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

PENNYMAC LOAN SERVICES, LLC,

Case No.: 19CV46273

Plaintiff,

vs.

WRIT OF EXECUTION IN  
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES  
OF DANIEL WILLIAM O'BERRY;  
KATHLEEN FROSLIE; OCCUPANTS OF  
THE PROPERTY,

Defendants.

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on September 30, 2021.

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

PENNYMAC LOAN SERVICES, LLC  
c/o Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$224,053.18, plus pre judgment interest at the per diem of \$20.91 from 9/22/2021 to 9/30/2021 in the amount of \$167.28, plus post judgment interest at the

1 statutory rate of 9.0% per annum from 9/30/2021 to 11/19/2021 in the amount of \$2,709.07, and  
2 continuing with a per diem of \$55.29, currently totaling \$226,929.53.

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 February 1, 2018, the date of the Deed of Trust, and also the interest that the Defendant  
7 had thereafter, in the real property described in the attached *Exhibit 1*, APN: 1175627 and  
8 commonly known as: 2194 16th St, Florence, OR 97439.

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.

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DATED: 16<sup>th</sup> day of November, 2021.



Cebay Eduardo  
Title Court Clerk  
By: \_\_\_\_\_

1 Dated November 15, 2021 and submitted by:

2 McCarthy & Holthus, LLP

3 *s/ Michael Scott*

4 

---

Michael Scott OSB No. 973947

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 mscott@mccarthyholthus.com

10 Of Attorneys for Plaintiff

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# **EXHIBIT “ 1 ”**

**Lots 4, 5 and the East 15 feet of Lot 6, Block 6, MUNSEL PARK ADDITION TO FLORENCE, as platted and recorded in Book 4, Page 90, Lane County Oregon Plat Records, in Lane County, Oregon.**

**EXCEPTING THEREFROM the Northerly 20 feet as set forth in Bargain and Sale Deed to the City of Florence, for street purposes, recorded February 18, 1977, Reception No. 77-09509, Lane County Oregon Official Records.**

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

PENNYMAC LOAN SERVICES, LLC,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF DANIEL WILLIAM O'BERRY;  
KATHLEEN FROSLIE; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 19CV46273

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF DANIEL WILLIAM O'BERRY; KATHLEEN FROSLIE; and 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 Lane County,  
2 Oregon, and is commonly known as 2194 16th St, Florence, OR 97439 (the "Subject  
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
4 1175627.
- 5 b. Plaintiff is entitled to enforce the note dated February 1, 2018 and made, delivered, and  
6 executed by DANIEL WILLIAM O'BERRY to CalCon Mutual Mortgage LLC dba OneTrust  
7 Home Loans, A Limited Liability Company in the amount of \$181,649.00 (the "Note"). The  
8 Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on  
9 the Note.
- 10 c. A deed of trust was made, executed, and delivered by DANIEL WILLIAM O'BERRY on or  
11 about February 1, 2018 (the "Deed of Trust"). The Deed of Trust was recorded on February  
12 2, 2018 as Instrument No. 2018-005536 in the official records of Lane County, Oregon. The  
13 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
14 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
15 Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 16 d. The Borrower failed to make the payment that was due for December 1, 2018 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
- |    |   |              |
|----|---|--------------|
| 20 | a) Unpaid principal balance:              | \$179,621.92 |
| 21 |   |              |
| 22 | b) Prejudgment interest accruing from     | \$22,059.94  |
| 23 | 11/01/2018 through 09/21/2021 and         |              |
|    | continuing until the entry of judgment at |              |
|    | the current Note rate of 4.25000%:        |              |
| 24 | c) Additional amounts due under the terms | \$15,429.67  |
| 25 | of the loan:                              |              |
| 26 | d) Attorney fees and costs:               | \$6,856.65   |

28

1 e) Prevailing party fee (ORS 20.190 (1)(a)): \$85.00

2 **Total: \$224,053.18**

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

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

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

10 g. All right, title and interest in the Subject Property that Defendant THE UNKNOWN HEIRS  
11 AND DEVISEES OF DANIEL WILLIAM O'BERRY had as of the date of the Deed of Trust  
12 or thereafter acquired is hereby ordered to be sold by the Lane County Sheriff's Office in  
13 accordance with the process for sale upon execution, and the proceeds of sale shall be  
14 applied:

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

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

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

21 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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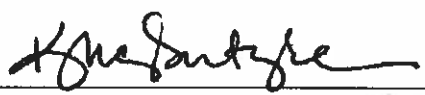
writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

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 Oregon House Bill 2009, the property in question is vacant. Attached to this Judgment as *Exhibit 2* is a copy of a vacant property inspection report.

