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

CMG MORTGAGE, INC. ,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF JAMES STERRETT MEYER, KEITH  
MEYER, OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 21CV35746

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on March 17, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

CMG Mortgage, Inc.  
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 \$242,424.50, pre judgment interest from 3/11/2022-3/17/2022 in the amount of \$180.25 plus post judgment interest at the statutory rate of 9.0% per annum from March 18, 2022 to 5/18/2022 in the amount of \$3,646.33, and continuing with a per diem of \$59.78, currently totaling \$246,251.07.

**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

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
2 about October 19, 2018, the date of the Deed of Trust, and also the interest that the Defendant  
3 had thereafter, in the real property described as follows:

4 Beginning at a point on the South line of "K" Street in the City of Springfield,  
5 Lane County, Oregon, 845 feet East and 1063.73 feet North 0 10' West from the  
6 Northwest corner of the Paul Brattain Donation Land Claim No. 63, Township 17  
7 South, Range 3 West of the Willamette Meridian; running thence East 50 feet;  
8 thence South 0° 10' East 140 feet; thence West 50 feet; thence North 0° 10' West  
9 140 feet to the point of beginning, in Lane County, Oregon.

10 and commonly known as: 1175 Centennial Blvd, Springfield, OR 97477.

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

16 DATED: 8 day of JUNE, 2022.

17 Court Clerk  
18 Title

19 By: Rnewton



20 Dated: 6/7/2022 and submitted by:

21 McCarthy & Holthus, LLP

22 s/Grace Chu

23 \_\_\_\_\_  
24 John Thomas OSB No. 024691  
25 Michael Scott OSB No. 973947  
26 Grace Chu OSB No. 220848  
27 920 SW 3rd Ave, 1st Floor  
28 Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
msscott@mccarthyholthus.com  
Of Attorneys for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
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CMG MORTGAGE, INC. ,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF JAMES STERRETT MEYER; KEITH  
MEYER; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 21CV35746

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants ("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:

a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 1175 Centennial Blvd, Springfield, OR 97477 (the "Subject Property"), legally described as:

1 BEGINNING AT A POINT ON THE SOUTH LINE OF "K" STREET IN THE CITY OF  
2 SPRINGFIELD, LANE COUNTY, OREGON, 845 FEET EAST AND 1063.73 FEET  
3 NORTH 0 10' WEST FROM THE NORTHWEST CORNER OF THE PAUL BRATTAIN  
4 DONATION LAND CLAIM NO. 63, TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE  
5 WILLAMETTE MERIDIAN; RUNNING THENCE EAST 50 FEET; THENCE SOUTH 0°  
6 10' EAST 140 FEET; THENCE WEST 50 FEET; THENCE NORTH 0° 10' WEST 140  
7 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

8 and having APN/Parcel No. 0227056.

9 b. Plaintiff is entitled to enforce the note dated October 19, 2018 and made, delivered, and  
10 executed by James S Meyer to CMG Mortgage, Inc. DBA CMG Financial in the amount of  
11 \$202,257.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession  
12 and by indorsement set forth on the Note.

13 c. A deed of trust was made, executed, and delivered by Defendant JAMES S MEYER on or  
14 about October 19, 2018 (the "Deed of Trust"). The Deed of Trust was recorded on October  
15 22, 2018 as Instrument No. 2018-049394 in the official records of Lane County, Oregon.  
16 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
17 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
18 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

19 d. The Borrower failed to make the payment that was due for July 1, 2019 and has not cured the  
20 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
21 comprised of the following amounts (the "Amount Due"):

- |    |                                     |              |
|----|-------------------------------------|--------------|
| 22 | a) Unpaid principal balance:        | \$200,413.36 |
| 23 | b) Prejudgment interest accruing    | \$25,722.08  |
| 24 | through 3/10/2022 and continuing    |              |
| 25 | until the entry of judgment at the  |              |
|    | current Note rate of 4.6250%:       |              |
| 26 | c) Additional amounts due under the | \$12,001.28  |
|    | terms of the loan:                  |              |
| 27 | d) Attorney fees and costs:         | \$4,202.77   |

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

2  
3 **Total: \$242,424.49**

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

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

10 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

11 g. All right, title and interest in the Subject Property that Defendant JAMES S MEYER had as  
12 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
13 Lane County Sheriff's Office in accordance with the process for sale upon execution, and the  
14 proceeds of sale shall be 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  
27

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

5 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
7 terminated.

8 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
9 Deed of Trust are as follows:

10 1) Defendant the Unknown Heirs and Devisees of James Sterrett Meyer may claim a  
11 junior interest in the Property by virtue of intestate succession, devise or operation of  
12 law;

13 2) Defendant Keith Meyer may claim a junior interest in the Property by virtue of  
14 intestate succession, devise or operation of law.

3/15/2022 10:31:16 AM



Karrie K. McIntyre, Circuit Court Judge

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

26 This proposed General Judgment of Foreclosure is ready for judicial signature because:

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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.
- 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 March 10, 2022 and submitted by:

**McCarthy & Holthus, LLP**

s/ Michael Scott

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 X Michael Scott OSB No. 973947  
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