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JOSEPHINE CO SHERIFF

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

CITIMORTGAGE, INC.,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF  
LARRY HARP; LEAH HARP AKA LEAH  
K. HARP; CREDIT BUREAU OF  
JOSEPHINE COUNTY; AMERICAN  
EXPRESS BANK FSB; GENERAL  
CREDIT SERVICE INC.; OCCUPANTS  
OF THE PROPERTY,

Defendants.

Case No.: 17CV16794

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JOSEPHINE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on October 24, 2019.

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

CITIMORTGAGE, INC.  
c/o Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$220,036.36, plus pre judgment interest from 10/22/2019 to  
2 10/24/2019 at the per diem rate of \$21.55 totaling, \$43.10, plus post judgment interest at the  
3 statutory rate of 9.0% per annum from 10/25/2019 to 4/22/2022 in the amount of \$49,535.31,  
4 and continuing with a per diem of \$54.26, totaling \$269,614.77.

5 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
7 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
8 about May 2, 2014, the date of the Deed of Trust, and also the interest that the Defendant had  
9 thereafter, in the real property described as follows:

10 Attached Exhibit 1  
11 APN/Parcel # R305096, R305114, and commonly known as (street address):211 Forest Glen Dr.,  
12 Grants Pass, OR 97526-8200.

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.



APR 25 2022

*[Handwritten Signature]*  
\_\_\_\_\_  
Court Clerk

\_Verified Correct Copy of Original 4/25/2022.\_

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Dated February 18, 2022, and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

\_\_\_\_\_  
\_ John Thomas OSB No. 024691

x 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”**

**PARCEL 1:**

Commencing at the West Quarter corner of Section 29, Township 35 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89°56'04" East 965.48 feet to a 5/8 inch iron rod, for the true point of beginning; thence North 17°18'00" East 609.98 feet to a 5/8 inch iron rod; thence around a curve to the right (the long chord of which bears South 23°25'18" East 259.05 feet) for a distance of 266.45 feet; thence around a 325.00 foot radius curve to the left (the long chord of which bears South 44°56'04" East 510.51 feet) for a distance of 459.62 feet to a 5/8 inch iron rod; thence South 0°03'56" East 20.00 feet to a 5/8 inch iron rod; thence North 89°56'04" West along the East-West centerline of said Section, 608.97 feet to the true point of beginning.

**PARCEL 2:**

A parcel of land situated in the North Half of the Southwest Quarter of Section 29, Township 35 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon, described as follows: Beginning at the Southwest corner of Lot 8 of EWE CREEK SUBDIVISION; thence South 89°45'45" West 589.69 feet; thence South 567.48 feet to the North right of way line of Riessen Road; thence Westerly along said North right of way line to a point parallel to and 81.64 feet West of the line hereinabove referred to as 567.48 feet; thence North 818 feet to the East-West centerline of said Section 29; thence South 89°56'30" East to the West line of said Ewe Creek Subdivision; thence Southerly along said West line to the point of beginning.

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

CITIMORTGAGE, INC.,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
LARRY HARP; LEAH HARP AKA LEAH  
K. HARP; CREDIT BUREAU OF  
JOSEPHINE COUNTY; AMERICAN  
EXPRESS BANK FSB; GENERAL  
CREDIT SERVICE INC.; OCCUPANTS  
OF THE PROPERTY,

Defendants.

Case No.: 17CV16794

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

Defendants UNKNOWN HEIRS AND DEVISEES OF LARRY HARP; LEAH HARP AKA  
LEAH K. HARP; CREDIT BUREAU OF JOSEPHINE COUNTY; AMERICAN EXPRESS  
BANK FSB; GENERAL CREDIT SERVICE INC.; 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:

- a. The real property to which this judgment relates is located and situated in Josephine County,  
Oregon, and is commonly known as 211 Forest Glen Dr., Grants Pass, OR 97526 (the

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“Subject Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R305096, R305114.

b. Plaintiff is entitled to enforce the note dated May 2, 2014 and made, delivered, and executed by LARRY HARP to CITIBANK, N.A. in the amount of \$180,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

c. A deed of trust was made, executed, and delivered by Borrowers LARRY HARP and LEAH HARP on or about May 2, 2014 (the “Deed of Trust”). The Deed of Trust was recorded on May 5, 2014 as Instrument No. 2014-004414 in the official records of Josephine County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

d. The Borrower failed to make the payment that was due for October 1, 2015 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the “Amount Due”):

a) Unpaid principal balance:	\$174,831.20
b) Prejudgment interest accruing from 3/1/2016 <sup>1</sup> through 10/21/2019 and continuing until the entry of judgment at the current Note rate of 4.5%:	\$28,622.75
c) Additional amounts due under the terms of the loan:	\$9,826.73
d) Attorney fees and costs:	\$6,670.68
e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
<b>Total:</b>	<b>\$220,036.36</b>

<sup>1</sup> The default date listed here differs from the filed Complaint because the borrower made a payment in December of 2017 that changed the default date but did not cure the default.

