

Verified Correct Copy of Original 6/29/2022.

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

PENNYMAC LOAN SERVICES, LLC,

Case No.: 19CV46273

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF DANIEL WILLIAM O'BERRY;
KATHLEEN FROSLIE; OCCUPANTS OF
THE PROPERTY,

Defendants.

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 30, 2021.

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

PENNYMAC LOAN SERVICES, LLC
c/o Grace Chu
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$224,053.18, plus pre judgment interest at the per diem of \$20.91 from 9/22/2021 to 9/30/2021 in the amount of \$167.28, plus post judgment interest at the

1 statutory rate of 9.0% per annum from 9/30/2021 to 7/4/2022 in the amount of \$15,259.28, and
2 continuing with a per diem of \$55.29, currently totaling \$239,479.74.

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 February 1, 2018, the date of the Deed of Trust, and also the interest that the Defendant
7 had thereafter, in the real property described in the attached *Exhibit 1*, APN: 1175627, and
8 commonly known as: 2194 16th St, Florence, OR 97439.

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

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DATED: 29 day of June, 2022.

Court clerk
Title

By: Rnewton



Verified Correct Copy of Original 6/29/2022.

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Dated June 29, 2022 and submitted by:

McCarthy & Holthus, LLP

s/Grace Chu

Grace Chu, OSB No. 220848
 920 SW 3rd Ave, 1st Floor
 Portland, OR 97204
 Phone: (971) 201-3200
 Fax: (971) 201-3202
 gchu@mccarthyholthus.com
 Of Attorneys for Plaintiff

RECEIVED
 JUN 29 2022
 CLERK OF COURT
 DISTRICT COURT
 PORTLAND, OREGON
 FILED
 28

WITNESS MY HAND AND THE SEAL OF THE COURT IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 29th DAY OF JUNE 2022.

GRACE CHU
 ATTORNEY AT LAW
 920 SW 3RD AVE, 1ST FLOOR
 PORTLAND, OREGON 97204
 PHONE (971) 201-3200
 FAX (971) 201-3202



MCCARTHY & HOLTHUS, LLP
 920 SW 3RD AVE, 1ST FLOOR
 PORTLAND, OR 97204
 PH (971) 201-3200
 FX (971) 201-3202

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

PENNYMAC LOAN SERVICES, LLC,

Case No.: 19CV46273

Plaintiff,

vs.

GENERAL JUDGMENT OF
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF DANIEL WILLIAM O'BERRY;
KATHLEEN FROSLIE; OCCUPANTS OF
THE PROPERTY,

Defendants.

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF DANIEL WILLIAM O'BERRY, KATHLEEN FROSLIE; and 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:

- 1 a. The real property to which this judgment relates is located and situated in Lane County,
2 Oregon, and is commonly known as 2194 16th St, Florence, OR 97439 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 1175627.
- 5 b. Plaintiff is entitled to enforce the note dated February 1, 2018 and made, delivered, and
6 executed by DANIEL WILLIAM O'BERRY to CalCon Mutual Mortgage LLC dba OneTrust
7 Home Loans, A Limited Liability Company in the amount of \$181,649.00 (the "Note"). The
8 Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on
9 the Note.
- 10 c. A deed of trust was made, executed, and delivered by DANIEL WILLIAM O'BERRY on or
11 about February 1, 2018 (the "Deed of Trust"). The Deed of Trust was recorded on February
12 2, 2018 as Instrument No. 2018-005536 in the official records of Lane County, Oregon. The
13 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
14 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
15 Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 16 d. The Borrower failed to make the payment that was due for December 1, 2018 and has not
17 cured the default. The amount of debt secured by the Deed of Trust that is now due and
18 owing is comprised of the following amounts (the "Amount Due"):

