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LINN COUNTY
SHERIFFS OFFICE

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

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

TAMMY L. HEABERLIN; GARY
HEABERLIN; UNITED STATES OF
AMERICA; MERCHANTS
ACCEPTANCE CORPORATION;
CREDITORS COLLECTION SERVICE,
INC.; PARTIES IN POSSESSION

Defendants.

Case No. 16CV36064

WRIT OF EXECUTION

TO: LINN COUNTY SHERIFF

WHEREAS, on September 15, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on April 16, 2010, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 16-119230

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 BEGINNING AT A 5/8" IRON ROD AT THE NORTHERLY-NORTHEAST CORNER OF
2 PARCEL 1, PARTITION PLAT 2005-75, IN SECTION 30, TOWNSHIP 13 SOUTH, RANGE
3 1 EAST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; THENCE SOUTH 0° 51'
4 12" WEST 200.02 FEET TO A 5/8" IRON ROD; THENCE SOUTH 66° 54' 09" EAST, 191.18
5 FEET TO A 5/8" IRON ROD ON THE WESTERLY RIGHT-OF-WAY OF COUNTY ROAD
6 NO. 906; THENCE NORTH 4° 00' 53" WEST, 40.00 FEET TO A 1/2" IRON ROD; THENCE
7 ALONG A 139.59 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD BEARS NORTH
8 2° 46' 00" EAST, 32.44 FEET: AN ARC DISTANCE OF 32.51 FEET TO A 5/8" IRON ROD;
9 THENCE SOUTH 89° 06' 58" EAST 25.36 FEET; THENCE NORTH 0° 51' 02" EAST, 200
10 FEET BY PRIOR DEED TO A 5/8" IRON ROD; THENCE NORTH 89° 08' 58" WEST 200
11 FEET BY PRIOR DEED TO THE POINT OF BEGINNING. BUT EXCEPTING
12 THEREFROM ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN
13 THE RIGHT-OF-WAY OF COUNTY ROAD #906.

14 and commonly known as 28124 Ridgeway Road, Sweet Home, OR 97386 to satisfy the sum of
15 \$195,810.79, as of May 2, 2018, together with additional post judgment interest of 9.00% from
16 that date (\$45.70 per day), and costs of this execution, making due return within 60 days after
17 you receive this writ.

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27 2- WRIT OF EXECUTION
28 S&S No. 16-119230

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1 Nationstar Mortgage LLC is the Judgment Creditor, and its address for purpose of this
2 writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5

6
7
8 Signed: 5/7/2018 04:23 PM



9
10 *Rachael Pelroy*
11 Rachael Pelroy, Administrative Authority

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

15 By: *[Signature]*

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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25 3- WRIT OF EXECUTION
26 S&S No. 16-119230

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

NATIONSTAR MORTGAGE LLC,
Plaintiff,

Case No. 16CV36064
GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

TAMMY L. HEABERLIN; GARY HEABERLIN;
UNITED STATES OF AMERICA; MERCHANTS
ACCEPTANCE CORPORATION; CREDITORS
COLLECTION SERVICE, INC.; PARTIES IN
POSSESSION,
Defendants.

Defaults having been granted against Defendants, Parties in Possession, Gary M. Heaberlin, Merchants Acceptance Corporation and Creditors Collection Service, Inc. and Defendant, United States of America, having stipulated to entry of judgment, and Summary Judgment having been granted against Defendant, Tammy L. Heaberlin:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119230

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1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Linn County, Oregon is commonly known as 28124 Ridgeway Road, Sweet Home, OR
3 97386 and is legally described as follows:

4 Beginning at a 5/8" iron rod at the Northerly-Northeast corner of Parcel 1, Partition
5 Plat 2005-75, in Section 30, Township 13 South, Range 1 East, Willamette Meridian,
6 Linn County, Oregon; thence South 0° 51' 12" West 200.02 feet to a 5/8" iron rod;
7 thence South 66° 54' 09" East, 191.18 feet to a 5/8" iron rod on the Westerly right-of-
8 way of County Road No. 906; thence North 4° 00' 53" West, 40.00 feet to a 1/2" iron
9 rod; thence along a 139.59 foot radius curve to the right (the chord bears North 2° 46'
10 00" East, 32.44 feet; an arc distance of 32.51 feet to a 5/8" iron rod; thence South 89°
11 06' 58" East 25.36 feet; thence North 0° 51' 02" East, 200 feet by prior deed to a 5/8"
12 iron rod; thence North 89° 08' 58" West 200 feet by prior deed to the point of
13 beginning. BUT EXCEPTING THEREFROM any portion of the above described
14 property lying within the right-of-way of County Road #906.

