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

U.S. BANK NATIONAL ASSOCIATION,
NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUEWATER
INVESTMENT TRUST 2018-1,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF RUTH C. HAYES AKA RUTH CECELIA
HAYES; THE UNKNOWN HEIRS AND
DEVISEES OF LILAH HAYES AKA LILAH
ANN HAYES; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV31267

WRIT OF EXECUTION IN
FORECLOSURE

RECEIVED

MAR 31 2021

LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

JMA

TO THE LINCOLN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on February 14, 2020.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUEWATER INVESTMENT TRUST 2018-1

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 \$159,602.83, plus pre judgment interest from 02/12/2020 to
02/14/2020 at the per diem rate of \$14.60 in the amount of \$29.20, plus post judgment interest at

1 the statutory rate of 9.0% per annum from 02/15/2020 to 03/05/2021 in the amount of
2 \$15,114.75, and continuing with a per diem of \$39.36, currently totaling \$174,746.78.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about June 21, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel# R35437, and
8 commonly known as: 208 NW 15th St, Newport, OR 97365-2351.

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

Signed: 3/5/2021 10:58 AM

14 **DATED:** ___ day of _____, 20__.



15 _____
16 Title **Circuit Court Clerk Steven Zalewski**

17 By: _____

18
19 Dated: March 3, 2021, and submitted by:

20 McCarthy & Holthus, LLP

21 s/ Jeremy Clifford

22 _____
23 Jeremy Clifford OSB No. 142987

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

27 Fax: (971) 201-3202

28 jclifford@mccarthyholthus.com

Of Attorneys for Plaintiff



Exhibit 1

Beginning 60 feet West of the Southwest corner of Block 54, OCEANVIEW, in Lincoln County, Oregon; thence North 90 feet to the Southeast corner of the Jensen tract, described in deed recorded in Book 146, Page 419, Deed Records of Lincoln County, Oregon; thence West along the South line of said Jensen tract 81 feet to the Northeast corner of the Jenkins tract described in deed recorded in Book 145, Page 419, Deed Records of Lincoln County, Oregon; thence South along the East line of said Jenkins tract 90 feet to the North line of N.W. 15th Street, formerly known as Home Street; thence East along said street line 81 feet to the Point of Beginning.

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

U.S. BANK NATIONAL ASSOCIATION,
NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUEWATER
INVESTMENT TRUST 2018-1,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND
DEWISEES OF RUTH C. HAYES AKA
RUTH CECELIA HAYES; THE
UNKNOWN HEIRS AND DEWISEES OF
LILAH HAYES AKA LILAH ANN
HAYES; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV31267

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants THE UNKNOWN HEIRS AND DEWISEES OF RUTH C. HAYES AKA RUTH
CECELIA HAYES; THE UNKNOWN HEIRS AND DEWISEES OF LILAH HAYES AKA
LILAH ANN HAYES; STATE OF OREGON; 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:

1 a. The real property to which this judgment relates is located and situated in Lincoln County,
2 Oregon, and is commonly known as 208 NW 15th St, Newport, OR 97365-2351 (the
3 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. R35437.

5 b. Plaintiff is entitled to enforce the note dated June 21, 2007 and made, delivered, and executed
6 by RUTH C. HAYES and LILAH HAYES to WORLD SAVINGS BANK, FSB in the
7 amount of \$148,875.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
8 possession and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Borrowers RUTH C. HAYES and
10 LILAH HAYES on or about June 21, 2007 (the "Deed of Trust"). The Deed of Trust was
11 recorded on July 6, 2007 as Instrument No. 200709777 in the official records of Lincoln
12 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
13 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
14 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

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

18	a) Unpaid principal balance:	\$128,235.66
19	b) Deferred principal balance:	\$910.59
20	c) Prejudgment interest accruing from	
21	8/1/2017 through 2/11/2020 and	
22	continuing until the entry of	
23	judgment at the current Note rate of	
24	4.325%:	\$13,753.80
25	d) Additional amounts due under the	\$11,236.16
26	terms of the loan:	
27	e) Attorney fees and costs:	\$5,381.62
28	f) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
	Total:	\$159,602.83

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

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

7 f. The Borrowers are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Borrowers RUTH C. HAYES and
9 LILAH HAYES had as of the date of the Deed of Trust or thereafter acquired is hereby
10 ordered to be sold by the Lincoln County Sheriff's Office in accordance with the process for
11 sale upon execution, 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 h. 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 i. 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

- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
5 terminated.

Signed: 2/13/2020 12:55 PM



Circuit Court Judge Marcia Buckley

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
17 submitted.

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

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

22 No objection has been served on me.

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

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

28 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.

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

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

4 [] Other: _____

5 Dated: February 11, 2020, and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8

Jeremy Clifford OSB No. 142987

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 jclifford@mccarthyholthus.com

14 Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

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