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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP**

NATIONSTAR MORTGAGE LLC d/b/a MR. COOPER,

Plaintiff,

v.

MICHAEL J. JOHNSON; REBECCA J.V. JOHNSON; JACKSON AND SON OIL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 370 S COLUMBIA AVE, SEASIDE, OR 97138,

Defendants.

Case No. 17CV42472

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against Defendants MICHAEL J. JOHNSON; REBECCA J.V. JOHNSON; JACKSON AND SON OIL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 370 S COLUMBIA AVE, SEASIDE, OR 97138, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff NATIONSTAR MORTGAGE LLC d/b/a MR. COOPER ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 370 S COLUMBIA AVE, SEASIDE, OR 97138 ("Subject Property"), as evidenced by the Deed of Trust recorded September 28, 2009 in the official records of CLATSOP County as Instrument Number 2009-09414 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the

1 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
2 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
3 legally described as follows:

4 LOT 4, BLOCK 8, HERMOSA PARK, IN THE CITY OF SEASIDE, COUNTY OF
5 CLATSOP, STATE OF OREGON;

6 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
7 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
8 in the manner provided by law;

9 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
10 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
11 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
12 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

13 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
14 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
15 68(C), which amount may be added to the outstanding obligation due and owing under the Note
16 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
17 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
18 by sale of the Subject Property as directed under this Judgment;

19 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
20 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
21 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
22 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
23 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

24 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
25 sale of the Subject Property as directed under this Judgment.

26 7. The Sheriff shall make a return on the writ of execution to the court administrator

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1 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
2 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
3 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
4 parties as may establish their right thereto. The Defendants and all persons claiming through or
5 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
6 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
7 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
8 every part of the Subject Property when the time for redemption has elapsed;

9 8. Plaintiff or any other party to this action may become a purchaser at the
10 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
11 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
12 successor in interest may apply to this Court for a writ of assistance to gain possession of the
13 subject property if Defendants or any other party or person refuses to surrender possession;

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DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$206,897.53.
2. Simple interest at the variable rate currently at 4.000% (\$20.24 *per diem*) after February 28, 2018, through the date of judgment.
3. Attorney fees of \$3,345.00, plus \$305.00, through the date of sale.
4. Costs of \$1,651.54, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total amounts, #1 – 5, above, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

Signed: 4/3/2018 10:53 AM

Paula Brownhill

Circuit Court Judge Paula Brownhill

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

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- 3. I have served a copy of this order or judgment on all parties 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 have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [**role and name of objecting party**] agreed to independently file any remaining objection.
- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 5. 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 (5) of this rule.
- 6. Other: _____

Presented By:
ALDRIDGE PITE, LLP



Date: 4/2/18

Hunter Zook, OSB #095578
Katie Riggs, OSB #095861
Sarah Mathenia, OSB #120681
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