNIE THOMAS; SHANE A. THOMAS;
ANDREW C. DYGART, AS SUCCESSOR
TRUSTEE OF THE CONNIE KAY THOMAS
REVOCABLE LIVING TRUST DATED
NOVEMBER 19, 2007; UNKNOWN
SUCCESSOR TRUSTEE OF THE CONNIE KAY
THOMAS REVOCABLE LIVING TRUST
DATED NOVEMBER 19, 2007; UNKNOWN
BENEFICIARIES OF THE CONNIE KAY
THOMAS REVOCABLE LIVING TRUST
DATED NOVEMBER 19, 2007; UNKNOWN
HEIRS OF CONNIE KAY THOMAS; GB HOME
EQUITY, LLC; BMO HARRIS BANK
NATIONAL ASSOCIATION, SUCCESSOR IN
INTEREST TO M&I BANK FSB; PARTIES IN
POSSESSION,

Defendants.

Defendant(s), Ronald L. Sperry, III, as a Personal Representative of the Estate of Richard Vandagriff, Esq, and Unknown Heirs of Connie Kay Thomas, having been dismissed and Defaults having been granted as to Defendants, Shane A. Thomas, Andrew C. Dygart, as Successor Trustee of the Connie Kay Thomas Revocable Living Trust dated November 19, 2007,

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118289

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1 Unknown Successor Trustee of the Connie Kay Thomas Revocable Living Trust dated
2 November 19, 2007, Unknown Beneficiaries of the Connie Kay Thomas Revocable Living Trust
3 dated November 19, 2007, GB Home Equity, LLC, BMO Harris Bank National Association,
4 successor in interest to M&I Bank FSB, and Parties in Possession:

5 It is hereby

6 ORDERED AND ADJUDGED:

- 7
- 8 1. The real property to which this judgment relates (hereafter the "Property") is situated in
9 Marion County, Oregon is commonly known as 1975 Center Street NE, Salem, OR 97301
10 and is legally described as follows:

11 Beginning at a point on the North line of Center Street in the City of Salem, Marion
12 County, Oregon at a point 50.00 feet Westerly from the intersection of the North line
13 of said Center Street, with the West line of North 20th Street; thence North 18' East
14 parallel with the West line of North 20th Street, 113.9 feet; thence West 50.3 feet;
15 thence South 5' West 118.4 feet to the North line of Center Street; thence Easterly
50.00 feet to the place of beginning, and being situated in the Donation Land Claim of
J. L. Parrish and wife in Marion County, Oregon.

- 16 2. The Deed of Trust executed and delivered by Defendant, Connie K Thomas, an Unmarried
17 Individual ("Borrower") on or about August 13, 2002 and recorded on April 29, 2002 as
18 Reel 1989, Page 387 in the official records of Marion County, Oregon, is a valid and
19 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
20 herein.

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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
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- 1 3. The Plaintiff is the holder of the original note dated August 13, 2002 and made by Connie K.
2 Thomas in the amount of \$85,000.00. A copy of the Note was attached to the complaint as
3 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
4 Trust (together the "Loan").
- 5 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
6 interest in the Property is foreclosed and terminated excepting only any statutory right of
7 redemption as provided by Oregon law.
- 8 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
9 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
10 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
11 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
12 interests and priorities.
- 13 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 14 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
15 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion
16 County Sheriff's Office in accordance with the process for sale upon execution, and the
17 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
18 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
19 as their interest may appear or to the clerk of the court to be distributed to such party of
20 parties as may establish their right thereto.
- 21 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
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1 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
2 from and after the date of the sale and is entitled to such remedies as are available at law or
3 in equity to secure possession.

4 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
5 any person holding possession under or through such Defendant(s) shall refuse to surrender
6 possession to the purchaser immediately on the purchaser's demand for possession.

7 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:
8

9	Principal		\$65,681.36	
10	Prejudgment interest at 6.25% through December 29, 2017 (accruing thereafter until entry of judgment at \$11.25 per diem)			\$12,630.15
11	Late Charges		\$0.00	
12	Other Costs and fees (recoverable)		8,711.35	
13	Property Tax	\$1,824.80		
14	PMI/MIP	\$2,626.00		
15	Property Inspections	\$390.00		
16	Beginning Escrow Balance	\$3,870.55		
17		Subtotal		\$74,392.71
18		Total plus Prejudgment Interest		\$87,022.86

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

2	Costs		\$6,653.98
3	Title Search Cost	\$405.00	
4	Filing Fee	\$531.00	
5	Lis Pendens Recording Fee	\$51.00	
6	Service by Publication	\$4,899.48	
7	Service Costs	\$442.50	
8	Death Certificate Fee	\$50.00	
9	Prevailing Party Fee	\$275.00	
10	Attorney fees		\$3,050.00
11	Total		\$9,703.98

12 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
13 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14 14. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no
15 general execution shall be issued and Plaintiff shall not be entitled to any further judgment,
16 including a judgment for deficiency.

17 15. Execution may issue against the subject property for the aggregate amount found due
18 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
19 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
20 ORS 18.936 or other applicable law.

21 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
22 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
23 judgment as to the amounts due shall be terminated.

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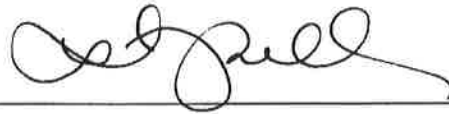
26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
2 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
3 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
4 18.936.

5
6 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
7 necessary to enforce this judgment, the writ of execution or for the purchaser at the
8 foreclosure sale to obtain possession.

Signed: 2/28/2018 11:11 AM



Circuit Court Judge Tracy A. Prall

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18 **Certificate of Readiness under UTCR 5 100**

19 This proposed order or judgment is ready for judicial signature because:

- 20 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
21 by each party's signature on the document being submitted.
22 2. Each party affected by this order or judgment has approved the order or judgment, as shown
23 by each party's signature on the document being submitted or by written confirmation of approval
24 sent to me.
25 3. I have served a copy of this order or judgment on each party 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
26 have filed a copy of the objections I received and indicated which objections remain unresolved.
27 c. After conferring about objections, [role and name of objecting party] agreed to independently

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1 file any remaining objection.

2 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
3 UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

4 5. This is a proposed judgment that includes an award of punitive damages and notice has been
5 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
6 this rule.

7 6. Other: _____

8 Submitted by:

9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By:  2-20-18

12 James A. Craft #090146 [jcraft@logs.com]

13 Kelly D. Sutherland #87357 [ksutherland@logs.com]

14 Cara J. Richter #094855 [crichter@logs.com]

15 Holger Uhl #950143 [huhl@logs.com]*

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