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

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

Plaintiff,

vs.

KEVIN W SPENCE, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
BILLIE M. LEBLANC; LONEL G.
CHRISMAN; CITY OF SALEM; CAPITAL
ONE BANK USA NA; STATE OF
OREGON; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 18CV53830
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 July 9, 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

1 With the adjudicated amount due of \$192,484.26, plus pre judgment interest from 06/28/2019 to
2 07/09/2019 at the per diem rate of \$20.34 totaling, \$223.74, plus post judgment interest at the
3 statutory rate of 9.0% per annum from 07/10/2019 to 07/17/2019 in the amount of \$332.64, and
4 continuing with a per diem of \$47.52 currently totaling \$193,040.64.

5
6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about December 20, 2007, the date of the Deed of Trust, and also the interest that the Defendant
10 had thereafter, in the real property described as follows:

11
12 Attached as Exhibit 1

13 APN/Parcel # R70122, and commonly known as: 1105 Columbia Street Northeast, Salem, OR
14 97301.

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

20
21 Signed: 7/15/2019 04:41 PM

22
23 
24 _____
25 **Jamie Edgar, Court Clerk**



1 Dated: 7/11/2019 and submitted by:

2 McCarthy & Holthus, LLP

3
4
5 s/ Brady Godbout

6 _____
7 _ John Thomas OSB No. 024691
8 _ Andreanna Smith OSB No. 131336
9 x Brady Godbout OSB No. 132708
10 _ Bryan Kidder OSB No. 140459
11 _ Jeremy Clifford OSB No. 142987
12 _ Michael Scott OSB No. 973947
13 920 SW 3rd Ave, 1st Floor
14 Portland, OR 97204
15 Phone: (971) 201-3200
16 Fax: (971) 201-3202
17 bgodbout@mccarthyholthus.com
18 Of Attorneys for Plaintiff
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EXHIBIT "1"

Legal Description

LOT FOURTEEN (14) IN BLOCK 1, OF COLUMBIA ADDITION TO SALEM, IN MARION COUNTY,
STATE OF OREGON.

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

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

Plaintiff,

v.

KEVIN W SPENCE, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF BILLIE M. LEBLANC; LONEL G.
CHRISMAN; CITY OF SALEM;
CAPITAL ONE BANK USA NA; STATE
OF OREGON; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 18CV53830
Judge: Susan M Tripp

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 Marion County, Oregon, and is commonly known as 1105 Columbia Street Northeast, Salem, OR 97301 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R70122.

1 b. Plaintiff is entitled to enforce the note dated December 20, 2007 and made, delivered, and
2 executed by BILLIE M. LEBLANC and LONEL G. CHRISMAN to INDYMAC BANK,
3 F.S.B. in the amount of \$154,000.00 (the "Note"). The Note was transferred to Plaintiff by
4 delivery of possession and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Borrowers BILLIE M. LEBLANC and
6 LONEL G. CHRISMAN on or about December 20, 2007 (the "Deed of Trust"). The Deed
7 of Trust was recorded on January 17, 2008 as Reel 2910, Page 109 in the official records of
8 Marion County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
9 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
10 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
11 Sheriff's Deed.

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

- 15 a) Unpaid principal balance: \$160,537.83
- 16 b) Prejudgment interest accruing from
17 5/1/2017 through 6/27/2019 and
18 continuing until the entry of
judgment at the current Note rate of
4.625%: \$15,988.86
- 19 c) Additional amounts due under the \$11,457.98
20 terms of the loan:
- 21 d) Attorney fees and costs: \$4,414.59
- 22 c) Prevailing party fee (ORS 20.190 \$85.00
23 (1)(a)):
- 24 **Total: \$192,484.26**

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

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

1 Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

- 3 1) Defendant CITY OF SALEM may claim a junior interest in Subject Property by
4 virtue of a Deferred Payment Deed of Trust entered on August 7, 2000 as Reel 1709
5 Page 676 in the official records of Marion County, Oregon.
- 6 2) Defendant STATE OF OREGON may claim a junior interest in Subject Property by
7 virtue of a judgment for fees entered on 09/7/2010 as Case No. 10C16394 in Marion
8 County Circuit Court.
- 9 3) Defendant CAPITAL ONE BANK USA NA may claim a junior interest in Subject
10 Property by virtue of a Judgment entered on 09/19/2011 as Case No. 11C21405 in the
11 circuit court of Marion County, Oregon.

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14 Signed: 7/8/2019 02:45 PM

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18 **Circuit Court Judge Susan M. Tripp**

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

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

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

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

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout for Andreanna Smith

4 Andreanna Smith OSB No. 131336

5 Brady Godbout, OSB No. 132708

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

8 Phone: (971) 201-3200

9 Fax: (971) 201-3202

10 ansmith@mccarthyholthus.com

11 Of Attorneys for Plaintiff

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Legal Description

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