



Certified True Copy of The Original
ATTEST: 12-21-2021
Jackson County Court
Trial Court Administrator
State of Oregon - Jackson County
By G. Rester

TU, JAN 11 2022 AM 8:40

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

BANK OF AMERICA, N.A.,

Case No.: 19CV45146

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF DAVID H. GOVANG JR. AKA DAVID
HENRY GOVANG, JR; THE UNKNOWN
HEIRS AND DEVISEES OF MARIE
GOVANG AKA MARIE FLOSSY GOVANG;
BEULAH DOYLE; PAMELA MIZE;
ADRIENNE CLAY; MARCELLE
PEDERSON; DAVID M. GOVANG; UNITED
STATES OF AMERICA; STATE OF
OREGON DEPARTMENT OF REVENUE;
STATE OF OREGON; OCCUPANTS OF THE
PROPERTY,

Defendants.

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 5, 2021.

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

BANK OF AMERICA, N.A
c/o Michael Scott
Attorney for Plaintiff

1 McCarthy & Holthus, LLP
2 920 SW 3rd Ave, 1st Floor
 Portland, OR 97204

3 With the adjudicated amount due of \$197,675.40, plus pre judgment interest at the per diem of
4 \$8.61 from 9/1/2021 to 11/5/2021 in the amount of \$559,65, plus post judgment interest at the
5 statutory rate of 9.0% per annum from 11/5/2021 to 11/22/2021 in the amount of \$782.08, and
6 continuing with a per diem of \$48.88, currently totaling \$199,017.13.

7 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
8 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
9 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
10 about April 20, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
11 thereafter, in the real property described in the attached *Exhibit 1*, APN: 1-072761-2 and
12 commonly known as: 1517 Dixie Lane, Medford, OR 97501.

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



11/24/2021 11:14:25 AM

Timothy C. Gerking

Circuit Court Judge - Judge Timothy C. Gerking
~~Circuit Court Judge - Judge Timothy C. Gerking~~

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Dated November 18, 2021 and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
mscott@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

LOT THIRTEEN (13), BLOCK ONE (1), BRENTCREST ESTATES, A MANUFACTURED HOUSING SUBDIVISION IN THE CITY OF MEDFORD, JACKSON COUNTY OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 15, PAGE 40, PLAT RECORDS.

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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DAVID H. GOVANG JR. AKA DAVID
HENRY GOVANG, JR; THE UNKNOWN
HEIRS AND DEVISEES OF MARIE
GOVANG AKA MARIE FLOSSY
GOVANG; BEULAH DOYLE; PAMELA
MIZE; ADRIENNE CLAY; MARCELLE
PEDERSON; DAVID M GOVANG;
UNITED STATES OF AMERICA; STATE
OF OREGON DEPARTMENT OF
REVENUE; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV45146

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF DAVID H. GOVANG JR. AKA DAVID HENRY GOVANG, JR; THE UNKNOWN HEIRS AND DEVISEES OF MARIE GOVANG AKA MARIE FLOSSY GOVANG; BEULAH DOYLE; PAMELA MIZE; ADRIENNE CLAY; MARCELLE PEDERSON; DAVID M GOVANG; UNITED STATES OF AMERICA; STATE OF OREGON DEPARTMENT OF REVENUE; STATE OF OREGON; 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,

1 minors, or in the military service of the United States, now therefore,

2 2.

3 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

4 a. The real property to which this judgment relates is located and situated in Jackson County,
5 Oregon, and is commonly known as 1517 Dixie Lane, Medford, OR 97501 (the "Subject
6 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
7 1-072761-2.

8 b. Plaintiff is entitled to enforce the note dated April 20, 2007 and made, delivered, and
9 executed by David H. Govang Jr. and Marie Govang to Golf Savings Bank. The Note was
10 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

11 c. A deed of trust was made, executed, and delivered by Defendants David H. Govang Jr. and
12 Marie Govang on or about April 20, 2007 (the "Deed of Trust"). The Deed of Trust was
13 recorded on April 25, 2007 as Instrument No. 2007-019437 in the official records of Jackson
14 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
15 for and securing the Amount Due. Under the terms of the Note, the Home Equity
16 Conversion Loan Agreement, and the Deed of Trust, Plaintiff agreed to advance funds up to
17 and including \$255,000.00, which would increase up to and including the amount stated in
18 the Deed of Trust. The lien of the Plaintiff is superior to any interest, lien, or claim of the
19 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

