

ONLINE DIVISION  
2021 NOV 17 P 2:56  
CURRY COUNTY SHERIFF  
JESS WEASLER

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

PHH MORTGAGE CORPORATION,

Case No. 20CV09573

Plaintiff,

**WRIT OF EXECUTION**

v.

THE ESTATE OF JANE A. CUVREAU;  
UNKNOWN HEIRS, ASSIGNS AND  
DEVISEES OF JANE A. CUVREAU; MARY  
ELLEN FOX; SHARON FOX; KATHY FOX;  
FRANCES FOX; CINDY FOX; ROBERT  
LEE FOX; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 98103 OLSEN LN.,  
BROOKINGS, OR 97415,

Defendant.

TO THE CURRY COUNTY SHERIFF:

On May 25, 2021, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Curry County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: PHH MORTGAGE CORPORATION c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 98103 OLSEN LN., BROOKINGS, OR 97415 ("Subject Property"), and legally described as:

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST QUARTER (SW1/4) OF

1 SECTION NINE (9), TOWNSHIP FORTY-ONE (41) SOUTH, RANGE THIRTEEN (13)  
2 WEST, WILLAMETTE MERIDIAN, CURRY COUNTY, OREGON, BEING MORE  
3 PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT A CONCRETE MONUMENT THAT BEARS NORTH 62° 11'  
5 EAST 2065.14 FEET FROM THE MEANDER CORNER BETWEEN SECTIONS EIGHT (8)  
6 AND SECTION NINE (9);

7 THENCE SOUTH 29.33 FEET AND EAST 29.8 FEET TO THE TRUE POINT OF  
8 BEGINNING;

9 THENCE NORTH 66.85 FEET;

10 THENCE EAST 106.25 FEET;

11 THENCE SOUTH 66.85 FEET;

12 THENCE WEST 106.25 FEET TO THE TRUE POINT OF BEGINNING.

13 EXCEPT THEREFROM THE WESTERLY 10.00 FEET FOR COUNTY ROAD  
14 (OLSEN LANE)

15 The total amount due and owing on the Judgment as of June 10, 2021;

16	Judgment:	Principal	\$169,863.55
17	Pre-Judgment:	Interest(5.060%,\$23.54/day)	\$ 588.70 (4/30/2021 through 5/25/2021)
18		Attorney Fees	\$5,140.00
19		Costs	\$4,420.65
20		Prevailing Party Fee	\$325.00
21	Post-Judgment:	Interest(9%,\$44.53/day)	\$712.49 (5/25/2021 through 6/10/2021)
22		Attorney Fees	\$260.00
23		Costs	\$0.00

24 **TOTAL: \$181,310.40**

25 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale

1 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
2 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
3 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
4 holder of the certificate of sale.

5 By the signature of the attorney for the judgment creditor, the person that requested  
6 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay  
7 making a return on the writ to a date up to 150 days after receipt.

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*6/11/2021* *Tammie Nutt*

Presented by:  
ALDRIDGE PITE, LLP  
By:     /s/ Michael J. Page      
Michael J. Page, OSB #194328  
(503) 345-9459  
(503) 222-2260 (Facsimile)  
mpage@aldridgepite.com  
111 SW Columbia Street, Suite 950  
Portland, OR 97201

**REGISTER OF ACTIONS****CASE NO. 20CV09573**PHH MORTGAGE CORPORATION vs The Estate Of Jane A. Cuvreau,  
Unknown Heirs, Assigns And Devisees Of Jane A. Cuvreau, Mary Ellen  
Fox, Sharon Fox, Kathy Foxetal.§  
§  
§  
§  
§Case Type: Property - Foreclosure  
Date Filed: 02/27/2020  
Location: Curry**PARTY INFORMATION**

