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

REVERSE MORTGAGE FUNDING, LLC,

Case No.: 17CV34177

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

THE UNKNOWN HEIRS OF THELMA B
HALL; ELIZABETH PLANE; BRIAN
HALL; BRENDA ELLIOTT; BRIDGET
HALL; BRIANNA ANDREATTA;
UNITED STATES OF AMERICA; STATE
OF OREGON; OCCUPANTS OF THE
PREMISES

Defendants.

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 1/24/2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

REVERSE MORTGAGE FUNDING, LLC
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 \$146,601.19, plus post judgment interest at the statutory rate
2 of 9.0% per annum from 01/24/2019 to 05/01/2019 in the amount of \$3,506.38, and continuing
3 with a per diem of \$36.15 currently totaling \$150,107.57.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about September 25, 2008, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described as attached in Exhibit 1 and commonly known as:
9 830 Lawnsdale Rd, Medford , OR 97504.

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



Signed: 4/30/2019 11:07 AM


Andrea Culbertson - Court Clerk

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18
19 Dated: 4/29/2019 and submitted by:

20
21 **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"

Commencing at the Southeast corner of Section 12, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence North 0° 12' East along the East line of said Section and the center line of Biddle Road, 1140.6 feet; thence North 89° 53' West 20.0 feet to the initial point of SCENIC GARDEN SUBDIVISION, to the Official Plat thereof, now of record; thence continue North 89° 53' West 800.0 feet for the true point of beginning; thence South 0° 12' West parallel with the Biddle Road, 170.00 feet; thence North 89° 53' West 100.0 feet; thence North 0° 12' East 170.00 feet to the South boundary of Lawnsdale Road; thence South 89° 53' East along said road line, 100.0 feet to the true point of beginning.

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

REVERSE MORTGAGE FUNDING, LLC,

Plaintiff,

vs.

THE UNKNOWN HEIRS OF THELMA B
HALL; ELIZABETH PLANE; BRIAN
HALL; BRENDA ELLIOTT; BRIDGET
HALL; BRIANNA ANDREATTA;
UNITED STATES OF AMERICA; STATE
OF OREGON; OCCUPANTS OF THE
PREMISES

Defendants.

Case No.: 17CV34177

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 830 Lawnsdale Rd, Medford, OR 97504 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 10427864.

1 b. Plaintiff is entitled to enforce the note dated September 25, 2008 and made, delivered, and
2 executed by THELMA BETH HALL to ONE REVERSE MORTGAGE, LLC in the amount
3 of \$280,500.00 (the "Note"). The Note is commonly referred to as a "Reverse Mortgage" and
4 is based on a Home Equity Conversion Loan Agreement ("HECLA"). The Note was
5 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

6 c. A deed of trust was made, executed, and delivered by Borrower THELMA BETH HALL on
7 or about September 26, 2008 (the "Deed of Trust"). The Deed of Trust was recorded on
8 October 27, 2008 as Instrument No. 2008-039242 in the official records of Jackson County,
9 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and
10 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim
11 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

12 d. Under the terms of the Loan all amounts due under the Note, including principal, interest,
13 fees and costs, are due and payable immediately upon the death of the borrower. Based upon
14 information and belief the Borrower, THELMA B HALL, passed away on 12/9/2016. The
15 amount of debt secured by the Deed of Trust that is now due and owing is comprised of the
16 following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$128,813.36
18	b) Prejudgment through 1/31/2019:	\$2,538.08
19	c) Additional amounts due under the	\$14,084.07
20	terms of the loan:	
21	d) Attorney fees and costs:	\$1,080.68
22	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
23	Total:	\$146,601.19

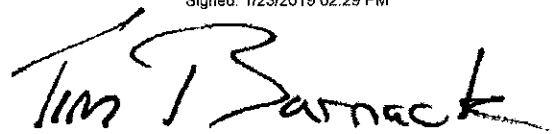
24 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
25 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
26 per annum.
27

- 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. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
5 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
6 28 U.S.C. § 2410(c) one-year redemption right in this case.
- 7 g. The Borrower is not entitled to a homestead exception as against Plaintiff's judgment.
- 8 h. All right, title and interest in the Subject Property that Borrower THELMA BETH HALL
9 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by
10 the Jackson County Sheriff's Office in accordance with the process for sale upon execution,
11 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 i. 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 j. 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 k. 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.
- 28

1 l. 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.

4 m. Pursuant to ORS 18.950 (4), Defendant UNITED STATES OF AMERICA may claim
5 interest in the Subject Property by virtue of a Deed of Trust recorded October 27, 2008 in the
6 official records of Jackson County, Oregon, as Instrument No. 2008-039243.

Signed: 1/23/2019 02:29 PM



Circuit Court Judge Timothy Barnack

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

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

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

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

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

23 No objection has been served on me.

24 I received objections that I could not resolve with the opposing party despite
25 reasonable efforts to do so. I have filed a copy of the objections I received and
26 indicated which objections remain unresolved.

27 After conferring about objections, _____ agreed to independently file
28 any remaining objection.

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

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

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

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

6 [] Other: _____

7 Dated: 1/22/2019 and submitted by:

8 **McCarthy & Holthus, LLP**

9 s/ Andreanna Smith

10 Andreanna Smith OSB No. 131336

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

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