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

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

Plaintiff,

vs.

SARAH J. COLVIN AKA SARAH JANE
POET; MICHAEL I. COLVIN AKA
MICHAEL IRVIN COLVIN JR;
CITIMORTGAGE, INC.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 18CV14362

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JEFFERSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 28, 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 Jeremy Clifford
Attorney for Plaintiff

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

With the adjudicated amount due of \$159,780.94, plus pre judgment interest at the per diem of \$16.85 from 3/26/2019 to 3/27/2019 in the amount of \$33.70, plus post judgment interest at the statutory rate of 9.0% per annum from 3/28/2019 to 5/3/2019 in the amount of \$1,418.63, and continuing with a per diem of \$39.41, currently totaling \$161,233.27.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about July 20, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described in the attached *Exhibit 1*, APN: 9157 and commonly
6 known as: 85 NE Oak Street, Madras, OR 97741.

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

12 This writ does not apply to a bonfided tenant who is subject to protection under the
13 federal Protecting Tenants at Foreclosure Act.

Signed: 5/2/2019 02:32 PM

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15 
16 **Amy Bonkosky, Trial Court Administrator**
17 

18 Dated: May 1, 2019, and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Jeremy Clifford

21 _ John Thomas OSB No. 024691
22 x Jeremy Clifford OSB No. 142987
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 jclifford@mccarthyholthus.com
28 Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

Lot 1, Block 2, FIRST ADDITION TO THE TOWN OF PALMAIN, in the City of Madras, Jefferson County, Oregon, as recorded in Plat Book 1, Page 12, Jefferson County Records.

End of Legal Description

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

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

Plaintiff,

vs.

SARAH J. COLVIN AKA SARAH JANE
POET; MICHAEL I. COLVIN AKA
MICHAEL IRVIN COLVIN JR;
CITIMORTGAGE, INC.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 18CV14362

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants SARAH J. COLVIN AKA SARAH JANE POET; MICHAEL I. COLVIN AKA MICHAEL IRVIN COLVIN JR; CITIMORTGAGE, INC.; OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Jefferson County, Oregon, and is commonly known as 85 NE Oak Street, Madras, OR 97741 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
2 9157.

3 b. Plaintiff is entitled to enforce the note dated July 20, 2006 and made, delivered, and executed
4 by SARAH J. COLVIN and MICHAEL I. COLVIN to MORTGAGEIT, INC in the amount
5 of \$120,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants SARAH J. COLVIN and
8 MICHAEL I. COLVIN on or about July 20, 2006 (the “Deed of Trust”). The Deed of Trust
9 was recorded on July 25, 2006 as Instrument No. 2006-004560 in the official records of
10 Jefferson County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
11 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
12 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
13 Sheriff’s Deed.

14 d. The Borrower failed to make the payment that was due for May 1, 2013 and has not cured
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
16 comprised of the following amounts (the “Amount Due”):

- | | | |
|----|---------------------------------------|---------------------|
| 17 | a) Unpaid principal balance: | \$119,978.16 |
| 18 | b) Prejudgment interest accruing from | \$23,455.56 |
| 19 | 4/1/2013 through 3/25/2019 and | |
| 20 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 2.75%: | |
| 21 | c) Additional amounts due under the | \$10,948.49 |
| 22 | terms of the loan: | |
| 23 | d) Attorney fees and costs: | \$5,313.73 |
| 24 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 25 | Total: | \$159,780.94 |

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

8 g. All right, title and interest in the Subject Property that Defendants SARAH J. COLVIN and
9 MICHAEL I. COLVIN had as of the date of the Deed of Trust or thereafter acquired is
10 hereby ordered to be sold by the Jefferson County Sheriff's Office in accordance with the
11 process for sale upon execution, and 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.

Signed: 3/28/2019 04:54 PM

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10 **Circuit Court Judge, Daniel J. Ahern**

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

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

13
14 The relief sought is against an opposing party who has been found in default.

15 Dated: February 25, 2019, and submitted by:

16 **McCarthy & Holthus, LLP**

17 s/Brad Godbout for Jeremy Clifford

18 X Jeremy Clifford OSB No. 142987

19 Brady Godbout, OSB No. 132708

20 920 SW 3rd Ave, 1st Floor

21 Portland, OR 97204

22 Phone: (971) 201-3200

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25 Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

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