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

U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST,

Plaintiff,

vs.

SCOTT L. GRIMES AKA SCOTT LEE  
GRIMES; COUNTY OF LINN; VALLEY  
CREDIT SERVICE, INC.; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 18CV26866

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LINN COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on January 24, 2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST

c/o John Thomas  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$350,749.96, plus pre judgment interest at the per diem of \$86.54 from 1/18/2019 to 1/24/2019 in the amount of \$206.28, plus post judgment interest at the

1 statutory rate of 9.0% per annum from 1/24/2019 to 3/8/2019 in the amount of \$3,721.10, and  
2 continuing with a per diem of \$86.54, currently totaling \$354,677.34.

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 September 20, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
7 had thereafter, in the real property described in the attached Exhibit 1, APN: 355723 and  
8 commonly known as: 43331 Rodgers Mountain Loop, Scio, OR 97374.

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.

14 Dated: Mar. 14, 2019.



Signed: 3/14/2019 02:53 PM

A handwritten signature in black ink, appearing to read "David E. Delsman", is written over a horizontal line.

David E. Delsman, Circuit Court Judge

15  
16  
17  
18  
19  
20 Dated: 3/13/19 and submitted by:

21 **McCarthy & Holthus, LLP**

22 s/ John Thomas

23 John Thomas OSB No. 024691

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

27 Fax: (971) 201-3202

28 jthomas@mccarthyholthus.com

Of Attorneys for Plaintiff

# EXHIBIT 1

# EXHIBIT 1

## Legal Description

Beginning at a 5/8 inch iron rod on the West line of and North 0° 54' West 138.62 feet from the Southwest corner of the Northwest quarter of the Northeast quarter of Section 23, Township 10 South, Range 1 West, Willamette Meridian, Linn County, Oregon; thence South 89° 41 1/2' East 191.69 feet to a 5/8 inch iron rod in the centerline of a road; thence North 43° 31 1/2' East along said centerline 67 feet to the beginning of a 95° curve to the left; thence around said curve 67.55 feet through 64° 10 1/2' of arc; thence North 20° 39' West along said centerline, 215.37 feet to the beginning of a 41° curve to the right; thence around said curve, 152 feet through 62° 19 1/2' of arc; thence North 41° 40 1/2' east along said centerline, 198.66 feet; thence East 23.32 feet to the Westerly right of way Of County Road No. 642; thence North 0° 05' East along said right of way 21.9 feet; thence West 366.83 feet to a 5/8 inch iron rod on the West line of section 23; thence South 0° 54' East along said West line 627.54 feet to the point of beginning.

SAVE AND EXCEPT: Beginning at a 5/8 inch iron rod which is North 0° 54' West 138.62 feet and South 89° 41 1/2' East 191.69 feet from the Southwest corner of the Northwest quarter of the Northwest quarter of Section 23, Township 10 South, Range 1 West of the Willamette Meridian in Linn County, Oregon; thence North 89° 41 1/2' West 83.8 feet; thence North 33° 44 1/2' East 48.93 feet; thence South 67° 48 1/2' East 74.49 feet to a point which bears North 43° 31 1/2' East of the place of beginning; thence South 43° 31 1/2' West 17.93 feet to the place of beginning.

End of Legal Description

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U.S. BANK TRUST, N.A., AS TRUSTEE  
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GRIMES; COUNTY OF LINN; VALLEY  
CREDIT SERVICE, INC.; OCCUPANTS  
OF THE PROPERTY,

Defendants.

Case No.: 18CV26866

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants SCOTT L. GRIMES AKA SCOTT LEE GRIMES; COUNTY OF LINN; VALLEY CREDIT SERVICE, INC.; OCCUPANTS OF THE PROPERTY ("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, now therefore,

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 43331 Rodgers Mountain Loop, Scio, OR 97374 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 355723.

