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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

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

KRISTINE E. LAYMAN; PORTFOLIO
RECOVERY ASSOCIATES, LLC;
OCCUPANTS OF THE PREMISES

Defendants.

Case No. 14CV08858

WRIT OF EXECUTION

TO: JACKSON COUNTY SHERIFF

WHEREAS, on March 5, 2015, 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 November 22, 2006, the

1- WRIT OF EXECUTION
S&S No. 14-114582

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 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
2 the real property described in the judgment:

3
4 COMMENCING AT A POINT ON THE SECTION LINE COMMON TO SECTIONS 28 AND
5 29, TOWNSHIP 36 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN
6 JACKSON COUNTY, OREGON, SAID POINT BEARS NORTH 0° 04' 20" EAST 1533.87
7 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, SAID
8 TOWNSHIP AND RANGE; THENCE NORTH 89° 57' 50" EAST 20.00 FEET TO THE TRUE
9 POINT OF BEGINNING; THENCE NORTH 0° 04' 20" EAST 151.00 FEET; THENCE
10 NORTH 89° 57' 50" EAST 519.19 FEET TO INTERSECT THE WESTERLY RIGHT OF
11 WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE ALONG SAID RIGHT
12 OF WAY LINE SOUTH 35° 08' 40" EAST 184.59 FEET, THENCE SOUTH 89° 57' 50" WEST
13 625.63 FEET TO THE TRUE POINT OF BEGINNING.

14 and commonly known as 6304 Ventura Lane, Central Point, OR 97502 to satisfy the sum of
15 \$216,023.89, as of October 17, 2018, together with additional post judgment interest of 9.00%
16 from that date (\$40.17 per day), and costs of this execution, making due return within 60 days
17 after you receive this writ.

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28 2- WRIT OF EXECUTION
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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: 10/18/2018 09:06 AM

9
10 

11 Andrea Culbertson - Court Clerk

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

15 By: 

16 James A. Craft #090146 [jcraft@logs.com]
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26 3- WRIT OF EXECUTION
27 S&S No. 14-114582
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7 IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF JACKSON

8 NATIONSTAR MORTGAGE LLC,

9 Plaintiff,

10
11 vs.

12 KRISTINE E. LAYMAN; PORTFOLIO
13 RECOVERY ASSOCIATES, LLC; OCCUPANTS
OF THE PREMISES,

14 Defendants.

Case No. 14CV08858

GENERAL JUDGMENT OF
FORECLOSURE

15
16 Defaults having been entered against Defendants, Kristine E. Layman, Occupants of the
17 Premises and Portfolio Recovery Associates, LLC:

18 It is hereby

19 ORDERED AND ADJUDGED:

- 20 1. The real property to which this judgment relates (hereafter the "Property") is situated in
21 Jackson County, Oregon is commonly known as 6304 Ventura Lane, Central Point, OR
22 97502 and is legally described as follows:
23

24 Commencing at a point on the Section line common to Sections 28 and 29, Township
25 36 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, said

26 1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 14-114582

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1 point bears North 0° 04' 20" East 1533.87 feet from the section corner common to
2 Sections 28, 29, 32 and 33, said Township and Range; thence North 89° 57' 50" East
3 20.00 feet to the true point of beginning; thence North 0° 04' 20" East 151.00 feet;
4 thence North 89° 57' 50" East 519.19 feet to intersect the Westerly right of way line of
5 the Southern Pacific Railroad; thence along said right of way line South 35° 08' 40"
6 East 184.59 feet, thence South 89° 57' 50" West 625.63 feet to the true point of
7 beginning.

- 8
- 9 2. The Deed of Trust executed and delivered by Defendant, Richard S. Layman and Kristine E
10 Layman, tenants by entirety ("Borrower") on or about November 22, 2006 and recorded on
11 December 6, 2006 as Instrument No. 2006-060935 in the official records of Jackson County,
12 Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's
13 judgment as provided herein.
- 14 3. The Plaintiff is the holder of the original note dated November 22, 2006 and made by
15 Richard S. Layman and Kristine E. Layman in the amount of \$220,000.00. A copy of the
16 Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the
17 beneficial interest in the Deed of Trust (together the "Loan").
- 18 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
19 interest in the Property is foreclosed and terminated excepting only any statutory right of
20 redemption as provided by Oregon law.
- 21 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
22 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
23 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
24 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
25 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
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 14-114582

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

Principal		\$154,566.23	
Prejudgment interest at 2% through August 6, 2014 (accruing thereafter until entry of judgment at \$8.47/per diem)			\$2,103.23
Late Charges		\$0.00	
Other Costs and fees (recoverable)		443.49	
	Hazard Insurance	\$368.49	
	Property Inspections	\$75.00	
	Subtotal		\$155,009.72
Total plus Prejudgment Interest			\$157,112.95

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

Costs			\$1,977.50
	Title Search Cost	\$588.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$67.00	
	Service Costs	\$480.00	
	Death Certificate Fee	\$36.50	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$2,050.00
Total			\$4,027.50

18 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate
19 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 15. Execution may issue against the subject property for the aggregate amount found due
5 Plaintiff herein as detailed in Paragraphs 11 through 13. (together "Amounts Due").
6 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
7 ORS 18.936 or other applicable law.
8

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

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

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25 5 - GENERAL JUDGMENT OF FORECLOSURE
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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

5 Dated this _____ day of _____, 2014

Signed: 3/2/2015 04:36 PM

6 
7
8 CIRCUIT COURT JUDGE

9 Submitted by:
10 Attorneys for Plaintiff,
11 SHAPIRO & SUTHERLAND, LLC

12 By: 

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