

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

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

Plaintiff,

vs.

ALL UNKNOWN HEIRS AND DEVISEES
OF CONIUS C. CLARK, a deceased
individual; DEBRA CLARK, as potential heir
of CONIUS C. CLARK, a deceased individual;
DONNA CAMPOS, as potential heir of
CONIUS C. CLARK, a deceased individual;
Ben Carson, solely in his capacity as Secretary
for UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT;
and ALL OTHER UNKNOWN PARTIES
CLAIMING ANY RIGHT, TITLE, LIEN OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 195 PEACH
STREET, MERLIN, OR 97532,

Defendants.

CASE NO.: 18CV30618

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of JOSEPHINE)

TO THE SHERIFF OF JOSEPHINE COUNTY OREGON:

WHEREAS, on January 14, 2019, by consideration of the Josephine County Circuit
Court, there was entered a General Judgment of Foreclosure as to ALL UNKNOWN HEIRS

WRIT OF EXECUTION -1-

Zieve, Brodnax & Steele, LLP
Jeffrey A. Myers, Esq
Scott D. Crawford, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
jmyers@zbslaw.com

1 AND DEVISEES OF CONIUS C. CLARK, a deceased individual; DEBRA CLARK, as
2 potential heir of CONIUS C. CLARK, a deceased individual; DONNA CAMPOS, as potential
3 heir of CONIUS C. CLARK, a deceased individual; Ben Carson, solely in his capacity as
4 Secretary for UNITED STATES DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT; and ALL OTHER UNKNOWN PARTIES CLAIMING ANY RIGHT,
6 TITLE, LIEN OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 195
7 PEACH STREET, MERLIN, OR 97532 collectively ("Defendants"). Said General Judgment of
8 Foreclosure was duly enrolled and docketed in the Court Administrator's Office in said County
9 on January 14, 2019; a true copy of the General Judgment of Foreclosure is attached hereto and
10 made a part hereof.

11 Judgment Creditor: NATIONSTAR MORTGAGE LLC D/B/A CHAMPION
12 MORTGAGE COMPANY
13 c/o Zieve Brodnax & Steele, LLP
14 121 SW Salmon St.
Portland, OR 97204

15 Judgment Creditor Address: Zieve Brodnax & Steele, LLP
16 c/o Jeffrey A. Myers
17 c/o Scott Crawford
121 SW Salmon St.
Portland, OR 97204

18 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
19 commanded to sell the real property as by said General Judgment of Foreclosure according to
20 law (subject to redemption) all of the interest that the borrowers had on the 19th Day of
21 December, 2007, the date of the Mortgage, and also all of the interest that borrower had
22 thereafter, in the real property described in the Judgment as:

23 THE LAND REFERRED TO HEREIN IS SITUATED NI THE STATE OF OR,
24 COUNTY OF JOSEPHINE, CITY OF MERLIN AND LOST 10, 11, 12 AND

25
26 WRIT OF EXECUTION -2-

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1 THE NORTHWESTERLY HALF OF LOT 9, ALL IN BLOCK 4, CENTER
2 ADDITION TO MERLIN, JOSEPHINE COUNTY, OREGON. ALSO THAT
3 PORTION OF ALLEY, VACATED BY JOSEPHINE COUNTY ORDER NO.
4 78-88, ENTERED JUNE 8, 1978, WHICH INURES HERETO BY OPERATION
5 OF LAW.

6 APN: 35-06-21-BB-005700

7 The street address of the real property to be levied upon is 211 Pleasant Valley Road,
8 Merlin, OR 97532.

9 The above referenced property shall be sold to satisfy the following sums: The principal
10 balance and interest in the amount of \$184,148.90; plus reasonable attorney fees and costs in the
11 amount of \$9,497.40; plus prevailing party fee in the amount of \$300.00; plus prejudgment
12 interest from December 31, 2018 through January 14, 2019 in the amount of \$169.68 (\$12.12 x
13 14 days); plus post-judgment interest accruing after January 14, 2019 through January 17, 2019,
14 at the rate of 9.0% per annum, of \$143.58 (\$47.86 per diem x 3 days) for a total of \$194,259.56
15 with interest to continue to accrue at the rate of 9.0% per annum (\$47.86 per diem) until the date
16 of sale; Thus,

17 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
18 THE DATE OF SUBMISSION (January 17, 2019) IS AS FOLLOWS:

19	Base Judgment and Interest:	\$184,148.90
20	Attorney Fees and Costs:	\$9,497.40
21	Prevailing Party Fee:	\$300.00
22	Pre-Judgment Interest from	
23	12/31/18 – 1/14/19	
24	(\$12.12 per diem)	\$169.68

25
26 WRIT OF EXECUTION -3-

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1 Post-Judgment Interest from
2 1/14/19 – 1/17/19 at 9.0%
3 (\$47.86 per diem) \$143.58

4 ///

5 ///

6 Total due as of January 17, 2019: \$194,259.56, with interest to continue to accrue at
7 9.0% (\$47.86 per diem) until the date of sale.

8 The proceeds of sale shall be applied, delivered, and distributed according to ORS
9 18.950.

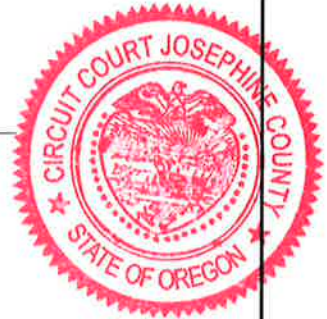
10
11 By: B. Ferguson
Court Clerk

12 Submitted by:

JAN 22 2019

13 /s/ Jeffrey A. Myers

14 Jeffrey A. Myers, OSB No. 094561



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

NATIONSTAR MORTGAGE LLC D/B/A
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Plaintiff,

vs.