Signed: 9/29/2021 04:22 PM



**Karrie K. McIntyre, Circuit Court Judge**

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

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

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

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

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

No objection has been served on me.

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.



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

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.

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: September 21, 2021, and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

John Thomas OSB No. 024691  
 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

# **EXHIBIT “ 1 ”**

**Lots 4, 5 and the East 15 feet of Lot 6, Block 6, MUNSEL PARK ADDITION TO FLORENCE, as platted and recorded in Book 4, Page 90, Lane County Oregon Plat Records, in Lane County, Oregon.**

**EXCEPTING THEREFROM the Northerly 20 feet as set forth in Bargain and Sale Deed to the City of Florence, for street purposes, recorded February 18, 1977, Reception No. 77-09509, Lane County Oregon Official Records.**

**EXHIBIT " 2 "**



7887 Safeguard Circle  
Valley View, OH 44125  
Toll Free 800.852.8306  
Fax 216.739.2700  
www.safeguardproperties.com

## Final Update

Client: PENNYMAC LOAN SERVICES LLC

Loan: [REDACTED]

Loan Type: FHA ([REDACTED])

Mortgagor: DANIEL WILLIAM O BERRY

Address: 2194 16TH ST

FLORENCE, OR 97439

Sent Date: 04/07/2021

Work Order#: [REDACTED]

To: PENNYMAC LOAN SERVICES LLC  
From: Safeguard Team  
Work Ordered: INTERIOR FI INSPECTION  
Loan Number: [REDACTED]  
\*\*\* Final Update \*\*\*

Date Time Instructions  
-Completed Date: 04/07/2021

Charge Pay Fax  
-Inspector Name: Kate  
-Inspector Phone: [REDACTED]

Occupancy  
-Occupancy Status: Vacant  
-Verified By: Visual  
-Did you knock or ring doorbell?: Yes  
-Vacant Visual Verification Description: Notices or postings

Building Construction  
-Construction Type: Frame  
-Garage Type: Two Car Attached  
-Building Type: One Story House  
-Color: Red  
-Is there a fence on the property?: No

Contact Info  
-Did you make contact?: No

For Sale Info  
-For Sale By: Not For Sale

Interior Inspections



7887 Safeguard Circle  
 Valley View, OH 44125  
 Toll Free 800.852.8306  
 Fax 216.739.2700  
 www.safeguardproperties.com

## Final Update

<b>Client:</b> PENNYMAC LOAN SERVICES LLC	<b>Loan:</b> [REDACTED]
	<b>Loan Type:</b> FHA ( [REDACTED] )
	<b>Mortgagor:</b> DANIEL WILLIAM O BERRY
	<b>Address:</b> 2194 16TH ST FLORENCE, OR 97439
<b>Sent Date:</b> 04/07/2021	<b>Work Order#:</b> [REDACTED]

- Did you gain access to the property?: YesKeys
- Interior Condition: Fair
- Interior Condition Reason: Neglect
- What is the correct key code/lock box?: [REDACTED]
- Any water leaking or intrusion in the basement?: No
- What appliances are present?: Refrigerator|Stove|Water Tank|Dishwasher
- Is the A/C unit present?: Never Present
- Is there a high level of moisture inside the structure causing damage?: No
- If discoloration present, does it appear to be causing further damages? Check all areas that apply:: N/A
- Furnace/ Boiler Present: No - Never Present
- Sump Pump: No
- Safeguard Reviewer Comments:
- Is a crock present for a sump pump?: No
- Are components of HVAC units missing (inside and out)?: N/A
- Do any of the following interior conditions exist?: None
- Is there a dehumidifier?: No
- Why was lockbox access not successful?: No Lockbox

