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FEB 20 2019

JEFFERSON COUNTY SHERIFF'S OFFICE  
MADRAS, OR 97741

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

NATIONSTAR MORTGAGE LLC d/b/a  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

v.

THE ESTATE OF GERALDINE C.  
WHEELER MARSH; THE UNKNOWN  
HEIRS, DEVISEES AND ASSIGNEES OF  
GERALDINE C. WHEELER MARSH;  
CROOKED RANCH RIVER RANCH CLUB  
& MAINTENANCE ASSOCIATION;  
SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT; and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 8908 SW  
CHANDLER RIDGE PL, TERREBONNE,  
OR 97760,

Defendant.

Case No. 18CV11657

**WRIT OF EXECUTION**

TO THE JEFFERSON COUNTY SHERIFF:

On December 13, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JEFFERSON County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: NATIONSTAR MORTGAGE LLC d/b/a CHAMPION MORTGAGE COMPANY c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 8908 SW  
2 CHANDLER RIDGE PL, TERREBONNE, OR 97760 ("Subject Property"), and legally  
3 described as:

4 LOT 51, CROOKED RIVER RANCH NO. 12, RECORDED JUNE 7, 1978, IN  
5 VOLUME 4 OF PLATS, PAGE 43-53, JEFFERSON COUNTY, OREGON.

6 The total amount due and owing on the Judgment as of January 10, 2019;

7 Judgment:	Principal	\$219,227.22
8 Pre-Judgment:	Interest(5.340%,\$21.72/day)	\$282.36 (12/1/18 through 12/13/18)
9	Attorney Fees	\$2,690.00
10	Costs	\$4,618.78
11	Prevailing Party Fee	\$300.00
12 Post-Judgment:	Interest(9.000%,\$56.00/day)	\$1,569.85 (12/14/18 through 1/10/19)
13	Attorney Fees	\$260.00
14	Costs	\$0.00

15 **TOTAL: \$228,948.21**

16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
17 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
18 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
19 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
20 holder of the certificate of sale.

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1 By the signature of the attorney for the judgment creditor, the person that requested  
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay  
3 making a return on the writ to a date up to 150 days after receipt.  
4

Signed: 1/10/2019 03:20 PM



*Amy Bonkosky*  
Amy Bonkosky, Trial Court Administrator

9 Presented by:

10 ALDRIDGE PITE, LLP

11 By: *Katie Riggs*  
12 Katie Riggs, OSB #095861  
13 *of Attorneys for Judgment Creditor*  
14 (858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

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JEFFERSON COUNTY SHERIFF'S OFFICE  
MADRAS, OR 97741

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

CERTIFIED TRUE COPY OF THE ORIGINAL  
DATED THIS 14th DAY OF Feb, 20 19  
CIRCUIT COURT  
JEFFERSON COUNTY,  
STATE OF OREGON

BY: *Julia M. Koppert*  
*Julia M. Koppert* COURT CLERK

NATIONSTAR MORTGAGE LLC d/b/a  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

v.

THE ESTATE OF GERALDINE C.  
WHEELER MARSH; THE UNKNOWN  
HEIRS, DEVISEES AND ASSIGNEES OF  
GERALDINE C. WHEELER MARSH;  
CROOKED RANCH RIVER RANCH CLUB  
& MAINTENANCE ASSOCIATION;  
SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT; and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 8908 SW  
CHANDLER RIDGE PL, TERREBONNE,  
OR 97760,

Defendants.

Case No. 18CV11657

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants THE ESTATE OF  
GERALDINE C. WHEELER MARSH; THE UNKNOWN HEIRS, DEVISEES AND  
ASSIGNEES OF GERALDINE C. WHEELER MARSH; CROOKED RANCH RIVER  
RANCH CLUB & MAINTENANCE ASSOCIATION; SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 8908 SW CHANDLER RIDGE PL, TERREBONNE, OR 97760,  
the records on file herein, and pursuant to the Motion for General Judgment and Declaration of

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 Amount Due by Default by Plaintiff NATIONSTAR MORTGAGE LLC d/b/a CHAMPION  
2 MORTGAGE COMPANY ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 8908 SW CHANDLER  
5 RIDGE PL, TERREBONNE, OR 97760 ("Subject Property"), as evidenced by the Deed of Trust  
6 recorded March 31, 2009 in the official records of JEFFERSON County as instrument number  
7 2009-001105 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
8 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
9 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
10 legally described as follows:

11 See attached - Exhibit

12 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
13 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
14 in the manner provided by law;

15 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
16 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
17 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
18 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

19 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
20 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
21 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
22 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
23 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
24 by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
26 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

4 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
5 sale of the Subject Property as directed under this Judgment.

