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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

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

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF  
JUDITH L. JAMIESON; JAMES S.  
JAMIESON AKA JIM JAMIESON;  
SHELLY JAMIESON; PAUL JAMIESON;  
AIMEY R. JAMIESON; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; HOMECOMINGS  
FINANCIAL, LLC (FKA HOMECOMINGS  
FINANCIAL NETWORK, INC.);  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV34007

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LINN COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on March 20, 2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

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1 NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER  
2 c/o Brady Godbout  
3 Attorney for Plaintiff  
4 McCarthy & Holthus, LLP  
5 920 SW 3rd Ave, 1st Floor  
6 Portland, OR 97204

7 With the adjudicated amount due of \$89,544.02, plus pre judgment interest from 03/15/2019 to  
8 03/20/2019 at the per diem rate of \$10.90 totaling, \$54.50, plus post judgment interest at the  
9 statutory rate of 9.0% per annum from 03/21/2019 to 04/09/2019 in the amount of \$419.71, and  
10 continuing with a per diem of \$22.09 currently totaling \$90,018.23.

11 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are  
12 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
13 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
14 about January 29, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
15 had thereafter, in the real property described as follows:

16 Attached as Exhibit 1

17 and commonly known as: 846 5th St, Lyons, OR 97358.

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

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1 Dated: 3/27/2019 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

4 \_ John Thomas OSB No. 024691

5 \_ Andreanna Smith OSB No. 131336

6 x Brady Godbout OSB No. 132708

7 \_ Bryan Kidder OSB No. 140459

8 \_ Jeremy Clifford OSB No. 142987

9 \_ Michael Scott OSB No. 973947

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 bgodbout@mccarthyholthus.com

15 Of Attorneys for Plaintiff

# Exhibit "1"

BEGINNING AT A POINT 800 FEET SOUTH AND SOUTH 84° 05' WEST, 94.15 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 9 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF LINN AND STATE OF OREGON; THENCE CONTINUE SOUTH 84° 05' WEST, 29.85 FEET; THENCE NORTH 05° 55' WEST, 53 FEET TO A POINT; THENCE SOUTHWESTERLY 96.85 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO WENDELL WEAVER, ET UX, BY DEED RECORDED IN DEED BOOK 230, PAGE 158; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 222, A DISTANCE OF 100 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO WILSON R. STEVENS ET UX, BY DEED RECORDED IN DEED BOOK 253, PAGE 95; THENCE EAST ALONG THE SOUTH LINE OF SAID STEVENS TRACT, 110 FEET, MORE OR LESS, TO A POINT SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 65 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

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

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
JUDITH L. JAMIESON; JAMES S.  
JAMIESON AKA JIM JAMIESON;  
SHELLY JAMIESON; PAUL JAMIESON;  
AIMEY R. JAMIESON; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.; HOMECOMINGS  
FINANCIAL, LLC (FKA HOMECOMINGS  
FINANCIAL NETWORK, INC.);  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV34007

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 846 5th St, Lyons, OR 97358 (the "Subject Property"),

1 legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 0002275  
2 and 0002283.

3 b. Plaintiff is entitled to enforce the note dated January 29, 2007 and made, delivered, and  
4 executed by JUDITH L. JAMIESON to HOMECOMINGS FINANCIAL, LLC (F/K/A  
5 HOMECOMINGS FINANCIAL NETWORK, INC.) in the amount of \$75,600.00 (the  
6 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement  
7 set forth on the Note.

8 c. A deed of trust was made, executed, and delivered by Borrower JUDITH L. JAMIESON on  
9 or about January 30, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on  
10 January 31, 2007 as Instrument No. 2007-02724 in the official records of Linn County,  
11 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
12 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
13 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for September 1, 2017 and has not  
15 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
16 owing is comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$74,015.96
18	b) Prejudgment interest accruing from	
19	8/1/2017 through 3/14/2019 and	
20	continuing until the entry of	
21	judgment at the current Note rate of	
22	4.0%:	\$5,092.86
23	c) Additional amounts due under the	\$3,510.70
24	terms of the loan:	
25	d) Attorney fees and costs:	\$6,839.50
26	e) Prevailing party fee (ORS 20.190	\$85.00
27	(1)(a)):	
28	<b>Total:</b>	<b>\$89,544.02</b>

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

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. The Borrower is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Borrower JUDITH L. JAMIESON  
9 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by  
10 the Linn County Sheriff's Office in accordance with the process for sale upon execution, and  
11 the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

6 1) Defendant Mortgage Electronic Registration Systems, Inc. and Homecomings  
7 Financial, LLC (fka Homecomings Financial Network, Inc.) may claim a junior  
8 interest in Subject Property by virtue of a deed of trust recorded on 01/31/2007 as  
9 Instrument No. 2007-02725 in the official records of Linn County, Oregon.

10 2) Defendant James S. Jamieson aka Jim Jamieson may claim a junior interest in Subject  
11 Property by virtue of a Probate Case filed on 09/11/2017 as Case No. 17PB07044 in  
12 the circuit court of Linn County, Oregon. James S. Jamieson aka Jim Jamieson may  
13 also claim a junior interest in the Subject Property by virtue of an Affiant's Deed  
14 recorded on 10/26/2017 as Instrument No. 2017-19564 in the official records of Linn  
15 County, Oregon.

16 3) Defendant Shelly Jamieson may claim a junior interest in Subject Property by virtue  
17 of a Probate Case filed on 09/11/2017 as Case No. 17PB07044 in the circuit court of  
18 Linn County, Oregon.

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- 1 4) Defendant Paul Jamieson may claim a junior interest in Subject Property by virtue of  
2 a Probate Case filed on 09/11/2017 as Case No. 17PB07044 in the circuit court of  
3 Linn County, Oregon.
- 4 5) Defendant Aimey R. Jamieson may claim a junior interest in Subject Property by  
5 virtue of a Probate Case filed on 09/11/2017 as Case No. 17PB07044 in the circuit  
6 court of Linn County, Oregon.

Signed: 3/20/2019 02:39 PM



Circuit Court Judge, DeAnn L. Novotny

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

18 Dated: 3/19/2019 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Brady Godbout

21 Brady Godbout OSB No. 132708

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

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