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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES**

RCJD DCSOCUL31JAN19 10:42

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

CASE NUMBER: 17CV16574

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

vs.

RONALD L. SPERRY, III, ESQ., in his
capacity as Personal Representative of The
Estate of Julie J. Fincher; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 15 day of Jan, 2019
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: [Signature]
COURT CLERK

TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on November 20, 2018, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

1 Additional Pre-Judgment Interest:
2 Accrued Interest from October 1, 2018
3 the day after the date set forth in the
4 Judgment through November 20, 2018,
5 the date of entry of the Judgment, at a
6 3.375% per annum (\$9.75393 per
7 diem): \$487.70

8
9 Total Judgment Entered Including
10 Additional Pre-Judgment
11 Interest: \$161,462.96
12 3.

13 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$161,462.96 at
14 the legal rate of interest of 9% per annum, \$39.81 per diem, from November 21, 2018 to the date the
15 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
16 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

17 4.

18 The real property subject to this writ of execution is commonly known as 53240 DEEP
19 WOODS RD, LAPINE, OR 97739 ("Property") and described in Exhibit "1" attached hereto.

20 5.

21 The Judgment Creditor's name and address is:
22 Nationstar Mortgage LLC d/b/a Champion Mortgage Company
23 400 Horizon Way
24 Irving, Texas 75063

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The Judgment Creditor's name and address for the purpose of this Writ is:

Nationstar Mortgage LLC d/b/a Champion Mortgage Company

c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

2112 Business Center Drive

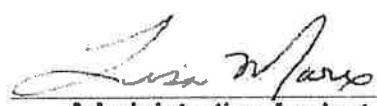
Irvine, CA 92612

949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.

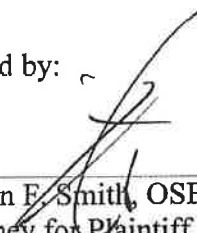
Signed: 12/3/2018 07:52 AM



Administrative Analyst Lisa Marx

for Jeff Hall, Trial Court Administrator

Submitted by:



Dated:

11/28/18

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

EXHIBIT "1"

Legal Description

Lot 1 in Block 4, of **TALL PINES SUBDIVISION**, Deschutes County, Oregon.

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CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 30 day of Nov, 2018.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY
BY: [Signature]
COURT CLERK

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES**

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

RONALD L. SPERRY, III, ESQ., in his
capacity as Personal Representative of The
Estate of Julie J. Fincher; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: 17CV16574

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

**1. RONALD L. SPERRY, III, ESQ,
IN HIS CAPACITY AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JULIE J. FINCHER**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, Nationstar Mortgage LLC d/b/a Champion Mortgage Company ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant RONALD L. SPERRY, III, ESQ, in his capacity as Personal Representative of The Estate of Julie J. Fincher ("Defendant") was duly served with the Summons and Complaint as required by law; that Defendant failed to appear, that an order of default has been entered against him on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 53240 DEEP WOODS RD, LAPINE, OR 97739 ("Property") and extinguishing any and all interest of the Defendant in the Property.

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2.

The Court being fully advised; it is hereby
ORDERED AND ADJUDGED that:

3.

Plaintiff is the holder of that certain Adjustable Rate Note (Home Equity Conversion) (“Note”), dated February 13, 2008, executed by JULIE J. FINCHER and HOLLIS T. FINCHER.

4.

The Note is secured by that certain deed of trust (“Deed of Trust”) dated February 13, 2008 and executed by JULIE J. FINCHER and HOLLIS T. FINCHER. The Deed of Trust was recorded on February 19, 2008 under the recording number 2008-07233 of the Official Records of Deschutes County, Oregon, against the Property, which is legally described as: see Exhibit "1" attached hereto (“Property”) and constitutes a valid lien against the Property.

5.

The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust as immediately due and payable.

6.

The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any interest, lien, or claim of the Defendants and any other party in the Property, which are hereby foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants may be entitled under Oregon law.

7.

A judgment of foreclosure in the amount of \$160,975.26 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

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9.

Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary costs and expenses incurred to enforcing the Note and Deed of Trust.

10.

Any increased interest or any such additional amounts as Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute liens on the Property, together with insurance and repairs necessary to prevent the impairment of the Property, together with interest thereon from the date of payment may also be added to the Amount Owed and paid from the proceeds from the sale of the Property.

11.

Defendant and all parties claiming an interest in the Property as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and every portion thereof, excepting only any statutory right of redemption provided by the laws of the State of Oregon.

12.

Decedent Mortgagor Julie J. Fincher is not entitled to a homestead exemption in the Property.

13.

Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to

1 obtain possession of the Property.

2 16.

3 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be
4 hereinafter described as the Amount Owed.

5 17.

6 This suit does not constitute an attempt to collect the debt against Defendant RONALD L.
7 SPERRY, III, ESQ., in his capacity as Personal Representative of The Estate of Julie J. Fincher.
8 Rather, it is a suit to execute upon the Property as security for the Amount Owed.

9 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

10 **(Pursuant to Senate Bill 368)**

11 18.

12 Under the terms of the Deed of Trust and the Note dated February 13, 2008, there is now due
13 and owing the following amounts, to be hereinafter described as the Amount Due:

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DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1. Judgment Creditor:** Nationstar Mortgage LLC d/b/a Champion
Address: Mortgage Company
c/o MALCOLM ♦ CISNEROS,
A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
- Judgment Attorney:** Nathan F. Smith
Address: MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
Telephone Number: (949) 252-9400
- 2. Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. Judgment Amount:** \$148,240.06
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$105,486.97 from October 1, 2018 to the date the Judgment is entered into the Court's register at @ 3.375% per annum, \$9.75393 per diem.
- 5. Post-Judgment Interest:** Simple interest to accrue on \$160,975.26 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.
- 6. Periodic accrual:** N/A

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Address: Mortgage Company
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2112 Business Center Drive, 2nd Floor
Irvine, California 92612
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- 6. Periodic accrual:** N/A

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7. Attorney's Fees and Costs:

An award of **\$12,735.20** in attorney's fees and costs is made.

Attorney Fees	\$4,032.50
Litigation Guarantee	\$530.00
Filing Costs	\$531.00
Service Costs	\$3,068.95
Hourly Probate	\$3,185.25
Mediation	\$200.00
Probate Investigation	\$1,187.50
Total Fees and Costs	\$12,735.20

Signed: 11/20/2018 08:35 AM


Circuit Court Judge Walter R. Miller

Submitted by:

Dated: 11/9/18



 Nathan F. Smith, OSB #120112
 Attorney for Plaintiff
 MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, Second Floor
 Irvine, California 92612
 Phone: (949) 252-9400
 Fax: (949) 252-1032
 Email: nathan@mclaw.org

EXHIBIT 1

Legal Description

Lot 1 in Block 4, of **TALL PINES SUBDIVISION**, Deschutes County, Oregon.