- 19
- | | | |
|----|--|--------------|
| 20 | a) Unpaid principal balance: | \$179,621.92 |
| 21 | | |
| 22 | b) Prejudgment interest accruing from
11/01/2018 through 09/21/2021 and
23 continuing until the entry of judgment at
the current Note rate of 4.25000%: | \$22,059.94 |
| 24 | c) Additional amounts due under the terms
25 of the loan: | \$15,429.67 |
| 26 | d) Attorney fees and costs: | \$6,856.65 |
- 27
- 28

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

2 **Total: \$224,053.18**

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

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

9 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

10 g. All right, title and interest in the Subject Property that Defendant THE UNKNOWN HEIRS
11 AND DEVISEES OF DANIEL WILLIAM O'BERRY had as of the date of the Deed of Trust
12 or thereafter acquired is hereby ordered to be sold by the Lane County Sheriff's Office in
13 accordance with the process for sale upon execution, and the proceeds of sale shall be
14 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

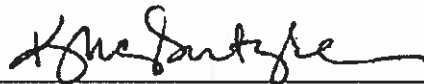
1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

Signed: 9/29/2021 04:22 PM



Karrie K. McIntyre, Circuit Court Judge

17
18 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

19 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

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

27 No objection has been served on me.

28 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.

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

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

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

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

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

8 Other: _____

9 Dated: September 21, 2021, and submitted by:

10 **McCarthy & Holthus, LLP**

11 s/ Jeremy Clifford

12 _ John Thomas OSB No. 024691
13 x Jeremy Clifford OSB No. 142987
14 _ Michael Scott OSB No. 973947
15 920 SW 3rd Ave, 1st Floor
16 Portland, OR 97204
17 Phone: (971) 201-3200
18 Fax: (971) 201-3202
19 jclifford@mccarthyholthus.com
20 Of Attorneys for Plaintiff

EXHIBIT “ 1 ”

Lots 4, 5 and the East 15 feet of Lot 6, Block 6, MUNSEL PARK ADDITION TO FLORENCE, as platted and recorded in Book 4, Page 90, Lane County Oregon Plat Records, in Lane County, Oregon.

EXCEPTING THEREFROM the Northerly 20 feet as set forth in Bargain and Sale Deed to the City of Florence, for street purposes, recorded February 16, 1977, Reception No. 77-09509, Lane County Oregon Official Records.

EXHIBIT “ 2 ”



Safeguard
Properties

7887 Safeguard Circle
Valley View, OH 44125
Toll Free 800.852.8306
Fax 216.739.2700
www.safeguardproperties.com

Final Update

Client: PENNYMAC LOAN SERVICES LLC

Loan: [REDACTED]

Loan Type: FHA [REDACTED]

Mortgagor:

DANIEL WILLIAM O BERRY

Address:

2194 16TH ST
FLORENCE, OR 97439

Sent Date: 04/07/2021

Work Order#: [REDACTED]

To: PENNYMAC LOAN SERVICES LLC
From: Safeguard Team
Work Ordered: INTERIOR FI INSPECTION
Loan Number: [REDACTED]
*** Final Update ***

Date Time Instructions
-Completed Date: 04/07/2021

Charge Pay Fax
-Inspector Name: Kate
-Inspector Phone: [REDACTED]

Occupancy
-Occupancy Status: Vacant
-Verified By: Visual
-Did you knock or ring doorbell?: Yes
-Vacant Visual Verification Description: Notices or postings

Building Construction
-Construction Type: Frame
-Garage Type: Two Car Attached
-Building Type: One Story House
-Color: Red
-Is there a fence on the property?: No

Contact Info
-Did you make contact?: No

For Sale Info
-For Sale By: Not For Sale

Interior Inspections

Exhibit 2
Page 1 of 7



Safeguard

Properties

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Valley View, OH 44125
Toll Free 800.852.8306
Fax 216.739.2700
www.safeguardproperties.com

Final Update

Client: PENNYMAC LOAN SERVICES LLC	Loan: [REDACTED]
	Loan Type: FHA ([REDACTED])
	Mortgagor: DANIEL WILLIAM O BERRY
	Address: 2194 16TH ST FLORENCE, OR 97439
Sent Date: 04/07/2021	Work Order#: [REDACTED]

