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AUG 16 2019

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LINCOLN

USAA FEDERAL SAVINGS BANK

Case No. 19CV02759

Plaintiff,

WRIT OF EXECUTION

vs.

MATTHEW A. BECKER; MONICA E.  
BECKER; STATE OF OREGON;  
PARTIES OF POSSESSION

Defendants.

TO: LINCOLN COUNTY SHERIFF

WHEREAS, on July 2, 2019, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to redemption) all of the interest which the defendants had on May 29, 2012, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION  
S&S No. 18-124257

SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 THE SOUTHERLY 70.44 FEET OF LOT 10, BLOCK A, LINCOLN WOOD TERRACE, IN  
2 LINCOLN COUNTY, OREGON.  
3 and commonly known as 1844 NE Crestview Pl, Newport, OR 97365 to satisfy the sum of  
4 \$159,924.52, as of July 6, 2019, together with additional post judgment interest of 9.00% from  
5 that date (\$39.39 per day), and costs of this execution, making due return within 60 days after  
6 you receive this writ.

7 USAA FEDERAL SAVINGS BANK is the Judgment Creditor, and its address for  
8 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite  
9 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the  
10 Judgment Creditor.



Signed: 7/9/2019 09:57 AM

A handwritten signature in black ink, appearing to read "St. Zalewski".

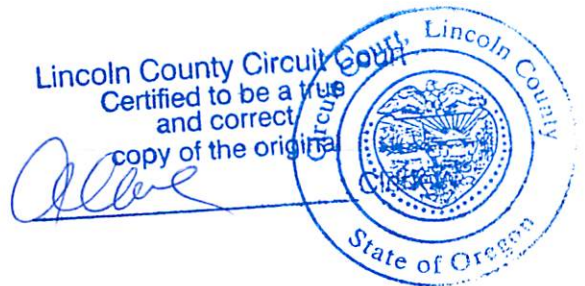
**Circuit Court Clerk Steven Zalewski**

18 Submitted by:  
19 Attorneys for Plaintiff,  
20 SHAPIRO & SUTHERLAND, LLC

21 By: A handwritten signature in black ink, appearing to read "Kelly D. Sutherland".

22 [ ] James A. Craft #090146 [jcraft@logs.com]  
23 [x] Kelly D. Sutherland #87357 [ksutherland@logs.com]  
24 [ ] Gadi Shahak #180865 [gshahak@logs.com]  
25 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
(360)260-2253; Fax (360)260-2285

Lincoln County Circuit Court  
Certified to be a true  
and correct  
copy of the original



26 2- WRIT OF EXECUTION  
S&S No. 18-124257

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF LINCOLN

USAA FEDERAL SAVINGS BANK,  
Plaintiff,

Case No. 19CV02759

GENERAL JUDGMENT OF  
FORECLOSURE

vs.

MATTHEW A. BECKER; MONICA E. BECKER;  
STATE OF OREGON; PARTIES OF  
POSSESSION,  
Defendants.

Default having been entered against Defendant(s), Matthew A Becker, Monica E Becker,

State of Oregon and Parties of Possession:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Lincoln County, Oregon is commonly known as 1844 NE Crestview Pl, Newport, OR 97365 and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE  
S&S No. 18-124257

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1           The Southerly 70.44 feet of Lot 10, Block A, LINCOLN WOOD TERRACE, in  
2           Lincoln County, Oregon.

- 3           2. The Deed of Trust executed and delivered by Defendant, Matthew A Becker and Monica E  
4           Becker ("Borrower") on or about May 29, 2012 and recorded on May 29, 2012 as Document  
5           No. 2012-05024 in the official records of Lincoln County, Oregon, is a valid and perfected  
6           lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 7           3. The Plaintiff is the holder of the original note dated May 29, 2012 and made by Matthew A  
8           Becker and Monica E Becker in the amount of \$168,547.00. A copy of the Note was  
9           attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial  
10          interest in the Deed of Trust (together the "Loan").
- 11          4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
12          interest in the Property is foreclosed and terminated excepting only any statutory right of  
13          redemption as provided by Oregon law.
- 14          5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
15          Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
16          the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
17          and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
18          interests and priorities.
- 19          6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 20          7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
21          thereafter acquired in the subject Property, is hereby ordered to be sold by the Lincoln  
22          County Sheriff's Office in accordance with the process for sale upon execution, and the

1 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
 2 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
 3 as their interest may appear or to the clerk of the court to be distributed to such party of  
 4 parties as may establish their right thereto.

- 5
- 6 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 7 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
 8 from and after the date of the sale and is entitled to such remedies as are available at law or  
 9 in equity to secure possession.
- 10 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
 11 any person holding possession under or through such Defendant(s) shall refuse to surrender  
 12 possession to the purchaser immediately on the purchaser's demand for possession.
- 13
- 14 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$147,824.73	
Prejudgment interest from June 1, 2018 at 3.75% through March 20, 2019 (accruing thereafter until entry of judgment at \$15.19 per diem)			\$4,446.11
Other Costs and fees (recoverable)		\$1,348.05	
	Property Tax	\$1,462.65	
	Property Inspection	\$250.00	
	Forbearance	(\$364.60)	
Subtotal			\$149,172.78
Total plus Prejudgment Interest			\$153,618.89

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- 23 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$1,983.50
	Title Search Cost	\$570.00	

	Skip Trace Costs	\$50.00	
	Filing Fee	\$560.00	
	Recording Cost- Assignment of Mortgage	\$98.00	
	Lis Pendens Recording Fee	\$98.00	
	Service Costs	\$332.50	
	Prevailing Party Fee	\$275.00	
	Attorney fees		\$2,600.00
	Total		\$4,583.50

13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

15. Execution may issue against the subject property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or other applicable law.

16. If before sale such amount, including sheriff's fees for the execution, is tendered to the Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the amounts due shall be terminated.

1 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
2 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
3 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
4 18.936.  
5

6 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
7 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
8 foreclosure sale to obtain possession.  
9

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12 Signed: 7/2/2019 02:32 PM

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18 **Certificate of Readiness under UTCR 5 100**

19 This proposed order or judgment is ready for judicial signature because:

- 20 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
21 shown by each party's signature on the document being submitted.  
22 2.  Each party affected by this order or judgment has approved the order or judgment, as  
23 shown by each party's signature on the document being submitted or by written confirmation of  
24 approval sent to me.  
25 3.  I have served a copy of this order or judgment on each party entitled to service and:  
26 a.  No objection has been served on me.  
27 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
28 so. I have filed a copy of the objections I received and indicated which objections remain

5 - GENERAL JUDGMENT OF FORECLOSURE  
S&S No. 18-124257

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1 unresolved.

2 c.  After conferring about objections, [role and name of objecting party] agreed to  
3 independently file any remaining objection.

4 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
5 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

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

9 6.  Other: \_\_\_\_\_

10 Submitted by:

11 Attorneys for Plaintiff,  
12 SHAPIRO & SUTHERLAND, LLC

13 By:  \_\_\_\_\_ 7-1-19

14  James A. Craft #090146 [jcraft@logs.com]

15  Kelly D. Sutherland #87357 [ksutherland@logs.com]

16  Gadi Shahak #180865 [gshahak@logs.com]

17  Holger Uhl #950143 [huhl@logs.com]\*

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