ALL UNKNOWN HEIRS AND DEVISEES
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individual; DEBRA CLARK, as potential heir
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COMMONLY KNOWN AS 195 PEACH
STREET, MERLIN, OR 97532,

Defendants.

CASE NO. 18CV30618

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

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1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff,
2 Nationstar Mortgage LLC d/b/a Champion Mortgage Company ("Plaintiff") and against
3 defendants All Unknown Heirs and devisees of Conius C. Clark ("Heirs"), Debra Clark, as
4 potential heir of Conius C. Clark ("Debra"), Donna Campos, as potential heir of Conius C. Clark
5 ("Donna"), and Ben Carson, solely in his capacity as Secretary for United States Department of
6 Housing and Urban Development ("HUD", collectively "Defendants"), and that Plaintiff has filed
7 a Statement for Attorney Fees, Costs, and Disbursements,

8 **IT IS HEREBY ORDERED AND ADJUDGED:**

9 **1.**

10 Plaintiff is awarded judgment against Defendants and all persons claiming through or
11 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
12 interest, lien or claim in the real property described above and every portion thereof excepting
13 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

14 All Other Unknown Parties claiming any right, title, lien or interest in the real property
15 ("AOP") were dismissed November 14, 2018 from this action.

16 **2.**

17 Writ of execution upon this General Judgment of Foreclosure shall issue.

18 **3.**

19 The Deed of Trust executed by Conius C. Clark ("Borrower" or "Deceased") and
20 recorded on December 19, 2007, in the Josephine County Recorder's Office as instrument
21 number 2007-023756, is a valid mortgage lien for the amount of Plaintiff's judgment set forth in
22 paragraph 1 against all the real property, located in Josephine County, Oregon commonly
23 referred to as 195 Peach Street, Merlin, OR 97532 aka 211 Pleasant Valley Road, Merlin, OR, ,
24 97532 , with a legal description as follows:

25 THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF OR,
26 COUNTY OF JOSEPHINE, CITY OF MERLIN AND LOTS 10, 11, 12 AND THE
27 NORTHWESTERLY HALF OF LOT 9, ALL IN BLOCK 4, CENTER ADDITION TO

1 MERLIN, JOSEPHINE COUNTY, OREGON. ALSO THAT PORTION OF ALLEY,
2 VACATED BY JOSEPHINE COUNTY ORDER NO. 78-88, ENTERED JUNE 8, 1978,
3 WHICH INURES HERETO BY OPERATION OF LAW.

4 APN 35-06-21-BB-005700

5 4.

6 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
7 property, and all other interest in the property gained by him thereafter, or so much interest as
8 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Josephine
9 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

10 5.

11 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
12 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
13 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
14 may establish their right thereto.

15 6.

16 Defendants and all persons claiming through or under Defendants, as purchasers,
17 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
18 property described above and every portion thereof excepting only any satisfactory right of
19 redemption as Defendants may have.



20
21 Plaintiff or any other party to this suit or third party purchase may become the purchaser
22 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
23 property from and after the date of sale and is entitled to such remedies as are available at law to
24 secure possession, including writ of assistance, if the Defendants and any other party or person
25 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
26 possession.

27 ///

SECURED DEBT

1. Judgment Creditor: Nationstar Mortgage LLC d/b/a Champion Mortgage Company
c/o Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920

2. Judgment Creditor’s Attorney: Scott D. Crawford
Jeffrey A. Myers
Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
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3. Person or public body entitled to any portion of money award herein: None

4. Total Amount of Secured Debt:

LENDERS’ PRINCIPAL AND INTEREST	
Principal Balance	\$ 133,766.96
Accrued interest on the principal balance through 12/31/18	\$ 30,248.00
Accrued fees on the principal balance through 12/31/18	\$ 20,133.94
Additional pre-judgment interest to accrue from 1/1/19 to the date this judgment is entered, at the note rate of 3.307% (\$12.12 <i>per diem</i>)	
Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 1/1/19 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
Total Principal and Interest Through 12/31/18 at the rate of 3.307% (\$12.12 per diem)	\$ 184,148.90
ATTORNEYS’ FEES AND COSTS	
Attorney Fees	\$ 3,700.00
Prior Attorney Fees	\$ 4,101.20
Attorney Costs	\$ 1,696.20
Total Attorney Fees and Costs	\$ 9,497.40

Prevailing Party Fee	\$ 300.00
TOTAL SECURED DEBT (JUDGMENT)	\$ 193,946.30

Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment against the Borrower.

Signed: 1/14/2019 08:12 AM

Circuit Court Judge Matthew G. Gall

UTCR 5.100(2) CERTIFICATE OF READINESS

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

1. Each party affected by this order of 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 of 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 of judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. 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 have received and indicated which objections remained unresolved.

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

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

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

5 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
6 otherwise.

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

10 8. Other: _____
11

12 Submitted By:

13 /s/ Jeffrey A. Myers 1/11/19

14 Scott D. Crawford, OR No. 086448

15 Jeffrey A. Myers, OSB No. 094561

16 Attorneys for Plaintiff

scrawford@zbslaw.com

jmyers@zbslaw.com