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

U.S. BANK NATIONAL ASSOCIATION,  
NOT IN ITS INDIVIDUAL CAPACITY BUT  
SOLELY AS TRUSTEE FOR THE RMAC  
TRUST, SERIES 2016-CTT,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF BRUCE L. HENDRYX; LINDA  
HENDRYX; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV26803

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JACKSON COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on December 27, 2018.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the  
Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY  
BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT  
c/o Andreanna Smith  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$312,932.87, plus pre judgment interest at the per diem of  
2 \$77.19 from 12/22/2018 to 12/27/2018 in the amount of \$101.95, plus post judgment interest at  
3 the statutory rate of 9.0% per annum from 12/27/2018 to 3/20/2019 in the amount of \$6,947.10,  
4 and continuing with a per diem of \$77.19, currently totaling \$319,981.92.

5 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are  
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
7 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
8 about September 22, 2005, the date of the Deed of Trust, and also the interest that the Defendant  
9 had thereafter, in the real property described in the attached *Exhibit 1*, APN: 1-014622-6 and  
10 commonly known as: 360 South Second Street, Central Point, OR 97502.

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

16  
17  Signed: 3/28/2019 11:56 AM

18  
19 Dated: 3/26/2019 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Andreanna Smith

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



# EXHIBIT 1

# EXHIBIT 1

## Legal Description

LOT SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK TWENTY-THREE (23) OF THE ORIGINAL TOWN (NOW CITY) OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, NOW OF RECORD. EXCEPTING THEREFROM THE NORTHERLY 50 FEET OF LOTS SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK TWENTY-THREE (23) OF THE ORIGINAL TOWN (NOW CITY) OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, NOW OF RECORD, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 8, THENCE SOUTHWESTERLY 165 FEET, ALONG THE NORTHERLY LINE OF SAID LOTS, TO THE MOST WESTERLY CORNER OF SAID LOT 6; THENCE SOUTHEASTERLY, ALONG THE LINE BETWEEN LOTS 5 AND 6 IN SAID BLOCK, 50 FEET; THENCE NORTHEASTERLY, PARALLEL TO THE NORTHWESTERLY LINE OF SAID LOTS, 165 FEET TO THE NORTHEASTERLY SIDE OF LOT 8; THENCE NORTHWESTERLY, ALONG SAID SIDE OF LOT 8, A DISTANCE OF 50 FEET, TO THE TRUE POINT OF BEGINNING.

ALSO, EXCEPTING THEREFROM THAT PORTION OF LOTS SIX (6), SEVEN (7), AND EIGHT (8) OF BLOCK TWENTY-THREE (23) OF THE ORIGINAL TOWN (NOW CITY) OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF NOW OF RECORD, DESCRIBED AS FOLLOWS:  
BEGINNING AT A 5/8" IRON PIN MONUMENTING THE MOST SOUTHERLY CORNER OF SAID LOT 6; THENCE NORTH 35°08'08" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, A DISTANCE OF 90.78 FEET (RECORD 90.00 FEET) TO A 5/8" IRON PIN; THENCE NORTH 54°53'55" EAST ALONG A LINE BEING 50.00 FEET SOUTHEASTERLY OF, WHEN MEASURED AT RIGHT ANGLES TO, THE NORTHWESTERLY LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 78.00 FEET TO A 5/8" IRON PIN; THENCE SOUTH 35°08'08" EAST 90.79 FEET TO INTERSECT THE SOUTHEASTERLY LINE OF SAID LOT 7 AT A 5/8" IRON PIN; THENCE SOUTH 54°54'10" WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 78.0 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF CEDAR STREET VACATED BY ORDINANCE NO. 1414 OF THE CITY OF CENTRAL POINT RECORD OF WHICH APPEARS IN INSTRUMENT RECORDED DECEMBER 10, 1980 AS NO. 80-25205 OF THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, ADJACENT TO AND SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF ABOVE DESCRIBED TRACT.

End of Legal Description

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Plaintiff,

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HENDRYX; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV26803

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF BRUCE L. HENDRYX; LINDA HENDRYX; STATE OF OREGON; 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 Jackson County, Oregon, and is commonly known as 360 South Second Street, Central Point, OR 97502 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
2 APN/Parcel No. 1-014622-6.

