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CLACKAMAS COUNTY SHERIFF
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

DALE G. GREER AKA DALE GENE
GREER; PEGGIE J. GREER AKA PEGGIE
JO GREER AKA PEGGIE J. CHARTER;
KEYBANK NATIONAL ASSOCIATION;
CITIBANK SOUTH DAKOTA NA; STATE
OF OREGON, DEPARTMENT OF
REVENUE; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV21154

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 26, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

1 U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST

2 c/o Brady Godbout
Attorney for Plaintiff

3 McCarthy & Holthus, LLP
4 920 SW 3rd Ave, 1st Floor
Portland, OR 97204

5 With the adjudicated amount due of \$341,890.89, plus pre judgment interest at the per diem of
6 \$40.05 from March 11, 2017 to June 25, 2017 in the amount of \$4,285.35, plus post judgment
7 interest at the statutory rate of 9.0% per annum from June 26, 2017 to December 21, 2018 in the
8 amount of \$46,349.68, and continuing with a per diem of \$85.36, currently totaling \$392,526.92.

9 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
10 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
11 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
12 about November 9, 2001, the date of the Deed of Trust, and also the interest that the Defendant
13 had thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # 00924600 and
14 commonly known as: 23640 So. Leisure Lane, Beavercreek, OR 97004.

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

20 *Dated: December 26, 2018.*
21 **Court Administrator relies on the information
22 provided by the person seeking issuance of
23 this writ of execution and is not liable for any
24 errors or omissions in the information**

25 *Wendy Dawson*



26 **COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
27 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
28 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.**

1 Dated: 12/14/2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

4 _ John Thomas OSB No. 024691
5 _ Andreanna Smith OSB No. 131336
6 Brady Godbout OSB No. 132708
7 _ Jeremy Clifford OSB No. 142987
8 _ Michael Scott OSB No. 973947

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

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14 Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 17, LEISURE WOODS NO. 2, IN THE COUNTY OF CLACKAMAS AND
STATE OF OREGON.

End of Legal Description

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
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U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
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Plaintiff,

v.

DALE G. GREER AKA DALE GENE
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JO GREER AKA PEGGIE J. CHARTER;
KEYBANK NATIONAL ASSOCIATION;
CITIBANK SOUTH DAKOTA NA; STATE
OF OREGON, DEPARTMENT OF
REVENUE; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV21154

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants DALE G. GREER AKA DALE GENE GREER, PEGGIE J. GREER AKA PEGGIE JO GREER AKA PEGGIE J. CHARTER, CITIBANK SOUTH DAKOTA NA, DEPARTMENT OF REVENUE, and OCCUPANTS OF THE PROPERTY ("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;
- b. A Stipulated Limited Judgment has been entered with regard to Defendant(s) KEYBANK NATIONAL ASSOCIATION and STATE OF OREGON ("Stipulating

1 Defendants”) (collectively Defaulted and Stipulating Defendants are referred to as
2 “Defendants”);

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 5 a. The real property to which this judgment relates is located and situated in Clackamas County,
6 Oregon, and is commonly known as 23640 So. Leisure Lane, Beavercreek, OR 97004 (the
7 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
8 APN/Parcel No. 00924600.
- 9 b. The legal description of the property as listed in the Deed of Trust is reformed to reflect the
10 true and proper description as shown in the attached *Exhibit 1*.
- 11 c. Plaintiff is entitled to enforce the note dated 11/9/2001 and made, delivered, and executed by
12 Peggie J. Greer and Dale G. Greer to MIT LENDING in the amount of \$275,000.00 (the
13 “Note”). The Note was transferred to Plaintiff by delivery of possession and by indorsement
14 set forth on the Note.
- 15 d. A deed of trust was made, executed, and delivered by Defendants Peggie J. Greer and Dale
16 G. Greer on or about 11/9/2001 (the “Deed of Trust”). The Deed of Trust was recorded on
17 11/15/2001 as Instrument No. 2001-095538 in the official records of Clackamas County,
18 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
19 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
20 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.
- 21 e. The Borrower failed to make the payment that was due for 7/1/2011 and has not cured the
22 default. The amount of debt secured by the Deed of Trust that is now due and owing is
23 comprised of the following amounts (the “Amount Due”):

- 24 a) Unpaid principal balance: \$233,907.20
- 25 b) Prejudgment interest accruing from \$84,347.49
26 6/1/2011 through 3/10/2017 and
27 continuing until the entry of judgment

at the current Note rate of 6.250%:

c) Additional amounts due under the terms of the loan: \$18,435.20

d) Attorney fees and costs: \$5,116.00

e) Prevailing party fee (ORS 20.190 (2)(a)): \$85.00

Total: \$341,890.89

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

- f. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- h. All right, title and interest in the Subject Property that Defendants Peggie J. Greer and Dale G. Greer had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

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

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

11 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.

14 m. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
15 Trust are as follows:

16 1) Defendant KEYBANK NATIONAL ASSOCIATION may claim a junior interest in
17 Subject Property by virtue of a deed of trust recorded 10/16/2006 as Instrument
18 No. 2006-095580 in the official records of Clackamas County, Oregon, securing a
19 promissory note in the amount of \$50,000.00.

20 2) Defendant KEYBANK NATIONAL ASSOCIATION may claim a junior interest in
21 Subject Property by virtue of a deed of trust recorded 11/13/2006 as Instrument
22 No. 2006-105060 in the official records of Clackamas County, Oregon, securing a
23 promissory note in the amount of 50,000.00.

24 3) Defendant CITIBANK SOUTH DAKOTA NA may claim an interest in Subject
25 Property by virtue of a judgment entered on 04/25/2011 in the Circuit Court of
26 Clackamas County, Case No. CV10120298, in the amount of \$14,661.53.

27 ///

1 4) Defendant STATE OF OREGON acting through the Department of Revenue, may
2 also claim a junior interest in Subject Property by virtue of a Tax Lien recorded on
3 02/22/2016 as Instrument No 2016-011432 in the amount of \$3,272.12 in the official
4 records of Clackamas County, Oregon.

Signed: 6/19/2017 02:59 PM

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11 **Circuit Court Judge Michael C. Wetzel**

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13
14
15 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

16 The relief sought is against an opposing party who has been found in default.

17
18 Dated: March 10, 2017

19 Presented by:

20 **McCarthy & Holthus, LLP**

21 s/ Brady Godbout

22 Casey C. Pence, OSB No. 975271

23 Brady Godbout, OSB No. 132708

24 920 SW 3rd Ave, 1st Floor

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Of Attorneys for Plaintiff

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