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MAR 26 2021

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

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

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

Plaintiff,

vs.

CRAIGE GARY MCCOY AKA CRAIGE  
MCCOY; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS; CITIBANK,  
N.A.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV22884

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LINCOLN COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on October 30, 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 Jeremy Clifford  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$149,741.90, plus pre judgment interest at the per diem of \$13.29, from 10/19/2019 to 10/30/2019 in the amount of \$146.19, plus post judgment interest at the statutory rate of 9.0% per annum from 10/31/2019 to 2/18/2021 in the amount of \$17,592.34, and continuing with a per diem of \$36.96, currently totaling \$167,480.43.

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 September 9, 2013, the date of the Deed of Trust, and also the interest that the Defendant  
5 had thereafter, in the real property legally described in the attached *Exhibit 1*, with APN/Parcel  
6 no. R278767, and commonly known as: 4023 Siletz Hwy, Lincoln City, OR 97367.

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: 2/18/2021 10:45 AM

12           **DATED:** \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

13  
14           \_\_\_\_\_  
Title

**Circuit Court Clerk Steven Zalewski**

15           By: \_\_\_\_\_

16  
17 Dated: February 16, 2021, and submitted by:

18 McCarthy & Holthus, LLP

19 s/ Jeremy Clifford

20 \_\_\_\_\_  
\_ John Thomas OSB No. 024691  
x Jeremy Clifford OSB No. 142987  
21 \_ Michael Scott OSB No. 973947  
22 920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
23 Phone: (971) 201-3200  
Fax: (971) 201-3202  
24 jclifford@mccarthyholthus.com  
25 Of Attorneys for Plaintiff  
26  
27  
28



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

\_\_\_\_\_  
Clerk



# EXHIBIT "1"

## **EXHIBIT "1"**

BEGINNING 3,121 FEET WEST AND 358.9 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, IN LINCOLN COUNTY, OREGON; THENCE NORTH 100 FEET; THENCE WEST 354.5 FEET; THENCE SOUTH 257 FEET TO THE STATE HIGHWAY; THENCE NORTH 60 DEG. EAST, ALONG THE NORTH SIDE OF SAID HIGHWAY, 388 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPTING, ANY PORTION LYING WITHIN HIGHWAY 229. SITUATED IN LINCOLN COUNTY, STATE OF OREGON.

**EXHIBIT 1  
PAGE 1 OF 1**

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NATIONSTAR MORTGAGE LLC D/B/A  
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CRAIGE GARY MCCOY AKA CRAIGE  
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REGISTRATION SYSTEMS; CITIBANK,  
N.A.; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV22884

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

Defendants CRAIGE GARY MCCOY AKA CRAIGE MCCOY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS; CITIBANK, N.A.; OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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 Lincoln County, Oregon, and is commonly known as 4023 Siletz Hwy, Lincoln City, OR 97367-9754 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R278767.

- 1 b. Plaintiff is entitled to enforce the note dated September 9, 2013 and made, delivered, and  
2 executed by CRAIGE GARY MCCOY to CITIBANK, N.A. in the amount of \$136,817.00  
3 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by  
4 indorsement set forth on the Note.
- 5 c. A deed of trust was made, executed, and delivered by Defendant CRAIGE GARY MCCOY  
6 on or about September 9, 2013 (the "Deed of Trust"). The Deed of Trust was recorded on  
7 September 26, 2013 as Instrument No. 2013-09498 in the official records of Lincoln County,  
8 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
9 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
10 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 11 d. The Borrower failed to make the payment that was due for December 1, 2017 and has not  
12 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
13 owing is comprised of the following amounts (the "Amount Due"):

14	a) Unpaid principal balance:	\$125,216.70
15	b) Prejudgment interest accruing from	
16	11/1/2017 through 10/18/2019 and	
17	continuing until the entry of	
18	judgment at the current Note rate of	
19	3.875%:	\$9,528.25
20	c) Additional amounts due under the	\$10,680.15
21	terms of the loan:	
22	d) Attorney fees and costs:	\$4,231.80
23	e) Prevailing party fee (ORS 20.190	\$85.00
24	(1)(a)):	
25	<b>Total:</b>	<b>\$149,741.90</b>

26 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
27 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
28 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 Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

5 g. All right, title and interest in the Subject Property that Defendant CRAIGE GARY MCCOY  
6 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by  
7 the Lincoln County Sheriff's Office in accordance with the process for sale upon execution,  
8 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  
26 ///

27 ///

1 k. 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  
5  
6 Signed: 10/28/2019 04:49 PM

7  
8   
9 \_\_\_\_\_  
10 Senior Judge, Circuit Court Pro Tem James Rhoades

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

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

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

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

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

18  No objection has been served on me.

19  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.

20  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

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



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

Other: \_\_\_\_\_

Dated: October 18, 2019, and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

Jeremy Clifford OSB No. 142987  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
jclifford@mccarthyholthus.com  
Of Attorneys for Plaintiff

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