6 7. The Sheriff shall make a return on the writ of execution to the court administrator  
7 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
8 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
9 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
10 parties as may establish their right thereto. The Defendants and all persons claiming through or  
11 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
12 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
13 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
14 every part of the Subject Property when the time for redemption has elapsed;

15 8. Plaintiff or any other party to this action may become a purchaser at the  
16 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
17 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
18 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
19 subject property if Defendants or any other party or person refuses to surrender possession;

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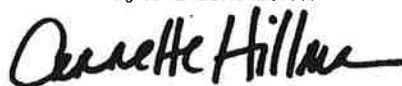
DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$219,227.22.
2. Simple interest at the variable rate currently at 5.340% (\$21.72 *per diem*) after 11/30/2018, through the date of judgment.
3. Attorney fees of \$2,690.00, plus \$260.00, through the date of sale.
4. Costs of \$4,618.78, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total judgment amount above, #1-5, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 12/12/2018 12:51 PM



Annette G. Hillman, Circuit Court Judge

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3.  I have served a copy of this order or judgment on all parties entitled to service and:
  - a.  No objection has been served on me;
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

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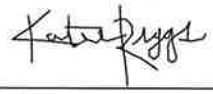
c.  After conferring about objections, [ **role and name of objecting party** ] agreed to independently file any remaining objection.

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

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

6.  Other: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP



12/7/2018

Date: \_\_\_\_\_

Katie Riggs (OSB # 095861)  
(858) 750-7600  
(619) 326-2430  
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff



## Exhibit - Legal Description

Lot 51, Crooked River Ranch No. 12, recorded June 7, 1978, in Volume 4 of Plats, Page 43-53, Jefferson County, Oregon.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
JEFFERSON COUNTY**

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

Plaintiff/s,

v.

THE ESTATE OF GERALDINE C. WHEELER  
MARSH; THE UNKNOWN HEIRS, DEVISEES AND  
ASSIGNEES OF GERALDINE C. WHEELER MARSH;  
CROOKED RANCH RIVER RANCH CLUB &  
MAINTENANCE ASSOCIATION; SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT; AND ALL  
OTHER PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY COMMONLY  
KNOWN AS 8908 SW CHANDLER RIDGE PL,  
TERREBONNE, OR 97760,

Defendant/s.

Case No.: **18CV11657**

**CHALLENGE TO EXECUTION**

THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING  
PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY  
TO CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE  
DEBT.

I/We claim that the following described property or money is exempt from execution:

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I/We believe this property is exempt from execution because (the Notice of Exempt  
Property at the end of this form describes most types of property that you can claim as exempt  
from execution):

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I am a person other than the Debtor and I have the following interest in the property:

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Name \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number  
(required): \_\_\_\_\_

Telephone Number  
(required): \_\_\_\_\_

**YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR  
PROPERTY BACK.**

You may seek to reclaim your exempt property by doing the following:

- (1) Fill out the Challenge to Execution form that you received with this notice.
- (2) Mail or deliver the Challenge to Execution form to the court administrator at the address shown on the writ of execution.
- (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the address shown on the writ of execution.

You should be prepared to explain your exemption in court. If you have any questions about the execution or debt, you should see an attorney.

YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE VALIDITY OF THE DEBT.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject to are listed in ORS 18.899.

### **NOTICE OF EXEMPT PROPERTY**

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers are enclosed.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below.

- (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following amounts is less:
  - (a) 75 percent of your take-home wages; or
  - (b) \$218 per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI).
- (4) Public assistance (welfare).
- (5) Unemployment benefits.
- (6) Disability benefits (other than SSI benefits).

- (7) Workers' compensation benefits.
- (8) All Social Security Benefits and Supplemental Security Income benefits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are held in a bank account.
- (9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.
- (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly own the homestead with another person who is also liable on the debt, up to \$50,000 of the value of the homestead is exempt.
- (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure another homestead.
- (12) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.
- \*(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.
- \*(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$5,000.
- \*(15) Books, pictures and musical instruments with a combined value not to exceed \$600.
- \*(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed \$1,800.
- (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000 and their food for 60 days.
- (18) Provisions and fuel for your family for 60 days.
- (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1,000.
- (20) Public or private pensions.
- (21) Veterans' benefits and loans.
- (22) Medical assistance benefits.
- (23) Health insurance proceeds and disability proceeds of life insurance policies.
- (24) Cash surrender value of life insurance policies not payable to your estate.
- (25) Federal annuities.
- (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same exemption as wages).
- (27) Professionally prescribed health aids for you or any of your dependents.
- \*(28) Elderly rental assistance allowed pursuant to ORS 310.635.
- \*(29) Your right to receive, or property traceable to:
  - \*(a) An award under any crime victim reparation law.
  - \*(b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily injury suffered by you or an individual of whom you are a dependent.
  - \*(c) A payment in compensation of loss of future earnings of you or an individual of whom you are or were a dependent, to the extent reasonably necessary for your support and the support of any of your dependents.
- (30) Amounts paid to you as an earned income tax credit under federal tax law.
- (31) Your right to the assets held in, or right to receive payments under, a medical savings account or health savings account authorized under section 220 or 223 of the Internal Revenue Code.
- (32) Interest in personal property to the value of \$400, but this cannot be used to increase the amount of any other exemption.
- (33) Equitable interests in property.

**Note:** If two or more people in your household owe the claim or judgment, each of them may claim the exemptions marked by an asterisk (\*).

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SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt may be taken to pay for overdue support. For instance, Social Security benefits, workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support obligation.