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JACKSON COUNTY
SHERIFF'S OFFICE

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF JACKSON

PHH MORTGAGE CORPORATION

Plaintiff,

vs.

DAVID A. DUNN; ELIZABETH DUNN;
ROGUE FEDERAL CREDIT UNION;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION;
SOUTHERN OREGON CREDIT
SERVICE INC.; STATE OF OREGON;
UNITED STATES OF AMERICA;
PARTIES IN POSSESSION

Defendants.

Case No. 18CV06649

WRIT OF EXECUTION

TO: JACKSON COUNTY SHERIFF

WHEREAS, on July 23, 2018, 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

1- WRIT OF EXECUTION
S&S No. 17-122194

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 (subject to redemption) all of the interest which the defendants had on July 16, 2001, the date of
2 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
3 property described in the judgment:
4

5 THE LEGAL DESCRIPTION IS HERETO ATTACHED AS EXHIBIT A.

6 and commonly known as 210 Mowetza Drive, Ashland, OR 97520 to satisfy the sum of
7 \$205,782.92, as of October 17, 2018, together with additional post judgment interest of 9.00%
8 from that date (\$49.69 per day), and costs of this execution, making due return within 60 days
9 after you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 17-122194

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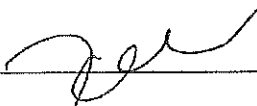
1 PHH Mortgage Corporation is the Judgment Creditor, and its address for purpose of this
2 writ only is: C/O Shapiro & Sutherland, LLC, 7632 SW Durham Road, Suite 350, Tigard, OR
3 97224 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.
4
5
6

7 Signed: 10/18/2018 09:02 AM

8 

9 _____
10 Andrea Culbertson - Court Clerk

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 #87357 [ksutherland@logs.com]
17 Cara J. Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
19 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
20 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
21 (360)260-2253; Fax (360)260-2285

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25 3- WRIT OF EXECUTION
26 S&S No. 17-122194

27 *SHAPIRO & SUTHERLAND, LLC*
28 7632 SW Durham Road, Suite 350, Tigard, OR 97224
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A tract of land located in the Southwest Quarter of the Northwest Quarter of Section 30 in Township 39 South, Range 2 East of the Willamette Meridian in Jackson County, Oregon, described as follows: Commencing at the most northwest corner of tract described in Volume 375 page 430 of the Deed Records of Jackson County, Oregon, said corner being marked with a 1/2" galvanized iron pipe and located on the west boundary of Section 30 in Township 39 South, Range 2 East of the Willamette Meridian, distant 1117.21 feet, more or less, South from the northwest corner of said Section 30; thence along the west boundary of said tract and Section 30, South 0°02'49" East a distance of 917.58 feet to a 5/8" steel rod the true point of beginning; thence continuing along said boundary, South 0°02'49" East 287.65 feet to a 5/8" steel rod; thence South 89°32'49" East 386.00 feet; thence North 0°02'49" West 287.65 feet to a point that is South 89°32'49" East from the true point of beginning; thence West 386.05 feet to the true point of beginning.

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

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

DAVID A. DUNN; ELIZABETH DUNN; ROGUE
FEDERAL CREDIT UNION; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; SOUTHERN OREGON
CREDIT SERVICE INC.; STATE OF OREGON;
UNITED STATES OF AMERICA; PARTIES IN
POSSESSION,

Defendants.

Case No. 18CV06649

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Elizabeth Dunn, David
A. Dunn, Rogue Federal Credit Union, Oregon Affordable Housing Assistance Corporation,
Southern Oregon Credit Service, Inc., State of Oregon, United States of America and Parties in
Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-122194

SHAPIRO & SUTHERLAND, LLC
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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Jackson County, Oregon is commonly known as 210 Mowetza Drive, Ashland, OR 97520
3 and is legally described as follows:

4 The legal description is hereto attached as Exhibit A.

- 5
- 6 2. The Deed of Trust executed and delivered by Defendant, David A. Dunn and Elizabeth
7 Dunn, husband and wife ("Borrower") on or about July 16, 2001 and recorded on July 20,
8 2001 as Instrument No. 01 34350 in the official records of Jackson County, Oregon, is a
9 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as
10 provided herein.
- 11 3. The Plaintiff is the holder of the original note dated July 16, 2001 and made by Elizabeth
12 Dunn and David A. Dunn in the amount of \$144,000.00. A copy of the Note was attached
13 to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in
14 the Deed of Trust (together the "Loan").
- 15
- 16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
17 interest in the Property is foreclosed and terminated excepting only any statutory right of
18 redemption as provided by Oregon law.
- 19
- 20 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
21 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
22 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
23 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
24 interests and priorities.

- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Jackson
4 County Sheriff's Office in accordance with the process for sale upon execution, and the
5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
7 as their interest may appear or to the clerk of the court to be distributed to such party of
8 parties as may establish their right thereto.
- 9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
- 13 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
14 any person holding possession under or through such Defendant(s) shall refuse to surrender
15 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$182,429.69	
3	Prejudgment interest at 5% through July 7, 2018			\$10,031.50
4	(accruing thereafter until entry of judgment at \$24.99 per diem)			
5	Late Charges		\$617.35	
6	Other Costs and fees (recoverable)		3,313.19	
	Property Tax	\$1,714.51		
7	Hazard Insurance	\$925.18		
8	Property Inspections	\$673.50		
9		Subtotal		\$186,360.23
	Total plus Prejudgment Interest			\$196,391.73

16

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

12	Costs			\$1,693.00
13	Title Search Cost		\$235.00	
14	Filing Fee		\$560.00	
15	Lis Pendens Recording Fee		\$73.00	
16	Service Costs		\$550.00	
17	Prevailing Party Fee		\$275.00	
	Attorney fees			\$3,050.00
	Total			\$4,743.00

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

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

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

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

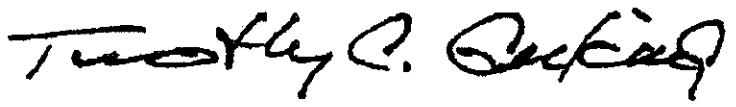
17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
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18. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

Signed: 7/23/2018 03:32 PM



Circuit Court Judge – Judge Timothy C. Gerking

Certificate of Readiness under UTCR 5 100

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.
- 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 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.

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

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

6 6. Other: _____

7 Submitted by:
8 Attorneys for Plaintiff,
9 SHAPIRO & SUTHERLAND, LLC

JUL 20 2018

10 By:  _____

11 James A. Craft #090146 [jcraft@logs.com]
12 Kelly D. Sutherland #87357 [ksutherland@logs.com]
13 Cara J. Richter #094855 [crichter@logs.com]
14 Holger Uhl #950143 [huhl@logs.com]*
15 Eric Marshack #050166 [emarshack@logs.com]*
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