20 d. Under the terms of the Loan all amounts due under the Note, including principal, interest,
21 fees and costs, are due payable immediately upon the death of the borrowers. Borrower
22 MARIE GOVANG AKA MARIE FLOSSY GOVANG passed away on 01/23/2010.
23 Borrower DAVID H. GOVANG, JR. AKA DAVID HENRY GOVANG, JR. passed away on
24 04/24/2019. Therefore, the Loan is in default. The amount of debt secured by the Deed of
25 Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

26 a) Unpaid principal balance: \$116,335.19

27 b) Prejudgment interest accruing from \$39,967.11

1 3/4/2019 through 8/31/2021 and
2 continuing until the entry of
3 judgment at the current Note rate of
4 3.3400%:

5 c) Additional amounts due under the terms of the loan:	\$33,132.88
6 d) Attorney fees and costs:	\$8,155.22
7 e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
8 Total:	\$197,675.40

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

- 12 e. The interest of the Defendants and any successor in interest in the Subject Property is
13 foreclosed and terminated excepting only any statutory right of redemption as provided by
14 Oregon law.
- 15 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
16 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
17 28 U.S.C. § 2410(c) one-year redemption right in this case.
- 18 g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 19 h. All right, title and interest in the Subject Property that Defendants David H. Govang Jr. and
20 Marie Govang had as of the date of the Deed of Trust or thereafter acquired is hereby ordered
21 to be sold by the Jackson County Sheriff's Office in accordance with the process for sale
22 upon execution, and the proceeds of sale shall be applied:
- 23 1) First, to the costs of sale not incurred by Plaintiff;
 - 24 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
25 entry of judgment through the date of the sale and any incurred costs of sale;
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1 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
2 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
3 such party or parties as they may establish their right thereto.

4 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
5 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
6 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

12 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
13 entitled to any further or other judgment, including a judgment for the deficiency.

14 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
15 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
16 terminated.

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

19 n. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
20 Deed of Trust are as follows:

21 1) Defendant BEULAH DOYLE may claim a junior interest in the Property by virtue of
22 intestate succession, devise or operation of law.

- 1 2) Defendant PAMELA MIZE may claim a junior interest in the Property by virtue of
2 intestate succession, devise or operation of law.
- 3 3) Defendant ADRIENNE CLAY may claim a junior interest in the Property by virtue
4 of intestate succession, devise or operation of law.
- 5 4) Defendant MARCELLE PEDERSON may claim a junior interest in the Property by
6 virtue of intestate succession, devise or operation of law.
- 7 5) Defendant DAVID M. GOVANG may claim a junior interest in the Property by
8 virtue of intestate succession, devise or operation of law.
- 9 6) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
10 Property under the terms of an additional, subordinate note and deed of trust,
11 associated with this loan issued to the Secretary of Housing and Urban Development
12 (the "HUD Loan") in the amount of \$255,000.00. The deed of trust associated with
13 the HUD Loan is recorded in the official records of Jackson County as Instrument
14 No. 2007-019439 on 04/25/2007.
- 15 7) Defendant STATE OF OREGON DEPARTMENT OF REVENUE may claim an
16 interest in Subject Property by virtue of a Notice of Tax-Deferred Properties recorded
17 07/03/2008 as Instrument No. 2008-024702 in the official records of Jackson County,
18 Oregon.
- 19 8) Defendant STATE OF OREGON may claim an interest in Subject Property by virtue
20 of a Request for Notice of Transfer or Encumbrance recorded 02/19/2010 as
21 Instrument No. 2010-005623 in the official records of Jackson County, Oregon.

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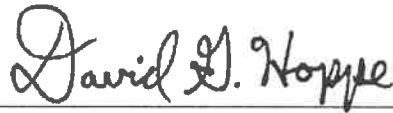
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1 9) Defendant STATE OF OREGON has or may have a lien against the Property under
2 the State of Oregon tax deferral program.
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7 11/5/2021 11:07:03 AM

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9 _____
10 Circuit Court Judge David G. Hoppe
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12

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

14 This proposed General 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
submitted.

17 Each opposing party affected by this order or judgment has approved the order or
18 judgment, as shown by signature on the document being submitted or by written
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
indicated which objections remain unresolved.

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

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

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

26 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
27 otherwise.
28

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 November 4, 2021 and submitted by:

6 **McCarthy & Holthus, LLP**

7 *s/ Michael Scott*

8 _____
9 Michael Scott OSB No. 973947

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 mscott@mccarthyholthus.com

15 Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

LOT THIRTEEN (13), BLOCK ONE (1), BRENTCREST ESTATES, A MANUFACTURED HOUSING SUBDIVISION IN THE CITY OF MEDFORD, JACKSON COUNTY OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN VOLUME 15, PAGE 40, PLAT RECORDS.