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

DLJ MORTGAGE CAPITAL INC,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF GEORGE J. MAY; SHELLY M.  
BREWER; UNITED STATES OF AMERICA;  
STATE OF OREGON; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 17CV20995

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE WASCO COUNTY SHERIFF:**


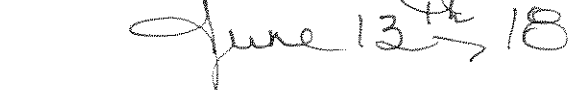
A Judgment of Foreclosure was entered and docketed in this case on April 2, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DLJ MORTGAGE CAPITAL INC  
c/o Andreanna Smith  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$133,786.51, plus post judgment interest at the statutory rate of 9.0% per annum from April 2, 2018 to June 14, 2018 in the amount of \$2,408.27, and continuing with a per diem of \$32.99, currently totaling \$136,194.78.

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 July 18, 2007, the date of the Deed of Trust, and also the interest that the Defendant had  
5 thereafter, in the real property described in the attached Exhibit 1, APN/Parcel #: 2364 and  
6 commonly known as: 1009 Oak Street West, The Dalles, OR 97058.

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.

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17 Dated: 6/8/2018 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Andreanna C. Smith

20 \_\_\_\_\_  
21 Andreanna Smith OSB No. 131336  
22 920 SW 3rd Ave, 1st Floor  
23 Portland, OR 97204  
24 Phone: (971) 201-3200  
25 Fax: (971) 201-3202  
26 ansmith@mccarthyholthus.com  
27 Of Attorneys for Plaintiff  
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**EXHIBIT 1**

THE SOUTHEASTERLY 63 FEET OF LOT 2, BLOCK C, MURRAY'S ADDITION TO  
THE DALLES, IN THE COUNTY OF WASCO, STATE OF OREGON.

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

DLJ MORTGAGE CAPITAL INC,  
  
Plaintiff,  
  
vs.  
  
THE UNKNOWN HEIRS AND DEVISEES  
OF GEORGE J. MAY; SHELLY M.  
BREWER; UNITED STATES OF  
AMERICA; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY;  
  
Defendants.

Case No.: 17CV20995  
  
GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF GEORGE J. MAY, SHELLY M. BREWER, UNITED STATES OF AMERICA, STATE OF OREGON 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;

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 Wasco County, Oregon, and is commonly known as 1009 Oak Street West, The Dalles, OR 97058 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 2364.

1 b. Plaintiff is entitled to enforce the note dated July 18, 2007 and made, delivered, and executed  
2 by GEORGE J. MAY to Liberty Reverse Mortgage, Inc. in the amount of up to \$214,500.00  
3 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
4 indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendant GEORGE J. MAY on or  
6 about July 18, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on August 1,  
7 2007 as Instrument No. 2007-004011 in the official records of Wasco County, Oregon. The  
8 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
9 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
10 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

11 d. The Deed of Trust is reformed so that the correct legal description takes the place of the  
12 incomplete legal description. The legal description is reformed to:

13 THE SOUTHEASTERLY 63 FEET OF LOT 2, BLOCK C, MURRAY'S  
14 ADDITION TO THE DALLES, IN THE COUNTY OF WASCO, STATE OF  
15 OREGON.

16 e. Upon information and belief, George May has passed away as of November 25, 2016. The  
17 amount of debt secured by the Deed of Trust that is now due and owing is comprised of the  
18 following amounts (the "Amount Due"):

|    |  |                     |
|----|--|---------------------|
| 18 | a) Unpaid principal balance:   | \$91,925.34         |
| 19 | b) Prejudgment interest accruing from<br>20 11/25/2016 through 3/27/2018 and<br>21 continuing until the entry of<br>22 judgment at the current Note rate of<br>23 1.81%: | \$17,988.97         |
| 24 | c) Additional amounts due under the<br>25 terms of the loan:   | \$19,225.20         |
| 26 | d) Attorney fees and costs:  | \$4,562.00          |
| 27 | e) Prevailing party fee (ORS 20.190<br>28 (1)(a)):   | \$85.00             |
|    | <b>Total:</b>  | <b>\$133,786.51</b> |

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 f. 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 g. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
8 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
9 28 U.S.C. § 2410(c) one-year redemption right in this case.

10 h. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

11 i. All right, title and interest in the Subject Property that Defendant GEORGE J. MAY had as  
12 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
13 Wasco County Sheriff's Office in accordance with the process for sale upon execution, and  
14 the proceeds of sale shall be applied:

15 1) First, to the costs of sale not incurred by Plaintiff;

16 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
17 entry of judgment through the date of the sale and any incurred costs of sale;

18 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
19 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
20 such party or parties as they may establish their right thereto.

21 j. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

24 k. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
25 Property from and after the date of the sale and is entitled to such remedies as are available at  
26 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
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1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
2 possession to the purchaser immediately upon the purchaser's demand for possession.

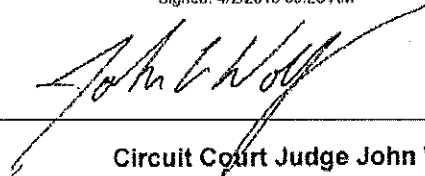
3 l. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
4 entitled to any further or other judgment, including a judgment for the deficiency.

5 m. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
7 terminated.

8 n. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
9 Deed of Trust are as follows:

- 10 1) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject  
11 Property under the terms of an additional, subordinate note and deed of trust,  
12 associated with this loan issued to the Secretary of Housing and urban Development  
13 (the "HUD Loan") in the amount of \$214,500.00. The deed of trust associated with  
14 the HUD Loan is recorded in the official records of Wasco County as Instrument No.  
15 2007-004012 on 08/01/2007;
- 16 2) Defendant STATE OF OREGON has or may have a lien against the Property under  
17 the State of Oregon tax deferral program.

Signed: 4/2/2018 09:25 AM



Circuit Court Judge John Wolf

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

25 This proposed Judgment Of Foreclosure is ready for judicial signature because:  
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1 [ ] Each opposing party affected by this order or judgment has stipulated to the order or  
2 judgment, as shown by each opposing party's signature on the document being  
submitted.

3 [ ] Each opposing party affected by this order or judgment has approved the order or  
4 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

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

6 [ ] No objection has been served on me.

7 [ ] 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.

8 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

9 [X] The relief sought is against an opposing party who has been found in default.

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

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

13 [ ] 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  
14 by subsection (4) of this rule.

15 [ ] Other: \_\_\_\_\_

16 Dated: 3/28/2018 and submitted by:

17 **McCarthy & Holthus, LLP**

18 s/ Andreanna C. Smith

19 Andreanna Smith OSB No. 131336

20 920 SW 3rd Ave, 1st Floor

Portland, OR 97204

21 Phone: (971) 201-3200

Fax: (971) 201-3202

ansmith@mccarthyholthus.com

22 Of Attorneys for Plaintiff



# **Exhibit “1”**

The Southeasterly 63 feet of Lot 2, Block C, MURRAY'S ADDITION TO THE DALLES, in the County of Wasco, State of Oregon.