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CLACKAMAS CNTY SHERIFF

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

LOANDEPOT.COM, LLC,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DAN L BAILEY; KATHERINE MARIE
RAY, MIGUEL DAVID RAY, ILEEN MAE
BAILEY, STEVEN FREDERICK BAILEY,
CAREY ANN WING, CHRISTINA KAY
KING, OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 21CV37641

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on May 2, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

LOANDEPOT.COM, 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 \$466,428.90, plus prejudgment interest in the amount of \$1512.70, plus post judgment interest at the statutory rate of 9.0% per annum from May 3, 2022

1 to 5/31/2022 in the amount of \$3,220.28, and continuing with a per diem of \$115.01, currently
2 totaling \$471,161.91.

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 June 10, 2019, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described as follows:

8 LOT 16, BELLE ACRE, IN THE CITY OF OREGON CITY, COUNTY OF
9 CLACKAMAS AND STATE OF OREGON.

10 and commonly known as: 143 Belle Ct, Oregon City, OR 97045.

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:** 15 day of June, 2022.

17 Court Administrator relies on the information
18 provided by the person seeking issuance of
19 this writ of execution and is not liable for any
20 errors or omissions in the information

21 Title

22 By: Wendy Jackson



23 Dated: May 24, 2022 and submitted by:

24 McCarthy & Holthus, LLP

25 Michael Scott

26 John Thomas OSB No. 024691

27 Michael Scott OSB No. 973947

28 920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

msscott@mccarthyholthus.com

Of Attorneys for Plaintiff

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.

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

LOANDEPOT.COM, LLC,
Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
DAN L BAILEY; KATHERINE MARIE
RAY; MIGUEL DAVID RAY; ILEEN MAE
BAILEY; STEVEN FREDERICK BAILEY;
CAREY ANN WING; CHRISTINA KAY
KING; OCCUPANTS OF THE
PROPERTY,
Defendants.

Case No.: 21CV37641

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 Clackamas County, Oregon, and is commonly known as 143 Belle Ct, Oregon City, OR 97045 (the “Subject Property”), legally described as:

1 LOT 16, BELLE ACRE, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS
2 AND STATE OF OREGON.

3 APN: 00849327

- 4 b. Plaintiff is entitled to enforce the note dated June 10, 2019 and made, delivered, and executed
5 by Dan L Bailey to Loandepot.Com, LLC in the amount of \$420,000.00 (the "Note"). The
6 Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on
7 the Note.
- 8 c. A deed of trust was made, executed, and delivered by Defendant DAN L BAILEY on or
9 about June 10, 2019 (the "Deed of Trust"). The Deed of Trust was recorded on June 17,
10 2019 as Instrument No. 2019-033305 in the official records of Clackamas County, Oregon.
11 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
12 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
13 Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 14 d. The Borrower failed to make the payment that was due for April 1, 2020 and has not cured
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
16 comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$414,874.87
18	b) Prejudgment interest accruing from	\$32,152.82
19	3/1/2020 through 3/27/2022 and	
20	continuing until the entry of	
21	judgment at the current Note rate of	
22	3.75%:	
23	c) Additional amounts due under the	\$13,753.32
24	terms of the loan:	
25	d) Attorney fees and costs:	\$5,562.92
26	e) Prevailing party fee (ORS 20.190	\$85.00
27	(1)(b)(A)):	
28	Total:	\$466,428.93

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

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

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

5 g. All right, title and interest in the Subject Property that Defendant(s) THE UNKNOWN
6 HEIRS AND DEVISEES OF DAN L BAILEY had as of the date of the Deed of Trust or
7 thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in
8 accordance with the process for sale upon execution, and the proceeds of sale shall be
9 applied:

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

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

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

16 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
17 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
18 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

24 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
25 entitled to any further or other judgment, including a judgment for the deficiency.
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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

- 6 1. The Unknown Heirs and Devisees of Dan L Bailey have an interest in the Property by virtue
7 intestate succession, devise or operation of law
- 8 2. Defendant Ileen Mae Bailey may claim a junior interest in the Property by virtue of intestate
9 succession, devise or operation of law.
- 10 3. Defendant Miguel David Ray may claim a junior interest in the Property by virtue of intestate
11 succession, devise or operation of law.
- 12 4. Defendant Katherine Marie Ray may claim a junior interest in the Property by virtue of intestate
13 succession, devise or operation of law.
- 14 5. Defendant Christina Kay King may claim a junior interest in the Property by virtue of intestate
15 succession, devise or operation of law.
- 16 6. Defendant Carey Ann Wing may claim a junior interest in the Property by virtue of intestate
17 succession, devise or operation of law.
- 18 7. Defendant Steven Frederick Bail may claim a junior interest in the Property by virtue of intestate
19 succession, devise or operation of law.

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24 **Circuit Court Judge Michael C. Wetzel**

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

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

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

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

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

10 No objection has been served on me.

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

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

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

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

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

20 This is a proposed judgment that includes an award of punitive damages and notice
21 has been served on the Director of the Crime Victims' Assistance Section as required
22 by subsection (4) of this rule.

23 Other: _____

24 Dated March 28, 2022 and submitted by:

25 **McCarthy & Holthus, LLP**

26 *s/ Michael Scott*

27 Michael Scott OSB No. 973947

28 920 SW 3rd Ave, 1st Floor

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Of Attorneys for Plaintiff