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

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

JON A. THOMPSON AKA JON ANTHONY THOMPSON, SR.; SHERRIE O'NEILL THOMPSON AKA SHERRIE LORRAINE O'NEILL-THOMPSON AKA SHERRIE LORRAINE O'NEILL; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; GMAC MORTGAGE, LLC, F/K/A GMAC MORTGAGE CORPORATION; WELLS FARGO FINANCIAL BANK; LVNV FUNDING LLC; GENERAL CREDIT SERVICE, INC.; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; STATE OF OREGON; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV34883

WRIT OF EXECUTION IN FORECLOSURE

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 8, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MTGLQ INVESTORS, L.P.
c/o Jeremy Clifford
Attorney for Plaintiff

1 Dated: March 25, 2019, and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 _ John Thomas OSB No. 024691
x Jeremy Clifford OSB No. 142987
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Of Attorneys for Plaintiff

EXHIBIT "1"

Legal Description

LOT 45 IN WOODSIDE PARK SUBDIVISION, UNIT NO. 1, IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 17, PAGE 7 OF PLAT RECORDS.

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

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

JON A. THOMPSON AKA JON ANTHONY THOMPSON, SR.; SHERRIE O'NEILL THOMPSON AKA SHERRIE LORRAINE O'NEILL-THOMPSON AKA SHERRIE LORRAINE O'NEILL; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; GMAC MORTGAGE, LLC, F/K/A GMAC MORTGAGE CORPORATION; WELLS FARGO FINANCIAL BANK; LVNV FUNDING LLC; GENERAL CREDIT SERVICE, INC.; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; STATE OF OREGON; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV34883

GENERAL JUDGMENT OF FORECLOSURE

1.

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

- a. Defendants JON A. THOMPSON AKA JON ANTHONY THOMPSON, SR.; SHERRIE O'NEILL THOMPSON AKA SHERRIE LORRAINE O'NEILL-THOMPSON AKA SHERRIE LORRAINE O'NEILL; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; GMAC MORTGAGE, LLC, F/K/A GMAC MORTGAGE CORPORATION; WELLS FARGO FINANCIAL BANK; LVNV FUNDING LLC; GENERAL CREDIT SERVICE, INC.; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; STATE OF OREGON; OCCUPANTS OF THE

1 PROPERTY ("Defendants") were duly served with process and failed to appear; the default
2 has been entered against Defendants, and it appearing that Defendants are not incapacitated,
3 protected persons, respondents as defined in ORS 125.005, minors, or in the military service
4 of the United States;

5 b. A Limited Judgment has been entered with regard to Defendants MORTGAGE
6 ELECTRONIC REGISTRATION SYSTEMS, INC.; GMAC MORTGAGE, LLC, F/K/A
7 GMAC MORTGAGE CORPORATION; WELLS FARGO FINANCIAL BANK; LVNV
8 FUNDING LLC; GENERAL CREDIT SERVICE, INC.; OREGON AFFORDABLE
9 HOUSING ASSISTANCE CORPORATION; STATE OF OREGON; OCCUPANTS OF
10 THE PROPERTY.

11 2.

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

- 13 a. The real property to which this judgment relates is located and situated in Jackson County,
14 Oregon, and is commonly known as 1791 Sandpiper Drive, Medford, OR 97501 (the
15 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
16 APN/Parcel No. 1-081587-1.
- 17 b. Plaintiff is entitled to enforce the note dated March 25, 2005 and made, delivered, and
18 executed by JON A. THOMPSON and SHERRIE O'NEILL THOMPSON to GMAC
19 Mortgage Corporation in the amount of \$184,000.00 (the "Note"). The Note was transferred
20 to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 21 c. A deed of trust was made, executed, and delivered by Defendants JON A. THOMPSON and
22 SHERRIE O'NEILL THOMPSON on or about March 25, 2005 (the "Deed of Trust"). The
23 Deed of Trust was recorded on March 30, 2005 as Instrument No. 2005-017497 in the
24 official records of Jackson County, Oregon. The Deed of Trust is a valid and perfected lien
25 against all of the Property for and securing the Amount Due. The lien of the Plaintiff is
26 superior to any interest, lien, or claim of the Defendants and shall remain in effect until
27 issuance of a Sheriff's Deed.

