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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs.

AMY GRENZ; UNITED STATES OF
AMERICA; ADAM L. STEEN; STATE
OF OREGON; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV13535
Judge: Susan M Tripp

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 28, 2017.
A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

NATIONSTAR MORTGAGE LLC
c/o Brady Godbout
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$170,961.63, plus pre judgment interest from
2 08/31/2017 to 09/28/2017 at the per diem rate of \$17.96 totaling, \$502.88, plus post judgment
3 interest at the statutory rate of 9.0% per annum from 09/29/2017 to 7/1/2019 in the amount of
4 \$27,059.20, and continuing with a per diem of \$42.28 currently totaling \$198,523.71.

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 May 15, 2003, the date of the Deed of Trust, and also the interest that the Defendant had
9 thereafter, in the real property described as follows:

10 Attached Exhibit 1

11 APN/Parcel # R68341, and commonly known as: 1865 Trade Street SE, Salem, OR 97301.

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

17
18
19 Signed: 6/28/2019 10:00 AM

20
21 

22 **Kristina Sheldon, Court Clerk**



1 Dated: 6/27/2019 and submitted by:

2 McCarthy & Holthus, LLP

3 s/ Michael Scott

4 _____
_ John Thomas OSB No. 024691
_ Andreanna Smith OSB No. 131336
5 _ Brady Godbout OSB No. 132708
_ Bryan Kidder OSB No. 140459
6 _ Jeremy Clifford OSB No. 142987
7 Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
8 Portland, OR 97204
9 Phone: (971) 201-3200
Fax: (971) 201-3202
10 bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 7, BLOCK 4, AMENDED PLAT OF CAPITAL PARK ADDITION IN THE CITY OF SALEM, MARION COUNTY, OREGON.

End of Legal Description

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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF MARION

6 NATIONSTAR MORTGAGE LLC,

7 Plaintiff,

8 vs.

9 AMY GRENZ; UNITED STATES OF
10 AMERICA; ADAM L. STEEN; STATE
11 OF OREGON; OCCUPANTS OF THE
PROPERTY,

12 Defendants.

Case No.: 17CV13535
Judge: Susan M Tripp

GENERAL JUDGMENT OF
FORECLOSURE

13 1.

14 THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly
15 served with process and failed to appear; the default has been entered against Defendants, and it
16 appearing that Defendants are not incapacitated, protected persons, respondents as defined in
17 ORS 125.005, minors, or in the military service of the United States;

18 2.

19 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 20 a. The real property to which this judgment relates is located and situated in Marion County,
21 Oregon, and is commonly known as 1865 Trade Street SE, Salem, OR 97301 (the "Subject
22 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
23 R68341.
- 24 b. Plaintiff is entitled to enforce the note dated May 15, 2003 and made, delivered, and executed
25 by Amy Grenz ("Borrower") to Aegis Wholesale Corporation in the amount of \$127,006.00
26 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by
27 indorsement set forth on the Note.

1 c. A deed of trust was made, executed, and delivered by Borrower on or about May 15, 2003
2 (the "Deed of Trust"). The Deed of Trust was recorded on May 20, 2003 as Book 2124,
3 Page 370 in the official records of Marion County, Oregon. The Deed of Trust is a valid and
4 perfected lien against all of the Property for and securing the Amount Due. The lien of the
5 Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect
6 until issuance of a Sheriff's Deed.

7 d. The Borrower failed to make the payment that was due for December 1, 2011 and has not
8 cured the default. The amount of debt secured by the Deed of Trust that is now due and
9 owing is comprised of the following amounts (the "Amount Due"):

10	a) Unpaid principal balance:	\$110,023.15
11	b) Prejudgment interest accruing from	\$24,705.50
12	12/2/2011 through 8/30/2017 and	
13	continuing until the entry of judgment at	
	the current Note rate of 5.875%:	
14	c) Additional amounts due under the terms of	\$21,446.62
	the loan:	
15	d) Attorney fees and costs:	\$4,701.36
16	e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
17	Total:	\$170,961.63

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

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

24 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
25 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
26 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

1 h. All right, title and interest in the Subject Property that Defendant Amy Grenz had as of the
2 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Marion
3 County Sheriff's Office in accordance with the process for sale upon execution, and the
4 proceeds of sale shall be applied:

5 1) First, to the costs of sale not incurred by Plaintiff;

6 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
7 entry of judgment through the date of the sale and any incurred costs of sale;

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

11 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
12 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
13 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

21 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
22 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
23 terminated.

24 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
25 Deed of Trust are as follows:

26 1) Defendant UNITED STATES OF AMERICA may claim a junior interest in Subject
27 Property by virtue of a deed of trust recorded 12/07/2005, in Book 2576, Page 309, in
28

1 the official records of Marion County, Oregon, securing a promissory note in the
2 amount of \$9,473.22.

3 2) Defendants ADAM L. STEEN AND STATE OF OREGON may claim an interest in
4 Subject Property by virtue of a judgment entered on 03/21/2011 in the Circuit Court
5 of Marion County, Case No. 05C30052, in the amount of \$235.00 child support per
6 month and \$78.00 medical support per month.
7

8 Signed: 9/28/2017 12:25 PM

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11
12 **Circuit Court Judge Susan M. Tripp**

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

14 This proposed Judgment of Foreclosure is ready for judicial signature because:

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

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

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

20 No objection has been served on me.

21 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.

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

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

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

25 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
26 otherwise.

27 This is a proposed judgment that includes an award of punitive damages and notice
28

has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

[] Other: _____

McCarthy & Holthus, LLP

s/ Robert B. Hakari 9/22/2017

Robert Hakari OSB No. 114082

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT " 1 "

**LOT 7, BLOCK 4, AMENDED PLAT OF CAPITAL PARK ADDITION IN THE CITY OF SALEM,
MARION COUNTY, OREGON.**