		Attorneys
<b>Defendant</b>	All Other Persons Or Parties Unknown 98103 Olsen Ln Brookings, OR 97415	
<b>Defendant</b>	Fox, Cindy	
<b>Defendant</b>	Fox, Frances	
<b>Defendant</b>	Fox, Kathy	
<b>Defendant</b>	Fox, Mary Ellen	
<b>Defendant</b>	Fox, Robert Lee	
<b>Defendant</b>	Fox, Sharon	
<b>Defendant</b>	The Estate Of Jane A. Cuvreau	
<b>Defendant</b>	Unknown Heirs, Assigns And Devisees Of Jane A. Cuvreau	
<b>Plaintiff</b>	PHH MORTGAGE CORPORATION	Michael Joseph Page Retained 503 345-9459(W)

**EVENTS & ORDERS OF THE COURT**

DISPOSITIONS			
05/25/2021	<b>Judgment - General</b> (Judicial Officer: Beaman, Cynthia L) Comment (Foreclosure and Declaration of Amount Due by Default. This is a Judgment of Foreclosure and Does Not Constitute a Money Award Against Any Defendant.) Party(PHH MORTGAGE CORPORATION; The Estate Of Jane A. Cuvreau; Unknown Heirs, Assigns And Devisees Of Jane A. Cuvreau; Fox, M Created: 05/25/2021 2:41 PM		
OTHER EVENTS AND HEARINGS			
02/27/2020	<b>Complaint</b> Created: 02/27/2020 3:12 PM		
02/27/2020	<b>Service</b> The Estate Of Jane A. Cuvreau Created: 02/27/2020 3:12 PM	Served	08/28/2020
02/27/2020	<b>Service</b> Unknown Heirs, Assigns And Devisees Of Jane A. Cuvreau Fox, Mary Ellen Fox, Sharon Fox, Kathy Fox, Frances Fox, Cindy Fox, Robert Lee All Other Persons Or Parties Unknown Created: 02/27/2020 3:49 PM	Served Served Served Served Served Served Served Served	08/28/2020 08/28/2020 08/28/2020 08/28/2020 06/05/2020 06/09/2020 06/05/2020 08/28/2020
04/03/2020	<b>Return - Service (Not Served)</b> By: CCSO UTL in Curry Created: 04/03/2020 9:53 AM		
05/04/2020	<b>Notice - Rule 7 - 63 Day</b> Created: 05/04/2020 11:18 AM		

06/02/2020 **Motion - Continue as Pending Case**  
Created: 06/02/2020 8:14 AM

06/02/2020 **Declaration**  
Created: 06/02/2020 8:14 AM

06/02/2020 **Order - Rule 7 Service Postponement Granted** (Judicial Officer: Beaman, Cynthia L )  
Signed Date: 06/02/2020  
Created: 06/02/2020 1:52 PM

06/22/2020 **Proof of Service - Substitute**  
*by Sunya Von Rosen to Bob Beady and First Class Mail*  
Created: 06/22/2020 3:20 PM

06/22/2020 **Summons**  
Created: 06/22/2020 3:20 PM

06/22/2020 **Proof - Service**  
*by Eddie Camilleri*  
Created: 06/22/2020 3:20 PM

06/22/2020 **Summons**  
Created: 06/22/2020 3:20 PM

06/22/2020 **Proof - Service**  
*by Sunya Von Rosen*  
Created: 06/22/2020 3:20 PM

06/22/2020 **Summons**  
Created: 06/22/2020 3:20 PM

08/13/2020 **Motion - Service by Posting**  
Created: 08/14/2020 8:45 AM

08/13/2020 **Declaration**  
Created: 08/14/2020 8:45 AM

08/14/2020 **Order - Publication** (Judicial Officer: Beaman, Cynthia L )  
Signed: 08/14/2020  
Created: 08/14/2020 3:42 PM

08/21/2020 **Return - Service (Not Served)**  
*By: Garry Beard.*  
Created: 08/21/2020 11:04 AM

08/21/2020 **Summons**  
Created: 08/21/2020 11:04 AM

08/21/2020 **Summons**  
Created: 08/24/2020 8:11 AM

08/21/2020 **Return - Service (Not Served)**  
*By: Garry Beard*  
Created: 08/24/2020 8:11 AM