### Maintenance

- Grass Height: 1

### Neighborhood Exterior Demo Citations

- Neighborhood Condition: Stable
- High Vandalism Area: No
- Exterior Condition: Good
- Are there any citations, violations or notices posted?: No
- Were There Any Observed Escalated Events Or Issues At The Time Of This Inspection?: No

### Pool Hot Tub Spa

- Pool Present: No



7887 Safeguard Circle  
 Valley View, OH 44125  
 Toll Free 800.852.8306  
 Fax 216.739.2700  
 www.safeguardproperties.com

## Final Update

<b>Client:</b> PENNYMAC LOAN SERVICES LLC	<b>Loan:</b> [REDACTED]
	<b>Loan Type:</b> FHA [REDACTED]
	<b>Mortgagor:</b> DANIEL WILLIAM O BERRY
	<b>Address:</b> 2194 16TH ST FLORENCE, OR 97439
<b>Sent Date:</b> 04/07/2021	<b>Work Order#:</b> [REDACTED]

-Hot Tub Present: No

### Property Secure Info

- Property Secure: Yes
- Garage / Car Port Secure: Yes
- Is property/unit being maintained?: No
- Is there grass at property?: Yes

### Roof Detached Structure

- Has the roof been tarped: No
- Do any of the following roof conditions exist?: None
- Is this property comparable to others in the neighborhood?: Yes
- Using the Uniform Appraisal Data (UAD) Definitions, provide a Condition Rating for this property.: C2 Very minor work needed

### Utilities

- Is Electric On: No
- Is Gas On: No
- Is Water On: No

### Vacant Info

- Personal Property: No
- Is the property in an HOA controlled area?: No
- Any debris?: No
- Do any of the following lawn/yard conditions exist?: None
- Is there a crawl space?: No
- Do any of the following exterior conditions exist?: None

### Value Units

- Property Value: 180000
- Number of Units: 1

### Winterizations Detectors



### Final Update

**Client:** PENNYMAC LOAN SERVICES LLC

**Loan:** [REDACTED]

**Loan Type:** FHA [REDACTED]

**Mortgagor:** DANIEL WILLIAM O BERRY

**Address:** 2194 16TH ST

FLORENCE, OR 97439

**Sent Date:** 04/07/2021

**Work Order#:** [REDACTED]

- Winterization Status?: Winterized
- Is antifreeze in all toilet bowls and tanks?: Yes
- Any active roof leaks to the interior?: No
- Is there standing water inside the structure?: No

#### Damages

No Damages Have Been Reported For This Property

<b>Client:</b> PENNYMAC LOAN SERVICES LLC	<b>Mortgagor:</b> DANIEL WILLIAM O BERRY
<b>Loan:</b> [REDACTED]	<b>Address:</b> 2194 16TH ST
<b>Loan Type:</b> FHA [REDACTED]	FLORENCE, OR 97439



# 4989180938  
Description: Condition Street Scene  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181127  
Description: Condition Front of House  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181730  
Description: Condition Street Sign  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989180957  
Description: Condition Garage  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



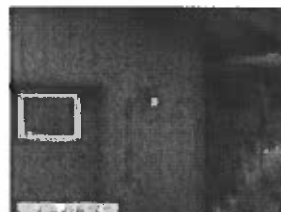
# 4989180987  
Description: Condition Roof Condition  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



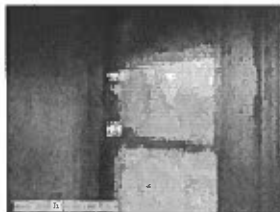
# 4989180987  
Description: Condition Roof Condition  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181000  
Description: Condition Side of House-Left  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181006  
Description: Condition House #/Address Sign  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181020  
Description: Condition Notices or postings  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181011  
Description: Condition Rear of House  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181012  
Description: Condition Volt Stick  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181776  
Description: Condition Rear of House  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181778  
Description: Condition TV Sticker  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181301  
Description: Condition Door Knock  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181730  
Description: Condition Side of House-Right  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181033  
Description: Condition Living Room  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



