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

1900 CAPITAL TRUST I, BY U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE,

Plaintiff,

vs.

JODY G. JENSEN; an individual; KYLE M. JENSEN, an individual; NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-4, a corporation; and all other persons, parties, or occupants unknown claiming any legal or equitable right, estate, lien, or interest in the real property described in the complaint herein, adverse to the Plaintiff's title, or any cloud on Plaintiff's title to the Property,

Defendants.

Case No.: 17CV41824

WRIT OF EXECUTION IN FORECLOSURE

**TO THE JACKSON COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 11/16/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1900 CAPITAL TRUST I, BY U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS CERTIFICATE TRUSTEE

c/o Jeremy Clifford  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

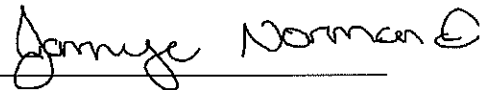
With the adjudicated amount due of \$727,810.36, plus pre-judgment interest at note rate of 6.875%, per diem of 74.80, from 11/10/2018 through 11/15/2018, in the amount of \$448.80, plus

1 post judgment interest at the statutory rate of 9.0%, per annum from 11/16/2018 to 1/17/2019 in  
2 the amount of \$11,133.39, and continuing with a per diem of \$179.57, currently totaling  
3 \$739,392.55.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about September 14, 2006, the date of the Deed of Trust, and also the interest that the Defendant  
8 had thereafter, in the real property described as shown in the attached *Exhibit 1*, commonly  
9 known as: 756 JEAN LOUISE CIR, CENTRAL POINT, OR 97502, and having APN/Parcel 1-  
10 091858-9.

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

Signed: 1/15/2019 01:45 PM

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JSS3

Dated: January 15, 2019, and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

— John Thomas OSB No. 024691  
x Jeremy Clifford OSB No. 142987  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
jclifford@mccarthyholthus.com  
Of Attorneys for Plaintiff

# Exhibit 1

ORDER NO [REDACTED]

**LEGAL DESCRIPTION**

REF. NO.: [REDACTED]

LOT 15, COUNTRY MEADOWS ESTATES SUBDIVISION UNIT 1, PHASE 1, IN THE CITY OF CENTRAL POINT, JACKSON COUNTY, OREGON.

National Title Insurance of New York, Inc.

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

1900 CAPITAL TRUST I, BY U.S. BANK  
TRUST NATIONAL ASSOCIATION, NOT  
IN ITS INDIVIDUAL CAPACITY BUT  
SOLELY AS CERTIFICATE TRUSTEE,

Plaintiff,

vs.

JODY G. JENSEN, an individual; KYLE M.  
JENSEN, an individual; NATIONAL  
COLLEGIATE STUDENT LOAN TRUST  
2007-4, a corporation; and all other persons,  
parties, or occupants unknown claiming any  
legal or equitable right, estate, lien, or  
interest in the real property described in the  
complaint herein, adverse to the Plaintiff's  
title, or any cloud on Plaintiff's title to the  
Property,

Defendants.

Case No.: 17CV41824

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

a. Defendants JODY G. JENSEN, an individual; KYLE M. JENSEN, an individual;  
NATIONAL COLLEGIATE STUDENT LOAN TRUST 2007-4, a corporation; and all other  
persons, parties, or occupants unknown claiming any legal or equitable right, estate, lien, or  
interest in the real property described in the complaint herein, adverse to the Plaintiff's title,  
or any cloud on Plaintiff's title to the Property ("Defendants") were duly served with process  
and failed to appear; the default has been entered against Defendants, and it appearing that  
Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005,  
minors, or in the military service of the United States, now therefore,

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 Jackson County, Oregon, and is commonly known as 756 JEAN LOUISE CIR, CENTRAL POINT, OR 97502 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1-091858-9.
- b. Plaintiff is entitled to enforce the note dated September 14, 2006 and made, delivered, and executed by KYLE M. JENSEN and JODY G. JENSEN to Eagle Home Mortgage, Inc., A WASHINGTON CORPORATION in the amount of \$397,100.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendants KYLE M. JENSEN and JODY G. JENSEN on or about September 14, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on September 20, 2006 as Instrument No. 2006-047544 in the official records of Jackson County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for February 1, 2009 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$397,100.00
- b) Prejudgment interest accruing from 1/1/2009 through 11/9/2018 and continuing until the entry of judgment at the current Note rate of 6.875%: \$269,054.27
- c) Additional amounts due under the terms of the loan: \$61,566.49

1	d) Attorney fees and costs:	\$4.60
2	e) Prevailing party fee (ORS 20.190	\$85.00
3	(1)(a)):	
4	<b>Total:</b>	<b>\$727,810.36</b>

5 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
6 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
7 per annum.

8 e. The interest of the Defendants and any successor in interest in the Subject Property is  
9 foreclosed and terminated excepting only any statutory right of redemption as provided by  
10 Oregon law.

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

12 g. All right, title and interest in the Subject Property that Defendants KYLE M. JENSEN and  
13 JODY G. JENSEN had as of the date of the Deed of Trust or thereafter acquired is hereby  
14 ordered to be sold by the Jackson County Sheriff's Office in accordance with the process for  
15 sale upon execution, and the proceeds of sale shall be applied:

- 16 1) First, to the costs of sale not incurred by Plaintiff;
- 17 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
18 entry of judgment through the date of the sale and any incurred costs of sale;
- 19 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
20 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
21 such party or parties as they may establish their right thereto.

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

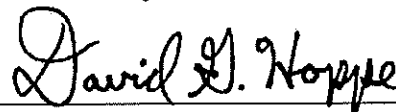
25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
26 Property from and after the date of the sale and is entitled to such remedies as are available at  
27 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
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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 j. 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 k. 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.

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11 Signed: 11/15/2018 11:02 AM

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14 Circuit Court Judge David G. Hoppe

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

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

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

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

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

24  No objection has been served on me.

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

28  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.

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



1             Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
2            otherwise.

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

6             Other: \_\_\_\_\_

7 Dated: November 9, 2018 and submitted by:

8            **McCarthy & Holthus, LLP**

9            s/ Jeremy Clifford

10            John Thomas OSB No. 024691

11            Jeremy Clifford OSB No. 142987

12           920 SW 3rd Ave, 1st Floor

13           Portland, OR 97204

14           Phone: (971) 201-3200

15           Fax: (971) 201-3202

16           jclifford@mccarthyholthus.com

17           Of Attorneys for Plaintiff

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ORDER NO [REDACTED]

**LEGAL DESCRIPTION**

REF. NO.: [REDACTED]

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National Title Insurance of New York, Inc.