08/24/2020 **Motion - Continue as Pending Case**  
Created: 08/24/2020 11:26 AM

08/24/2020 **Declaration**  
Created: 08/24/2020 11:26 AM

08/24/2020 **Affidavit/Declaration - Mailing**  
Created: 08/24/2020 11:26 AM

08/25/2020 **Order - Rule 7 Service Postponement Granted** (Judicial Officer: Beaman, Cynthia L )  
Signed Date: 08/24/2020  
Created: 08/25/2020 8:10 AM

09/21/2020 **Affidavit/Declaration - Mailing**  
*By: Kody Norris*  
Created: 09/22/2020 8:40 AM

09/21/2020 **Affidavit/Declaration - Mailing**  
*By: Kody Norris*  
Created: 09/22/2020 8:40 AM

10/20/2020 **Motion - Continue as Pending Case**  
Created: 10/20/2020 8:06 AM

10/20/2020 **Declaration**  
*In Support of Motion and Order for Continuance*  
Created: 10/20/2020 8:06 AM

10/20/2020 **Affidavit/Declaration - Mailing**  
*By: Kia Franco/Legal Assistant*  
Created: 10/20/2020 8:06 AM

10/20/2020 **Order - Rule 7 Service Postponement Granted** (Judicial Officer: Beaman, Cynthia L )  
Signed Date: 10/20/2020  
Created: 10/20/2020 11:49 AM

10/21/2020 **Summons**  
Created: 10/21/2020 1:18 PM

10/22/2020 **Affidavit/Declaration - Publication**  
*By: Patricia Wilson. Curry Coastal Pilot 08/28/20; 09/04/20;09/11/20 and 09/18/20*  
Created: 10/22/2020 9:31 AM

01/05/2021 **Motion - Continuance**  
Created: 01/05/2021 1:18 PM

01/05/2021 **Affidavit/Declaration - Mailing**  
Created: 01/05/2021 1:18 PM

01/05/2021 **Declaration**  
*/s/ Michael J Page in Support of Motion for Order for Continuance*  
Created: 01/05/2021 1:18 PM

01/06/2021 **Order - Continue** (Judicial Officer: Beaman, Cynthia L )  
Signed: 01/06/2021  
Created: 01/06/2021 2:30 PM

03/12/2021 **Notice - Rule 7 - 91 Day**  
Created: 03/12/2021 3:04 PM

03/19/2021 **Motion - Continuance**  
*Plaintiff's (UTCR 7.0200) Ex Parte*

- Created: 03/19/2021 12:00 PM
- 03/19/2021 **Declaration**  
*In support of motion and order for continuance (UTCR 7.020)*  
Created: 03/19/2021 12:00 PM
- 03/19/2021 **Affidavit/Declaration - Mailing**  
*Declaration of Service. By: Breanna Becker*  
Created: 03/19/2021 12:00 PM
- 03/22/2021 **Order - Continue** (Judicial Officer: Beaman, Cynthia L )  
Signed: 03/22/2021  
Created: 03/22/2021 11:21 AM
- 04/21/2021 **Motion - Default Order**  
Created: 04/21/2021 1:53 PM
- 04/21/2021 **Affidavit/Declaration - Mailing**  
*Declaration of service By: Breanna Becker*  
Created: 04/21/2021 1:53 PM
- 04/21/2021 **Declaration**  
*In support of motion for order of default against all Defendants*  
Created: 04/21/2021 1:53 PM
- 04/22/2021 **Order - Default** (Judicial Officer: Beaman, Cynthia L )  
Signed: 04/22/2021  
Created: 04/22/2021 10:39 AM
- 05/25/2021 **Motion - Judgment**  
*& Declaration of Amount Due*  
Created: 05/25/2021 1:28 PM
- 05/25/2021 **Affidavit/Declaration - Mailing**  
*by Breanna Becker*  
Created: 05/25/2021 1:28 PM
- 05/25/2021 **Statement - Attorney Fees**  
*Costs and Disbursements*  
Created: 05/25/2021 1:28 PM
- 05/25/2021 **Affidavit/Declaration Non-Military**  
Created: 05/25/2021 1:28 PM
- 05/25/2021 **Declaration**  
*in Support of Judgment*  
Created: 05/25/2021 1:28 PM
- 05/25/2021 **Digitized Judgment Document** (Judicial Officer: Beaman, Cynthia L )  
*This is a Judgment of Foreclosure and Does Not Constitute a Money Award Against Any Defendant*  
Signed Date: 05/25/2021  
Created: 05/25/2021 2:43 PM
- 05/25/2021 **Notice - Judgment Entry**  
Created: 05/25/2021 2:54 PM
- 05/25/2021 **Closed**  
Created: 05/25/2021 2:55 PM

