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

NEW RESIDENTIAL MORTGAGE LLC,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
KAREN ELAINE PEARLS AKA KAREN E.
PEARLS AKA KAREN PEARLS; TAMI R.
DUNN, OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 20CV06837

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 6, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NEW RESIDENTIAL MORTGAGE 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 \$322,461.62, prejudgment interest in the amount of \$585.27 plus post judgment interest at the statutory rate of 9.0% per annum from April 6, 2022 to 5/18/2022 in the amount of \$3,259.65, and continuing with a per diem of \$79.50 currently totaling \$326,276.54.

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 April 3, 2008, the date of the Deed of Trust, and also the interest that the Defendant had
3 thereafter, in the real property described as follows:

4 LOT 58, MEADOW CREED SUBDIVISION, PHASE 3, JOSEPHINE
5 COUNTY, OREGON.

6 and commonly known as: 1213 Kokanee Ln, Grants Pass, OR 97527-6180.

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

12 DATED: 3 day of June, 20 22.

Court Clerk

13 Title

14 By: 

16 Dated: 6/3/2022 and submitted by:

17 McCarthy & Holthus, LLP

18 s/ Grace Chu

19 John Thomas OSB No. 024691

20 Michael Scott OSB No. 973947

21 x Grace Chu OSB No. 220848

22 920 SW 3rd Ave, 1st Floor

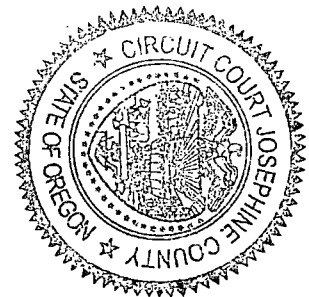
23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 gchu@mccarthyholthus.com

27 Of Attorneys for Plaintiff



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

NEW RESIDENTIAL MORTGAGE LLC,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
KAREN ELAINE PEARLS AKA KAREN
E. PEARLS AKA KAREN PEARLS; TAMI
R. DUNN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 20CV06837

GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATORY
RELIEF

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 Josephine County, Oregon, and is commonly known as 1213 Kokanee Ln, Grants Pass, OR 97527-6180 (the "Subject Property"), legally described as corrected herein and as shown in the attached *Exhibit 1*, and having APN/Parcel No. R335643.

1 b. Plaintiff is entitled to enforce the note dated April 3, 2008 and made, delivered, and executed
2 by UNKNOWN HEIRS AND DEVISEES OF KAREN ELAINE PEARLS AKA KAREN E.
3 PEARLS AKA KAREN PEARLS to Bank of America in the amount of \$205,200.00 (the
4 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
5 set forth on the Note.

6 c. A deed of trust was made, executed, and delivered by Defendants UNKNOWN HEIRS AND
7 DEVISEES OF KAREN ELAINE PEARLS AKA KAREN E. PEARLS AKA KAREN
8 PEARLS on or about April 3, 2008 (the "Deed of Trust"). The Deed of Trust was recorded
9 on April 30, 2008 as Instrument No. 2008-007170 in the official records of Josephine
10 County, Oregon.

11 d. The Deed of Trust is declared reformed, substituting the correct the legal description in
12 accordance with *Exhibit 1* attached hereto for that description in the original recorded Deed
13 of Trust.

14 e. The Deed of Trust, as reformed, is declared to be a valid and perfected lien against all of the
15 Property for and securing the Amount Due, with the same priority as the original Deed of
16 Trust. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
17 shall remain in effect until issuance of a Sheriff's Deed.

18 f. The Borrower failed to make the payment that was due for March 1, 2016 and has not cured
19 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
20 comprised of the following amounts (the "Amount Due"):

21	a) Unpaid principal balance:	\$219,952.20
22	b) Prejudgment interest accruing from	\$62,244.20
23	4/1/2016 through 3/15/2022 and	
24	continuing until the entry of	
25	judgment at the current Note rate of	
26	6.250%:	
27	c) Additional amounts due under the	\$32,277.33
28	terms of the loan:	
	d) Attorney fees and costs:	\$7,872.89
	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)(A)):	
	Total:	\$322,431.62

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 g. 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 h. The Defendants is not entitled to a homestead exception as against Plaintiff's judgment.

8 i. All right, title and interest in the Subject Property that Defendants UNKNOWN HEIRS AND
9 DEVISEES OF KAREN ELAINE PEARLS AKA KAREN E. PEARLS AKA KAREN
10 PEARLS had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to
11 be sold by the Josephine County Sheriff's Office in accordance with the process for sale upon
12 execution, and the proceeds of sale shall be applied:

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

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

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

19 j. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
20 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
21 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

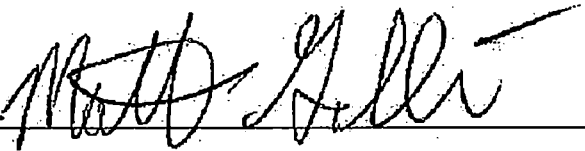
1 l. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.

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

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

- 8 1) Defendant Tami R. Dunn May claim a junior interest in the Property by virtue of
9 intestate succession, devise or operation of law.

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11 3/24/2022 3:05:38 PM

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16 **Circuit Court Judge Matthew G. Galli**

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

22 This proposed General Judgment of Foreclosure and Declaratory Relief is ready for
23 judicial signature because:

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

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

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

2 No objection has been served on me.

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

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

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

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

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

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

15 Other: _____

16 Dated March 23, 2022 and submitted by:

17 **McCarthy & Holthus, LLP**

18 s/ Michael Scott

19 Michael Scott OSB No. 973947

20 920 SW 3rd Ave, 1st Floor

21 Portland, OR 97204

22 Phone: (971) 201-3200

23 Fax: (971) 201-3202

24 mscott@mccarthyholthus.com

25 Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

Lot 58, MEADOW CREEK SUBDIVISION, Phase 3, Josephine County, Oregon.