1 d. The Borrower failed to make the payment that was due for December 1, 2013 and has not
2 cured the default. The amount of debt secured by the Deed of Trust that is now due and
3 owing is comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---|---------------------|
| 4 | a) Unpaid principal balance: | \$159,681.55 |
| 5 | | |
| 6 | b) Prejudgment interest accruing from 11/1/2013 through 10/4/2018 and continuing until the entry of judgment at the current Note rate of 2.00%: | \$14,649.97 |
| 7 | | |
| 8 | | |
| 9 | c) Additional amounts due under the terms of the loan: | \$24,358.50 |
| 10 | | |
| 11 | | |
| 12 | d) Attorney fees and costs: | \$6,071.13 |
| 13 | | |
| 14 | | |
| 15 | e) Prevailing party fee (ORS 20.190 (1)(a)): | \$85.00 |
| 16 | | |
| 17 | Total: | \$204,846.15 |

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

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

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

25 g. All right, title and interest in the Subject Property that Defendants JON A. THOMPSON and
26 SHERRIE O'NEILL THOMPSON had as of the date of the Deed of Trust or thereafter
27 acquired is hereby ordered to be sold by the Jackson County Sheriff's Office in accordance
28 with the process for sale upon execution, and the proceeds of sale shall be applied:

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

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

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

6 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
7 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
8 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

21 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and
22 GMAC MORTGAGE, LLC, F/K/A GMAC MORTGAGE CORPORATION may
23 claim a junior interest in Subject Property by virtue of a deed of trust recorded
24 January 30, 2007 as Instrument No. 2007-004996 in the official records of Jackson
25 County, Oregon, securing a promissory note in the amount of \$88,700.00.

- 1 2) Defendant WELLS FARGO FINANCIAL BANK may claim an interest in Subject
2 Property by virtue of a judgment entered on September 27, 2007 in the Circuit Court
3 of Jackson County, Oregon, Case No. 072657L3, in the amount of \$2,070.57.
- 4 3) Defendant LVNV FUNDING LLC, may claim an interest in Subject Property by
5 virtue of a judgment entered on December 30, 2008 in the Circuit Court of Jackson
6 County, Oregon, Case No. 085127L2, in the amount of \$1,311.68.
- 7 4) Defendant GENERAL CREDIT SERVICE, INC. may claim an interest in Subject
8 Property by virtue of a judgment entered on December 14, 2009 in the Circuit Court
9 of Jackson County, Oregon, Case No. 097276SM, in the amount of \$6,563.81.
- 10 5) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION
11 may claim a junior interest in Subject Property by virtue of a deed of trust recorded
12 February 6, 2014 as Instrument No. 2014-002897 in the official records of Jackson
13 County, Oregon, securing a promissory note in the amount of \$35,000.00.
- 14 6) Defendant STATE OF OREGON may claim an interest in Subject Property by virtue
15 of a lien recorded April 22, 2014 as Instrument No. 2014-009552 in the official
16 records of Jackson County, Oregon.

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19 Signed: 10/5/2018 04:38 PM

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23 **Circuit Court Judge – Judge Timothy C. Gerking**

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

25 This proposed Judgment Of Foreclosure is ready for judicial signature because:
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1 [] Each opposing party affected by this order or judgment has stipulated to the order or
2 judgment, as shown by each opposing party's signature on the document being
submitted.

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

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

6 [] No objection has been served on me.

7 [] 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.

8 [] After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

11 [x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
12 otherwise.

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

15 [] Other: _____

16 Dated: October 4, 2018 and submitted by:

17 **McCarthy & Holthus, LLP**

18 s/ Jeremy Clifford

19 _ John Thomas OSB No. 024691

x Jeremy Clifford OSB No. 142987

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Portland, OR 97204

21 Phone: (971) 201-3200

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