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**FINANCIAL INFORMATION**

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	<b>Plaintiff PHH MORTGAGE CORPORATION</b>		
	Total Financial Assessment		594.00
	Total Payments and Credits		594.00
	<b>Balance Due as of 05/26/2021</b>		<b>0.00</b>
02/27/2020	Transaction Assessment		594.00
02/27/2020	xWeb Accessed eFile      Receipt # 2020-166033	PHH MORTGAGE CORPORATION	(594.00)

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

PHH MORTGAGE CORPORATION,

Plaintiff,

v.

THE ESTATE OF JANE A. CUVREAU;  
UNKNOWN HEIRS, ASSIGNS AND  
DEVISEES OF JANE A. CUVREAU; MARY  
ELLEN FOX; SHARON FOX; KATHY FOX;  
FRANCES FOX; CINDY FOX; ROBERT  
LEE FOX; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 98103 OLSEN LN.,  
BROOKINGS, OR 97415,

Defendants.

Case No. 20CV09573

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

THIS IS A JUDGMENT OF FORECLOSURE  
AND DOES NOT CONSTITUTE A MONEY  
AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants The Estate of Jane A. Cuvreau; Unknown Heirs, Assigns And Devisees of Jane A. Cuvreau; Mary Ellen Fox; Sharon Fox; Kathy Fox; Frances Fox; Cindy Fox; Robert Lee Fox; and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real property commonly known as 98103 Olsen Ln., Brookings, OR 97415, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff PHH Mortgage Corporation ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 98103 OLSEN LN., BROOKINGS, OR 97415 ("Subject Property"), as evidenced by the Deed of Trust recorded

1 November 15, 2016 in the official records of CURRY County as instrument number 2016-04477  
2 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All  
3 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to  
4 Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally  
5 described as follows:

6 A parcel of land lying within the Southwest Quarter (SW1/4) of  
7 Section Nine (9), Township Forty-one (41) South, Range Thirteen  
8 (13) West, Willamette Meridian, Curry County, Oregon, being  
more particularly described as follows:

9 Commencing at a concrete monument that bears North 62° 11’  
10 East 2065.14 feet from the meander corner between Sections  
11 Eight (8) and Section Nine (9);  
12 Thence South 29.33 feet and East 29.8 feet to the True Point of  
13 Beginning;  
14 Thence North 66.85 feet;  
15 Thence East 106.25 feet;  
16 Thence South 66.85 feet;  
17 Thence West 106.25 feet to the True Point of Beginning.

18 EXCEPT THEREFROM the Westerly 10.00 feet for County  
19 Road (Olsen Lane)

20 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
21 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
22 in the manner provided by law;

23 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
24 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
25 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
26 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
68(C), which amount may be added to the outstanding obligation due and owing under the Note



1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
3 by sale of the Subject Property as directed under this Judgment;

4 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
5 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
6 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
7 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
8 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

9 6. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by  
10 sale of the Subject Property as directed under this Judgment.

11 7. The Sheriff shall make a return on the writ of execution to the court administrator  
12 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
13 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
14 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
15 parties as may establish their right thereto. The Defendants and all persons claiming through or  
16 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
17 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
18 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
19 every part of the Subject Property when the time for redemption has elapsed;

20 8. Plaintiff or any other party to this action may become a purchaser at the  
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
24 subject property if Defendants or any other party or person refuses to surrender possession;



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

c.  After conferring about objections, [ **role and name of objecting party** ] agreed to independently file any remaining objection.

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

5.  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 (5) of this rule.

6.  Other: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP

/s/ Michael J. Page \_\_\_\_\_

Date: May 21, 2021 \_\_\_\_\_

Michael J. Page, OSB #194328  
*Of Attorneys for Plaintiff*  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
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mpage@aldridgepite.com