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

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

7 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
8 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
9 28 U.S.C. § 2410(c) one-year redemption right in this case.

10 g. The Borrowers are not entitled to a homestead exception as against Plaintiff's judgment.

11 h. All right, title and interest in the Subject Property that Borrowers LARRY HARP and LEAH  
12 HARP had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be  
13 sold by the Josephine County Sheriff's Office in accordance with the process for sale upon  
14 execution, and the 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 i. 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 j. 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.

k. 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.

l. 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.

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

1) Defendant CREDIT BUREAU OF JOSEPHINE COUNTY may claim a junior interest in Subject Property by virtue of a judgment lien entered on 04/17/2015 in case no. 15SC07259 in the Circuit Court Josephine County, Oregon.

2) Defendant AMERICAN EXPRESS BANK FSB may claim a junior interest in Subject Property by virtue of a judgment lien entered on 06/18/2015 in case no. 15CV08441 in the Circuit Court Josephine County, Oregon.

3) Defendant GENERAL CREDIT SERVICE INC. may claim a junior interest in Subject Property by virtue of a judgment lien entered on 10/02/2015 in case no. 15SC07153 in the Circuit Court Josephine County, Oregon.

Signed 10/23/2019 01:18 PM



Senior Judge Thomas M. Hull

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

On 10/21/2019, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

Mailed to:

Patrick Kelly  
717 NW 5th St  
Grants Pass, OR 97526  
Attorney for Leah Harp

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

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.

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.

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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: 10/21/2019, and submitted by:

**McCarthy & Holthus, LLP**

s/ Jeremy Clifford

Jeremy Clifford OSB No. 142987

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"

## PARCEL 1:

Commencing at the West Quarter corner of Section 29, Township 35 South, Range 6 West, of the Willamette Meridian, Josephine County, Oregon; thence South 89°56'04" East 965.48 feet to a 5/8 inch iron rod, for the true point of beginning; thence North 17°18'00" East 609.98 feet to a 5/8 inch iron rod; thence around a curve to the right (the long chord of which bears South 23°25'18" East 259.05 feet) for a distance of 266.45 feet; thence around a 325.00 foot radius curve to the left (the long chord of which bears South 44°56'04" East 513.51 feet) for a distance of 459.62 feet to a 5/8 inch iron rod; thence South 0°03'56" East 20.00 feet to a 5/8 inch iron rod; thence North 89°56'04" West along the East-West centerline of said Section, 608.97 feet to the true point of beginning.

## PARCEL 2:

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# E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: McCarthy & Holthus, LLP (CAT3R9)

Cost center: CAT3R9

Report generated: 04/26/2022 12:23 PM MDT

## Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE	SF	AMT	TOTAL	PROCESSED	
<b>Josephine County, OR</b>									
<b>Apr 26, 2022</b>									
writ 704665									
issued writ 704665	<i>Lien Record</i>	13	E 2022-005722	04/26/2022 11:15 AM PDT	Submission Fee	5.00	Recording Fee	65.00 70.00	04/26/2022
						0.00	Affordable Housing Fee	60.00 60.00	04/26/2022
						0.00	A&T/OLIS Fee	11.00 11.00	04/26/2022
						0.00	Corner Preservation Fee	10.00 10.00	04/26/2022
						0.00	GIS Fee	5.00 5.00	04/26/2022
						<b>5.00</b>		<b>151.00 156.00</b>	
						<b>5.00</b>		<b>151.00 156.00</b>	
<b>Totals for Josephine County, OR</b>						<b>5.00</b>		<b>151.00 156.00</b>	

## Recording Fee Totals

COUNTY	RECORD DATE	SF	AMT	TOTAL
Josephine County, OR	04/25/2022	5.00	151.00	156.00
<b>Totals for Josephine County, OR</b>		<b>5.00</b>	<b>151.00</b>	<b>156.00</b>
<b>Total of All Recording Fees</b>		<b>5.00</b>	<b>151.00</b>	<b>156.00</b>

Document Count: 1

Package Count: 1

### Questions Contact:

Simplifile Support 800.460.5657, option 3

5072 North 300 West

Provo, UT 84604