

FILED

MAY 18 2021
CIVIL DIVISION
Curry Co.
Circuit Court
12:59
CURRY COUNTY SHERIFF
GOLD BEACH, OR

Verified Correct Copy of Original 5/18/2021

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

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

Case No.: 19CV50418

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

BONITA R TRIPLETT, JULIE RAITER;
NANCY C HILLIARD, DISCOVER BANK,
RAY KLEIN INC., CURRY COUNTY,
OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE CURRY COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 21, 2021. 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 \$210,150.11, plus post judgment interest at the statutory rate of 9.0% April 22, 2021 to 5/19/2021 in the amount of \$1,399.08 and continuing with a per diem of \$51.82, currently totaling \$211,549.19

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 on

WRIT OF EXECUTION - I
MH FILE NO OR-18-842308-JUD



State of Oregon for the County of Curry
I certify that this is a true and correct copy of
a document in the possession of the court
administrator for the Curry County Circuit Court

5/28/21
Date: Court Administrator or Designee

MCCARTHY & HOLTHUS, LLP
920 SW 3RD AVE, 1ST FLOOR
PORTLAND, OR 97204
PH (971) 201-3200
FX (971) 201-3202

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
2 about December 14, 2007, the date of the Deed of Trust, and also the interest that the Defendant
3 had thereafter, in the real property described as follows as attached in Exhibit 1, and commonly
4 known as: 97904 W Benham Lane, Brookings, OR 97415.

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

10 DATED: 18 day of May, 2021.

JSS III

Title

By: Tammie Reed

15 Dated: May 17, 2021, and submitted by:

16 McCarthy & Holthus, LLP

17 s/ Jeremy Clifford

18 Jeremy Clifford OSB No. 142987

19 920 SW 3rd Ave, 1st Floor

19 Portland, OR 97204

20 Phone: (971) 201-3200

20 Fax: (971) 201-3202

21 jclifford@mccarthyholthus.com

21 Of Attorneys for Plaintiff

Exhibit 1

PARCEL 2 OF PARTITION PLAT NO. 1991-09 (WINBOURNE MINOR PARTITION) RECORDED FEBRUARY 13, 1991 AS INSTRUMENT NO. 91-0814, OFFICIAL RECORDS, CURRY COUNTY, OREGON.

ALSO THAT PORTION OF PARCEL 1 OF SAID PARTITION PLAT NO. 1991-09 DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING WITHIN THE JAMES W. TAGGART DONATION LAND CLAIM NO. 40, SECTION 9, TOWNSHIP 41 SOUTH, RANGE 13 WEST, WILLAMETTE MERIDIAN, CURRY COUNTY, OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2 OF PARTITION PLAT NO. 1991-09, FILED FEBRUARY 13, 1991, RECORDED FEBRUARY 13, 1991 AS INSTRUMENT NO. 91-0814, OFFICIAL RECORDS, CURRY COUNTY, OREGON, SAID POINT BEING NORTH 55°40'37" WEST 3323.46 FEET FROM THE SOUTHEAST CORNER OF SAID DLC NO. 40; THENCE NORTH 89°56'59" WEST 124.85 FEET; THENCE NORTH 67.18 FEET; THENCE SOUTH 89°56'59" EAST 124.85 FEET; THENCE SOUTH 67.18 FEET TO THE POINT OF BEGINNING.

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FOR THE COUNTY OF CURRY

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

Plaintiff,

vs.

BONITA R TRIPLETT, JULIE RAITER;
NANCY C HILLIARD, DISCOVER BANK,
RAY KLEIN INC., CURRY COUNTY,
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV50418

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants BONITA R TRIPLETT, JULIE RAITER; NANCY C HILLIARD, DISCOVER BANK, RAY KLEIN INC., CURRY COUNTY, and OCCUPANTS OF THE PROPERTY ("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:

1 a. The real property to which this judgment relates is located and situated in Curry County,
2 Oregon, and is commonly known as 97904 W Benham Lane, Brookings, OR 97415 (the
3 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. R25910.

5 b. Plaintiff is entitled to enforce the note dated December 14, 2007 and made, delivered, and
6 executed by BONITA R TRIPLETT and JULIE RAITER to Jefferson State Mortgage Co.,
7 An Oregon Corporation in the amount of \$149,500.00 (the "Note"). The Note was
8 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendants BONITA R TRIPLETT
10 and JULIE RAITER on or about December 14, 2007 (the "Deed of Trust"). The Deed of
11 Trust was recorded on December 19, 2007 as Instrument No. 2007-6718 in the official
12 records of Curry County, Oregon. The Deed of Trust is a valid and perfected lien against all
13 of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
14 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
15 Sheriff's Deed.

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

19	a) Unpaid principal balance:	\$95,982.52
20	b) Prejudgment interest accruing from	\$13,618.05
21	10/1/2017 through 4/20/2021 and	
22	continuing until the entry of	
	judgment at the current Note rate of	
	4.000%:	
23	c) Additional amounts due under the	\$92,546.14
24	terms of the loan:	
25	d) Attorney fees and costs:	\$7,918.40
26	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
27	Total:	\$210,150.11

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

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendants BONITA R TRIPLETT and JULIE RAITER had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Curry County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale.
- i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

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- j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be entitled to any further or other judgment, including a judgment for the deficiency.
- k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.
- l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:
 - 1) Defendant Ray Klein Inc. may claim a junior interest in Subject Property by virtue of a judgment entered on 01/17/2014 as Case No: 14CV0054 in the official records of Curry County, Oregon.
 - 2) Defendant Discover Bank may claim a junior interest in Subject Property by virtue of a judgment entered on 9/25/2015 as Case No: 15CV25632 in the official records of Curry County, Oregon.
 - 3) Defendant Curry County may claim a junior interest in Subject Property by virtue of a judgment entered on 9/06/2018 as Case No: 18CV39075 in the official records of Curry County, Oregon.

Signed 4/21/2021 10 23 AM



Circuit Court Judge Jesse Margolis

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

1 On 4/20/2021, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney
2 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure
3 was:

4 [x] Mailed to:

5 Carleton Law Offices
6 c/o Frederick J. Carleton
7 301 Hwy 101
8 PO Box 38
9 Bandon, OR 97411
10 Attorney for Curry County

11 by placing the executed documents in the firm's outbox for mailing.

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
15 submitted.

16 [] Each opposing party affected by this order or judgment has approved the order or
17 judgment, as shown by signature on the document being submitted or by written
18 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
22 reasonable efforts to do so. I have filed a copy of the objections I received and
23 indicated which objections remain unresolved.

24 [] After conferring about objections, _____ agreed to independently file
25 any remaining objection.

26 [x] The relief sought is against an opposing party who has been found in default.

27 [] An order of default is being requested with this proposed judgment.

28 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
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: April 20, 2021, and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford

John Thomas OSB No. 024691
x Jeremy Clifford OSB No. 142987
Michael Scott OSB No. 973947
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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