

FILED
JUN 11 2019
CLERK OF COURT
JACKSON COUNTY
OREGON

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

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER,

Plaintiff,

vs.

JERRY LOCKLIN; BANK OF AMERICA,
NA; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV43525

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 5, 2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

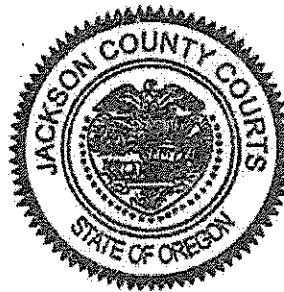
NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
c/o Andreanna Smith
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$143,891.28, plus pre judgment interest from 04/03/2019 to 04/05/2019 at the per diem rate of \$17.92 totaling, \$35.84 plus post judgment interest at the statutory rate of 9.0% per annum from 04/05/2019 to 5/2/2019 out in the amount of \$922.74 and continuing with a per diem of \$35.49 currently totaling \$144,849.86

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 March 17, 2014, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described as attached Exhibit 1 and commonly known as: 470 Old
6 Ferry Rd, Shady Cove, OR 97539.

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.

Signed: 5/1/2019 09:29 AM



A handwritten signature in black ink, appearing to read "Christine Miller", is written over a horizontal line.

Christine Miller, Court Clerk

17 Dated: 4/30/2019 and submitted by:

18 McCarthy & Holthus, LLP

22 s/ Andreanna Smith

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

Exhibit "1"

**SITUATED IN THE COUNTY OF JACKSON, STATE OF OREGON, DESCRIBED AS FOLLOWS, TO
WIT:**

**PARCEL NO. ONE (1) OF MINOR PARTITION PLAT RECORDED JUNE 29, 1993 AS PARTITION PLAT
NO. P-54-1993 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON, AND FILED
AS SURVEY #13556 IN THE OFFICE OF THE JACKSON COUNTY SURVEYOR.**

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NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER,

Plaintiff,

v.

JERRY LOCKLIN; BANK OF AMERICA,
NA; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV43525

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 Jackson County, Oregon, and is commonly known as 470 Old Ferry Rd, Shady Cove, OR 97539 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 10835239.
- b. Plaintiff is entitled to enforce the note dated March 17, 2014 and made, delivered, and executed by JERRY LOCKLIN to NATIONSTAR MORTGAGE LLC in the amount of

1 \$135,100.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
2 and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendant JERRY LOCKLIN on or
4 about March 17, 2014 (the "Deed of Trust"). The Deed of Trust was recorded on March 24,
5 2014 as Instrument No. 2014-006619 in the official records of Jackson County, Oregon. The
6 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
7 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
8 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

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

12	a) Unpaid principal balance:	\$127,612.85
13	b) Prejudgment interest accruing from	
14	11/1/2017 through 4/2/2019 and	
15	continuing until the entry of	
16	judgment at the current Note rate of	
17	5.125%:	\$9,296.65
18	c) Additional amounts due under the	\$3,317.42
19	terms of the loan:	
20	d) Attorney fees and costs:	\$3,579.36
21	e) Prevailing party fee (ORS 20.190	\$85.00
22	(1)(a)):	
23	Total:	\$143,891.28

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

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

- 1 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendant JERRY LOCKLIN had as
3 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
4 Jackson County Sheriff's Office in accordance with the process for sale upon execution, and
5 the proceeds of sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
16 Property from and after the date of the sale and is entitled to such remedies as are available at
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.
- 22 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
23 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
24 terminated.
- 25 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
26 Deed of Trust are as follows:
- 27
- 28

1) Defendant Bank of America, NA may claim a junior interest in Subject Property by virtue of a deed of trust recorded on 12/18/2006 as Instrument No. 2006-062980 in the official records of Jackson County, Oregon as successor by merger to Countrywide Bank, NA.

Signed: 4/4/2019 04:41 PM



Circuit Court Judge Timothy Barnack

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

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

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

Dated: 4/4/2019 and submitted by:

McCarthy & Holthus, LLP

s/ Brady Godbout for Andreanna Smith

Brady Godbout OSB No. 132708

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

ansmith@mccarthyholthus.com

Of Attorneys for Plaintiff

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