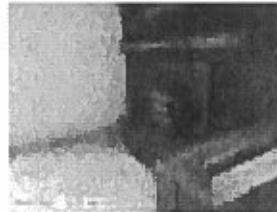
<b>Client:</b> PENNYMAC LOAN SERVICES LLC	<b>Mortgagor:</b> DANIEL WILLIAM O BERRY
<b>Loan:</b> [REDACTED]	<b>Address:</b> 2194 16TH ST
<b>Loan Type:</b> FHA ( [REDACTED] )	FLORENCE, OR 97439



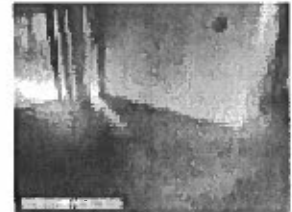
# 4989181309  
Description: Condition No Lockbox  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



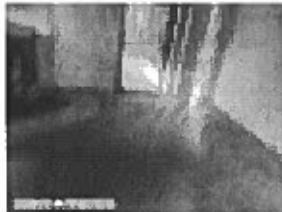
# 4989181785  
Description: Condition Mortgage Neglect  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181039  
Description: Condition Living Room  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181046  
Description: Condition Living Room  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181050  
Description: Condition Living Room  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181053  
Description: Condition Refrigerator  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181344  
Description: Condition Faucet Open -  
Condition  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



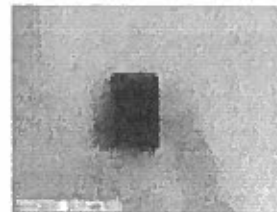
# 4989181061  
Description: Condition Kitchen  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181805  
Description: Condition Sign In Sheet  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181812  
Description: Condition Dishwasher  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181314  
Description: Condition Thermostat Setting  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181815  
Description: Condition Stove  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181347  
Description: Condition Garage - Interior  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181820  
Description: Condition Mortgage Neglect  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181871  
Description: Condition Hot Water Tank  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021

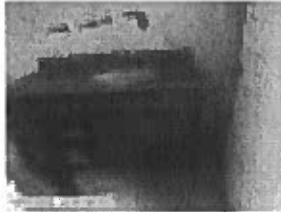


# 4989181097  
Description: Condition Bathroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021

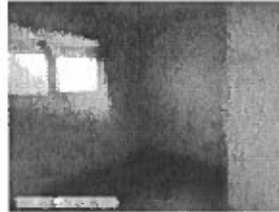
<b>Client:</b> PENNYMAC LOAN SERVICES LLC	<b>Mortgagor:</b> DANIEL WILLIAM O BERRY
<b>Loan:</b> [REDACTED]	<b>Address:</b> 2194 16TH ST
<b>Loan Type:</b> FHA [REDACTED]	FLORENCE, OR 97439



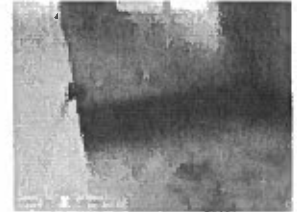
# 4989181093  
Description: Condition Garage - Interior  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181353  
Description: Condition Bathroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181356  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



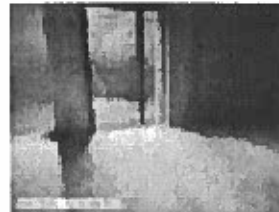
# 4989181099  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



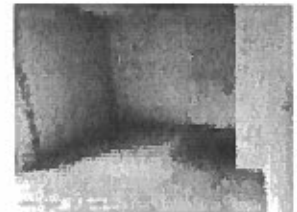
# 4989181358  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181517  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181528  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181361  
Description: Condition Bedroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181112  
Description: Condition Bathroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989182141  
Description: Condition FTV Form  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021



# 4989181380  
Description: Condition Bathroom  
Order Number: [REDACTED]  
CompletedDate: 4/7/2021