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Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

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

NATIONSTAR MORTGAGE LLC D/B/A
MR.COOPER,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF FALENIU TALIMAO; ASSET
SYSTEMS, INC.; SHIRLEY TALIMAO;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV05099

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 11/6/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NATIONSTAR MORTGAGE LLC D/B/A MR.COOPER
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

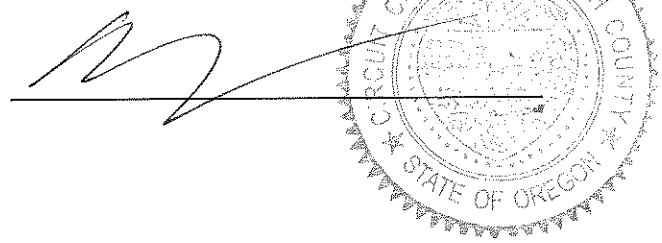
With the adjudicated amount due of \$285,377.87, plus pre-judgment interest at the Note rate of 2.0%, \$18.80 per diem, from 9/25/2018 through 11/5/2018 in the amount of \$770.80, plus post-

1 judgment interest at the statutory rate of 9.0% per annum from 11/6/2018 to 11/26/2018 in the
2 amount of \$1,411.20, continuing with a per diem of \$70.56, currently totaling \$287,519.87.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about June 13, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described as attached as Exhibit 1 and commonly known as: 3624
8 SE 157th Avenue, Portland, OR 97236.

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

14 1/2/19



17 Dated: 12/4/18 and submitted by:

18 **McCarthy & Holthus, LLP**

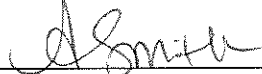
19 
20 _____
21 Andreanna Smith OSB No. 131336
22 920 SW 3rd Ave, 1st Floor
23 Portland, OR 97204
24 Phone: (971) 201-3200
25 Fax: (971) 201-3202
26 ansmith@mccarthyholthus.com
27 Of Attorneys for Plaintiff

Exhibit "1"

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SE 157TH AVENUE WITH THE NORTH LINE OF SE POWELL BOULEVARD; THENCE NORTH ALONG THE EAST LINE OF SE 157TH AVENUE. 107 FEET; THENCE SOUTH 89 52' 30" EAST 113.94 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SE 157TH AVENUE TO THE NORTHERLY LINE OF SE POWELL BOULEVARD; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

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

NATIONSTAR MORTGAGE LLC D/B/A
MR.COOPER,

Case No.: 18CV05099

Plaintiff,

vs.

GENERAL JUDGMENT OF
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF FALENIU TALIMAO; ASSET
SYSTEMS, INC.; SHIRLEY TALIMAO;
OCCUPANTS OF THE PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion.

All defendants ("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 Multnomah County, Oregon, and is commonly known as 3624 SE 157th Avenue, Portland, OR 97236 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R202352. Pursuant to ORS 88.010 (1)(a), Plaintiff seeks a judicial declaration of the amount of debt secured by the lien being foreclosed, \$276,466.27 as of 2/6/2018, plus reasonable attorney's fees and costs pursuant to ORCP 68 and continued

1 accruing interest and amounts recoverable under the terms of the Loan through the date of
2 entry of judgment.

3 b. Plaintiff is entitled to enforce the note dated June 13, 2007 and made, delivered, and executed
4 by FALENIU TALIMAO to HOME LOAN CENTER INC., DBA LENDINGTREE LOANS
5 in the amount of \$224,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery
6 of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Borrower FALENIU TALIMAO on or
8 about June 13, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on June 27,
9 2007 as Instrument No. 2007-115259 in the official records of Multnomah County, Oregon.
10 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
11 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
12 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for June 1, 2017 and has not cured
14 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"). On Plaintiff's Declaratory Relief
16 claim, the Court declares the Amount Due as follows:

17 a) Unpaid principal balance: \$228,718.81

18 b) Prejudgment interest accruing from
19 5/1/2017 through 9/24/2018 and
20 continuing until the entry of
judgment at the current Note rate of
2.0%: \$7,293.99

21 c) Additional amounts due under the \$44,789.16
22 terms of the loan:

23 d) Attorney fees and costs: \$4,490.91

24 e) Prevailing party fee (ORS 20.190 \$85.00
25 (1)(a)):

26 **Total: \$285,377.87**

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 e. 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 f. The Borrower is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Borrower FALENIU TALIMAO had
9 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
10 Multnomah County Sheriff's Office in accordance with the process for sale upon execution,
11 and the proceeds of sale shall be applied:

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

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

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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

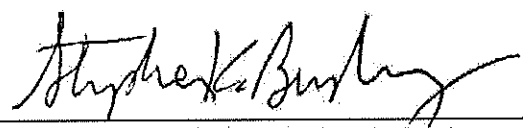
26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.
28

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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

6 1) Defendant ASSET SYSTEMS, INC.; may claim the an interest in Subject Property by
7 virtue of a judgment entered on 7/11/2013 under Case No. 130709921 in the
8 Multnomah County Circuit Court.

Signed: 11/5/2018 02:22 PM



**Circuit Court Judge Stephen K. Bushong
proxy signed by (MLO)**

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

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

18 Each opposing party affected by this order or judgment has stipulated to the order or
19 judgment, as shown by each opposing party's signature on the document being
20 submitted.

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

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

25 No objection has been served on me.

26 I received objections that I could not resolve with the opposing party despite
27 reasonable efforts to do so. I have filed a copy of the objections I received and
28 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.

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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.

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 9/26/2018 and submitted by:

McCarthy & Holthus, LLP

s/ Andreanna C. Smith

X Andreanna C. Smith OSB No. 131336
Jeremy Clifford OSB No. 142987
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
ansmith@mccarthyholthus.com
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