15 2. The Deed of Trust executed and delivered by Defendant, Tammy L. Heaberlin ("Borrower")
16 on or about April 16, 2010 and recorded on April 30, 2010 as Instrument No. 2010-07140 in
17 the official records of Linn County, Oregon, is a valid and perfected lien against all of the
18 Property for the amount of Plaintiff's judgment as provided herein.

19 3. The Plaintiff is the holder of the original note dated April 16, 2010 and made by Tammy L.
20 Heaberlin in the amount of \$195,395.00. A copy of the Note was attached to the complaint
21 as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
22 Trust (together the "Loan").

23 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
24 interest in the Property is foreclosed and terminated excepting only any statutory right of
25 redemption as provided by Oregon law.

26 //

27 2 - GENERAL JUDGMENT OF FORECLOSURE AND
28 SALE
S&S No. 16-119230

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Linn County
11 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
12 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
13 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
14 may appear or to the clerk of the court to be distributed to such party of parties as may
15 establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
any person holding possession under or through such Defendant(s) shall refuse to surrender
possession to the purchaser immediately on the purchaser's demand for possession.

24 //

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

2	Principal		\$153,184.92	
3	Prejudgment interest at 4.375% through			\$18,430.17
4	April 30, 2017			
5	(accruing thereafter until entry of judgment			
	at \$558.49 per mensem)			
6	Late Charges		\$0.00	
	Other Costs and fees (recoverable)		3,506.95	
	Property Tax	\$1,684.03		
	Hazard Insurance	\$792.00		
	PMI/MIP	\$1,015.92		
	Property Inspections	\$15.00		
		Subtotal		\$156,691.87
	Total plus Prejudgment Interest			\$175,122.04

11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

13	Costs			\$3,081.00
	Title Search Cost		\$1,885.00	
	Filing Fee		\$531.00	
	Lis Pendens Recording Fee		\$60.00	
	Service Costs		\$330.00	
	Prevailing Party Fee		\$275.00	
	Attorney fees			\$4,350.00
	Total			\$7,431.00

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

20 14. This Judgment shall not create a personal lien or liability against Borrower except as is
21 customary or necessary to execute on such Judgment and for purposes of redemption. In no
22 event should it be construed as establishing personal liability for any persons whose debt has
23 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
24

1 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
2 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
3 entitled to any further judgment, including a judgment for deficiency.

4
5 15. Execution may issue against the subject property for the aggregate amount found due
6 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
7 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
8 ORS 18.936 or other applicable law.

9
10 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
11 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
12 judgment as to the amounts due shall be terminated.

13
14 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
15 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
16 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
17 18.936.

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26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-119230

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
4

Signed: 9/14/2017 11:38 AM

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Circuit Court Judge, DeAnn L. Novotny

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

14 By: 

15 [] James A. Craft #090146 [jcraft@logs.com]
16 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
17 [] Cara J. Richter #094855 [crichter@logs.com]
18 [] Holger Uhl #950143 [huhl@logs.com]*
19 [] Joshua R. Orem # 116872 [jorem@logs.com]*
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26 6 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-119230

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LINN

NATIONSTAR MORTGAGE LLC

Case No. 16CV36064

Plaintiff,

CERTIFICATE OF READINESS

vs.

TAMMY L. HEABERLIN; GARY HEABERLIN;
UNITED STATES OF AMERICA; MERCHANTS
ACCEPTANCE CORPORATION; CREDITORS
COLLECTION SERVICE, INC.; PARTIES IN
POSSESSION

Defendants.

Certificate of Readiness under UTCR 5 100

SEP 11 2017

I certify that on _____, 2017, this proposed judgment/order is ready for judicial signature because:

___ Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order is being submitted in **open court** with all parties present.

___ Each party affected by this judgment/order has **stipulated** to or **approved** the judgment/order, as shown by the signatures on the judgment/order, or by written confirmation sent to me.

I have **served** (complete service section below) a copy of this judgment/order and the *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

___ No objection has been served on me within the 7-day time frame.

CERTIFICATE OF READINESS
S&S No. 16-119230

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1 ____ I received objections that I could not resolve with the other party despite reasonable efforts
2 to do so. I have filed with the court a copy of the objections I received and indicated which
3 objections remain unresolved.

4 ____ After conferring about objections, the other party agreed to file any remaining objection
5 with the court.

6 DATED: Sept 11, 2017

7 Attorneys for Plaintiff
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____

- 10 James A. Craft #090146 [jcraft@logs.com]
11 Kelly D. Sutherland #873575 [ksutherland@logs.com]
12 Cara J. Richter #094855 [crichter@logs.com]
13 Holger Uhl #950143 [huhl@logs.com]*
14 Joshua R. Orem # 116872 [jorem@logs.com]*

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