1 b. Plaintiff is entitled to enforce the note dated September 20, 2007 and made, delivered, and  
2 executed by SCOTT L. GRIMES to Taylor, Bean & Whitaker Mortgage Corp. in the amount  
3 of \$212,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession  
4 and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendant SCOTT L. GRIMES on or  
6 about September 20, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on  
7 September 28, 2007 as Instrument No. 2007-23310 in the official records of Linn County,  
8 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
9 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
10 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 December 1, 2011 and has not  
12 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
13 owing is comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$200,797.58
15	b) Prejudgment interest accruing from	\$90,490.62
16	1/11/2011 through 1/17/2019 and	
17	continuing until the entry of	
	judgment at the current Note rate of	
	6.25%:	
18	c) Additional amounts due under the	\$52,678.95
19	terms of the loan:	
20	d) Attorney fees and costs:	\$6,697.81
21	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
22	<b>Total:</b>	<b>\$350,749.96</b>

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

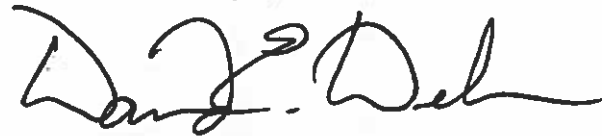
- 1 e. The interest of the Defendants and any successor in interest in the Subject Property is  
2 foreclosed and terminated excepting only any statutory right of redemption as provided by  
3 Oregon law.
- 4 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 5 g. All right, title and interest in the Subject Property that Defendant SCOTT L. GRIMES had as  
6 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
7 Linn County Sheriff's Office in accordance with the process for sale upon execution, and the  
8 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.
- 28

1 i. 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) Defendant COUNTY OF LINN may claim an interest in Subject Property by virtue of  
4 a lien recorded 06/30/2014 as Instrument No. 2014-08122 in the official records of  
5 Linn County, Oregon, in the amount of \$286.82.
- 6 2) Defendant COUNTY OF LINN may claim an interest in Subject Property by virtue of  
7 a lien recorded 07/02/2015 as Instrument No. 2015-10148 in the official records of  
8 Linn County, Oregon, in the amount of \$647.26.
- 9 3) Defendant COUNTY OF LINN may claim an interest in Subject Property by virtue of  
10 a lien recorded 07/15/2016 as Instrument No. 2016-11830 in the official records of  
11 Linn County, Oregon, in the amount of \$1,067.11.
- 12 4) Defendant COUNTY OF LINN may claim an interest in Subject Property by virtue of  
13 a lien recorded 07/07/2017 as Instrument No. 2017-12127 in the official records of  
14 Linn County, Oregon, in the amount of \$1,413.31.
- 15 5) Defendant VALLEY CREDIT SERVICE, INC. may claim an interest in Subject  
16 Property by virtue of a judgment entered on 10/25/2016 in the Circuit Court of Linn  
17 County, Oregon, Case No. 16SC44102, in the amount of \$2,584.63.

18  
19 Dated: Jan. 23, 2019.

20  
21 Signed: 1/23/2019 03:51 PM

22 

23  
24 **David E. Delsman, Circuit Court Judge**

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

26 On January 23, 2019, a copy of the Motion For Entry Of Judgment, Declaration Of  
27 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of  
28 Foreclosure was:



1           [ ] Served on:

2                 not less than 3 days prior to submission to the court.

3           [ ] Accompanied by a stipulation by that no objection exists as to the judgment or order.

4           [X] Mailed to:

5           Scott L. Grimes  
6           42764 Rodgers Mountain Loop  
7           Scio, OR 97374

8           County of Linn  
9           300 SW 4th Ave  
10           Albany, OR 97321

11           Occupants of the Property  
12           43331 Rodgers Mountain Loop  
13           Scio, OR 97374

14           Valley Credit Service, Inc.  
15           626 Appleblossom Ave NE  
16           Keizer, OR 97303

17                     [courtesy contemporaneous service—default order entered against defendants]

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

19           [ ] Each opposing party affected by this order or judgment has stipulated to the order or  
20           judgment, as shown by each opposing party's signature on the document being  
21           submitted.

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

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

26                     [ ] No objection has been served on me.

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

30                     [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
31                     any remaining objection.

32           [X] The relief sought is against an opposing party who has been found in default.

33           [ ] An order of default is being requested with this proposed judgment.

34           [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
35           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: January 23, 2019 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ John Thomas

8 \_\_\_\_\_  
9 John Thomas OSB No. 024691

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 jthomas@mccarthyholthus.com

15 Of Attorneys for Plaintiff

# Exhibit 1

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