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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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE")

Case No. 17CV11272

Plaintiff,

WRIT OF EXECUTION

vs.

SHAYNE J. CLEAVELAND; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; SOUTHERN OREGON
CREDIT SERVICE, INC.; PARTIES IN
POSSESSION

Defendants.

TO: JACKSON COUNTY SHERIFF

WHEREAS, on October 15, 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

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1- WRIT OF EXECUTION
S&S No. 17-119949

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 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on June 14, 2007, the date of
4 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
5 property described in the judgment:

6
7 COMMENCING AT AN IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF THE
8 COUNTY ROAD, SAID PIN BEING 20.0 FEET NORTH, AND 2476.49 FEET WEST OF THE
9 NORTHWEST CORNER OF DONATION LAND CLAIM NO. 66 IN TOWNSHIP 37 SOUTH,
10 RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON;
11 THENCE NORTH 304.76 FEET FOR THE TRUE POINT OF BEGINNING; THENCE NORTH
12 87.0 FEET; THENCE WEST 223.86 FEET, TO THE EASTERLY LINE OF TRACT
13 DESCRIBED IN VOLUME 243, PAGE 76, JACKSON COUNTY, OREGON, DEED
14 RECORDS; THENCE SOUTH 31° 50' EAST 66.10 FEET; THENCE SOUTH 30.84 FEET;
15 THENCE EAST 189.00 FEET TO THE TRUE POINT OF BEGINNING.

16 and commonly known as 3267 New Ray Road, Central Point, OR 97502 to satisfy the sum of
17 \$221,952.82, as of December 5, 2018, together with additional post judgment interest of 9.00%
18 from that date (\$54.05 per day), and costs of this execution, making due return within 60 days after
19 you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 17-119949

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1 Federal National Mortgage Association ("Fannie Mae") is the Judgment Creditor, and its
2 address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center
3 Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the
4 attorney for the Judgment Creditor.
5



Signed: 12/6/2018 11:52 AM

7
8 *Andrea Culbertson*

9 Andrea Culbertson - Court Clerk

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

13 By: 

14 James A. Craft #090146 [jcraft@logs.com]
15 Kelly D. Sutherland #87357 [ksutherland@logs.com]
16 Gadi Shahak #180865 [gshahak@logs.com]
17 Holger Uhl #950143 [huhl@logs.com]*
18 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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25 3-- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF JACKSON

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"),

Plaintiff,

vs.

SHAYNE J. CLEAVELAND; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; SOUTHERN OREGON
CREDIT SERVICE, INC.; PARTIES IN
POSSESSION,

Defendants.

Case No. 17CV11272

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Shayne J. Cleaveland, Oregon
Affordable Housing Assistance Corporation, Southern Oregon Credit Service, Inc. and Parties in
Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-119949

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 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Jackson County, Oregon is commonly known as 3267 New Ray Road, Central Point, OR
3 97502 and is legally described as follows:

4 Commencing at an iron pin on the Northerly right of way line of the County Road,
5 said pin being 20.0 feet North, and 2476.49 feet West of the Northwest corner of
6 DONATION LAND CLAIM NO. 66 in Township 37 South, Range 2 West of the
7 Willamette Meridian in Jackson County, Oregon; thence North 304.76 feet for the true
8 point of beginning; thence North 87.0 feet; thence West 223.86 feet, to the Easterly
9 line of tract described in Volume 243, Page 76, Jackson County, Oregon, Deed
Records; thence South 31° 50' East 66.10 feet; thence South 30.84 feet; thence East
189.00 feet to the true point of beginning.

10 2. The Deed of Trust executed and delivered by Defendant, Shayne J Cleaveland ("Borrower")
11 on or about June 14, 2007 and recorded on June 20, 2007 as Instrument No. 2007-029118 in
12 the official records of Jackson County, Oregon, is a valid and perfected lien against all of the
13 Property for the amount of Plaintiff's judgment as provided herein.

14 3. The Plaintiff is the holder of the original note dated June 14, 2007 and made by Shayne J
15 Cleaveland in the amount of \$197,880.00. A copy of the Note was attached to the complaint
16 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
17 (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

25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 17-119949

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1 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
2 interests and priorities.

- 3 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
4
5 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
6 thereafter acquired in the subject Property, is hereby ordered to be sold by the Jackson
7 County Sheriff's Office in accordance with the process for sale upon execution, and the
8 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
9 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
10 as their interest may appear or to the clerk of the court to be distributed to such party of
11 parties as may establish their right thereto.
12
13 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
14
15 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
16 from and after the date of the sale and is entitled to such remedies as are available at law or
17 in equity to secure possession.
18
19 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
20 any person holding possession under or through such Defendant(s) shall refuse to surrender
21 possession to the purchaser immediately on the purchaser's demand for possession.
22
23 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal	\$192,335.08	
Prejudgment interest at 4.25% through September 20, 2018 (accruing thereafter until entry of judgment at \$15.51 per diem)		\$13,032.48
Late Charges	\$239.60	

26 3 - GENERAL JUDGMENT OF FORECLOSURE AND
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1	Other Costs and fees (recoverable)		8,436.37	
2	Pro Rata MIP/PMI	\$32.98		
3	Total Fees	\$126.00		
4	Escrow Advance	\$7,652.39		
5	Recoverable Balance	\$625.00		
6	Subtotal			\$201,011.05
7	Total plus Prejudgment Interest			\$214,043.53

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

9	Costs		\$1,730.50
10	Title Search Cost	\$525.00	
11	Filing Fee	\$531.00	
12	Clerk Costs	\$64.00	
13	Lis Pendens Recording Fee	\$68.00	
14	Service Costs	\$267.50	
15	Prevailing Party Fee	\$275.00	
16	Attorney fees		\$3,050.00
17	Total		\$4,780.50

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

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

20 4 - GENERAL JUDGMENT OF FORECLOSURE AND
21 SALE
22 S&S No. 17-119949

23 *SHAPIRO & SUTHERLAND, LLC*
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26 Fax (360)260-2285
27 ksutherland@logs.com
28

1 15. Execution may issue against the subject property for the aggregate amount found due
2 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
3 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
4 ORS 18.936 or other applicable law.
5

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

9 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
10 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
12 18.936.
13

14 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
15 necessary to enforce this judgment, the writ of execution or for the purchaser at the
16 foreclosure sale to obtain possession.
17

Signed: 10/11/2018 07:49 AM

19 

20
21
22 **Circuit Court Judge – Judge Timothy C. Gerking**

23 **Certificate of Readiness under UTCR 5 100**

24 This proposed order or judgment is ready for judicial signature because:

25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 17-119949

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