3 b. Plaintiff is entitled to enforce the note dated September 22, 2005 and made, delivered, and  
4 executed by BRUCE L. HENDRYX to Wells Fargo Bank N.A. in the amount of \$345,000.00  
5 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
6 indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by BRUCE L. HENDRYX on or about  
8 September 22, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on September  
9 27, 2005 as Instrument No. 2005-058824 in the official records of Jackson County, Oregon.  
10 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
11 Amount Due. The Assignment of the Deed of Trust to Plaintiff was recorded on 11/27/2017  
12 as Instrument No. 2017-039831 in the official records of Lane County, Oregon. The lien of  
13 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in  
14 effect until issuance of a Sheriff's Deed.

15 d. The Deed of Trust recorded on the Subject Property on 09/27/2005 as Instrument No. 2005-  
16 058824 in the official records of Jackson County, Oregon, is reformed so that the correct  
17 legal description, as stated above in Exhibit 1, takes place of the incomplete legal description  
18 as stated in the Deed of Trust.

19 e. The reformed Deed of Trust is a valid lien against the Subject Property and is senior to that  
20 of any and all other person(s), including, without limitation, all of the other Defendants.

21 f. The Borrower, BRUCE L. HENDRYX passed away on 2/8/2013. The amount of debt  
22 secured by the Deed of Trust that is now due and owing is comprised of the following  
23 amounts (the "Amount Due"):

24 a) Unpaid principal balance: \$280,823.94  
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1	b) Prejudgment interest <sup>1</sup> through	\$10,321.71
2	12/21/2018 and continuing until the	
	entry of judgment at the current	
	Note rate of 2.65%:	
3	c) Additional amounts due under the	\$16,483.93
4	terms of the loan:	
5	d) Attorney fees and costs:	\$5,218.29
6	e) Prevailing party fee (ORS 20.190	\$85.00
7	(1)(a)):	
8	<b>Total:</b>	<b>\$312,932.87</b>

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

12 g. The interest of the Defendants and any successor in interest in the Subject Property is  
13 foreclosed and terminated excepting only any statutory right of redemption as provided by  
14 Oregon law.

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

16 i. All right, title and interest in the Subject Property that BRUCE L. HENDRYX had as of the  
17 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Jackson  
18 County Sheriff's Office in accordance with the process for sale upon execution, and the  
19 proceeds of sale shall be applied:

- 20 1) First, to the costs of sale not incurred by Plaintiff;
- 21 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
- 22 entry of judgment through the date of the sale and any incurred costs of sale;

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26  
27 <sup>1</sup> : Interest continues to accrue at the rate of \$20.39 per diem. Since 11/30/2018, the date of the Plaintiff's  
28 Declaration of Amounts Due and Owing, 21 days have passed as of 12/21/2018.

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

4 j. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
5 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
6 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

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

19           1) Defendant THE UNKNOWN HEIRS AND DEVISEES OF BRUCE L. HENDRYX  
20           may claim a junior interest in the Property by virtue of intestate succession, devise or  
21           operation of law.

22           2) Defendant STATE OF OREGON has or may have a lien against the Property under  
23           the State of Oregon tax deferral program.



1 3) Defendant LINDA HENDRYX may claim a junior interest in the Property by virtue  
2 of intestate succession, devise or operation of law.  
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Signed: 12/27/2018 01:54 PM

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

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

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

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

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

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

17  No objection has been served on me.

18  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.

19  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

22  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
23 otherwise.  
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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: 12/21/2018 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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EXCEPTING THEREFROM THE NORTHERLY 50 FEET OF LOTS SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK TWENTY-THREE (23) OF THE ORIGINAL TOWN (NOW CITY) OF CENTRAL POINT, JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, NOW OF RECORD, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 8, THENCE SOUTHWESTERLY 165 FEET, ALONG THE NORTHERLY LINE OF SAID LOTS, TO THE MOST WESTERLY CORNER OF SAID LOT 6; THENCE SOUTHEASTERLY, ALONG THE LINE BETWEEN LOTS 5 AND 6 IN SAID BLOCK, 50 FEET; THENCE NORTHEASTERLY, PARALLEL TO THE NORTHWESTERLY LINE OF SAID LOTS, 165 FEET TO THE NORTHEASTERLY SIDE OF LOT 8; THENCE NORTHWESTERLY, ALONG SAID SIDE OF LOT 8, A DISTANCE OF 50 FEET, TO THE TRUE POINT OF BEGINNING.

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