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LINN COUNTY
SHERIFFS OFFICE

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

NEW PENN FINANCIAL LLC D/B/A
SHELLPOINT MORTGAGE SERVICING,

Plaintiff,

vs.

ROBERT D. TAYLOR, AKA ROBERT
DUANE TAYLOR; VALARIE K. TAYLOR;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC; GB
MORTGAGE, LLC; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV55608

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LINN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 12/19/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NEW PENN FINANCIAL LLC D/B/A SHELLPOINT MORTGAGE SERVICING
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$257,978.18, plus pre-judgment interest at note rate of 6.625%, \$23.38 per diem from 12/17/2018 through 12/19/2018, in the amount of \$46.76 plus

1 post judgment interest at the statutory rate of 9.0%, per annum 12/19/2018 to 3/5/2019 in the
2 amount of \$5,022.71, and continuing with a per diem of \$65.23, currently totaling \$269,583.31.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about March 25, 2003, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described as attached in EXHIBIT 1 and commonly known as:
8 38970 Golden Valley Drive, Lebanon, OR 97355.

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

Signed: 3/6/2019 11:38 AM



Cynthia Mitchell
Cynthia Mitchell, Administrative Authority

14
15
16
17 Dated: 3/5/2019 and submitted by:

18 **McCarthy & Holthus, LLP**

19 s/ Andreanna Smith

20 Andreanna Smith OSB No. 131336
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 ansmith@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
28

EXHIBIT “1”

Beginning at a point which is North 00°42'30" East 1479.78 feet and South 89°59'40" East 20 feet from the Southwest corner of Section 8 in Township 12 South and Range 1 West of the Willamette Meridian in Linn County, Oregon; an running thence North 53°36'10" East a distance of 623.62 East; thence North 08°42'00" East 153.03 feet; thence North 38°28'15" West 53.02 feet; thence North 00°35'45" East 458.66 feet to the Southerly right-of-way of County Road No. 724; thence North 54°33'15" East 30.00 feet; thence South 21°19'00" East 282.04 feet; thence South 18°02'20" West 224.83 feet; thence South 89°59'40" East 140.18 feet; thence South 00°01'45" West 345.00 feet; thence South 32°38'10" East 85.38 feet; thence South 17°43'20" West 151.64 feet; thence North 89°59'40" West 694.10 feet to the true place of beginning.

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

NEW PENN FINANCIAL LLC D/B/A
SHELLPOINT MORTGAGE SERVICING,

Plaintiff,

vs.

ROBERT D. TAYLOR AKA ROBERT
DUANE TAYLOR; VALARIE K. TAYLOR
AKA VALARIE KAY TAYLOR;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC; GB
MORTGAGE, LLC; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV55608

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

All defendants ("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;

2.

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

- a. The real property to which this judgment relates is located and situated in Linn County, Oregon, and is commonly known as 38970 Golden Valley Drive, Lebanon, OR 97355 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R0676797.

- 1 b. Plaintiff is entitled to enforce the note dated March 25, 2003 and made, delivered, and
2 executed by ROBERT D. TAYLOR and VALARIE K. TAYLOR to SIERRA PACIFIC
3 MORTGAGE COMPANY, INC. in the amount of \$182,100.00 (the "Note"). The Note was
4 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 5 c. A deed of trust was made, executed, and delivered by Defendants ROBERT D. TAYLOR
6 and VALARIE K. TAYLOR on or about March 31, 2003 (the "Deed of Trust"). The Deed
7 of Trust was recorded on April 4, 2003 as Vol. 1407 Page 60 in the official records of Linn
8 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
9 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
10 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 11 d. The Borrower failed to make the payment that was due for May 1, 2012 and has not cured
12 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
13 comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$154,644.33
15	b) Prejudgment interest accruing from	
16	5/1/2012 through 12/17/2018 and	
17	continuing until the entry of	
	judgment at the current Note rate of	
	5.625%:	\$58,355.69
18	c) Additional amounts due under the	\$45,375.62
19	terms of the loan:	
20	d) Attorney fees and costs:	\$6,053.20
21	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
22	Total:	\$264,513.84

23 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
24 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
25 per annum.
26
27
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1 e. The interest of the Defendants and any successor in interest in the Subject Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.

4 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

5 g. All right, title and interest in the Subject Property that Defendants ROBERT D. TAYLOR
6 and VALARIE K. TAYLOR had as of the date of the Deed of Trust or thereafter acquired is
7 hereby ordered to be sold by the Linn County Sheriff's Office in accordance with the process
8 for sale upon execution, and the proceeds of sale shall be applied:

- 9 1) First, to the costs of sale not incurred by Plaintiff;
- 10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;
- 12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.

15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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


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

25 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
26 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
27 terminated.

1 Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

- 3 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC and
4 GB MORTGAGE, LLC may claim a junior interest in Subject Property by virtue of a
5 deed of trust recorded on 2/28/2008 as Instrument No. 2008-03872 in the official
6 records of Linn County, Oregon.

Signed: 12/19/2018 08:45 AM



Circuit Court Judge, Thomas A. McHill

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

15 This proposed Judgment Of Foreclosure is ready for judicial signature because:

16 Each opposing party affected by this order or judgment has stipulated to the order or
17 judgment, as shown by each opposing party's signature on the document being
submitted.

18 Each opposing party affected by this order or judgment has approved the order or
19 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

20 I have served a copy of this order or judgment on all parties entitled to service and:

21 No objection has been served on me.

22 I received objections that I could not resolve with the opposing party despite
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

23 After conferring about objections, _____ agreed to independently file
24 any remaining objection.

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

26 An order of default is being requested with this proposed judgment.

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

1 This is a proposed judgment that includes an award of punitive damages and notice
2 has been served on the Director of the Crime Victims' Assistance Section as required
3 by subsection (4) of this rule.

4 Other: _____

5 Dated: 12/17/2018 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Andreanna Smith

8 Andreanna Smith OSB No. 131336

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 ansmith@mccarthyholthus.com

14 Of Attorneys for Plaintiff

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