- Did you gain access to the property?: YesKeys
- Interior Condition: Fair
- Interior Condition Reason: Neglect
- What is the correct key code/lock box?: [REDACTED]
- Any water leaking or intrusion in the basement?: No
- What appliances are present?: Refrigerator|Stove|Water Tank|Dishwasher
- Is the A/C unit present?: Never Present
- Is there a high level of moisture inside the structure causing damage?: No
- If discoloration present, does it appear to be causing further damages? Check all areas that apply:: N/A
- Furnace/ Boiler Present: No - Never Present
- Sump Pump: No
- Safeguard Reviewer Comments:
- Is a crock present for a sump pump?: No
- Are components of HVAC units missing (inside and out)?: N/A
- Do any of the following interior conditions exist?: None
- Is there a dehumidifier?: No
- Why was lockbox access not successful?: No Lockbox

Maintenance

- Grass Height: 1

Neighborhood Exterior Demo Citations

- Neighborhood Condition: Stable
- High Vandalism Area: No
- Exterior Condition: Good
- Are there any citations, violations or notices posted?: No
- Were There Any Observed Escalated Events Or Issues At The Time Of This Inspection?: No

Pool Hot Tub Spa

- Pool Present: No



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Final Update

Client: PENNYMAC LOAN SERVICES LLC	Loan: [REDACTED]
	Loan Type: FHA ([REDACTED])
	Mortgagor: DANIEL WILLIAM O BERRY
	Address: 2194 16TH ST FLORENCE, OR 97439
Sent Date: 04/07/2021	Work Order#: [REDACTED]

-Hot Tub Present: No

Property Secure Info

- Property Secure: Yes
- Garage / Car Port Secure: Yes
- Is property/unit being maintained?: No
- Is there grass at property?: Yes

Roof Detached Structure

- Has the roof been tarped: No
- Do any of the following roof conditions exist?: None
- Is this property comparable to others in the neighborhood?: Yes
- Using the Uniform Appraisal Data (UAD) Definitions, provide a Condition Rating for this property.: C2 Very minor work needed

Utilities

- Is Electric On: No
- Is Gas On: No
- Is Water On: No

Vacant Info

- Personal Property: No
- Is the property in an HOA controlled area?: No
- Any debris?: No
- Do any of the following lawn/yard conditions exist?: None
- Is there a crawl space?: No
- Do any of the following exterior conditions exist?: None

Value Units

- Property Value: 180000
- Number of Units: 1

Winterizations Detectors

Exhibit 2
Page 3 of 7



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Toll Free 800.852.8306
Fax 216.739.2700
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Final Update

Client: PENNYMAC LOAN SERVICES LLC

Loan: [REDACTED]

Loan Type: FHA ([REDACTED])

Mortgagor: DANIEL WILLIAM O BERRY

Address: 2194 16TH ST

FLORENCE, OR 97439

Sent Date: 04/07/2021

Work Order#: [REDACTED]

- Winterization Status?: Winterized
- Is antifreeze in all toilet bowls and tanks?: Yes
- Any active roof leaks to the interior?: No
- Is there standing water inside the structure?: No

Damages

No Damages Have Been Reported For This Property



Client: PENNYMAC LOAN SERVICES LLC	Mortgagor: DANIEL WILLIAM O BERRY
Loan: [REDACTED]	Address: 2194 16TH ST
Loan Type: FHA [REDACTED]	FLORENCE, OR 97439



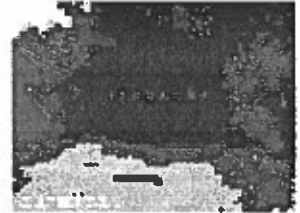
4989180938
Description: Condition Street Scene
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181727
Description: Condition Front of House
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181770
Description: Condition Street Sign
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989180957
Description: Condition Garage
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989180982
Description: Condition Roof Condition
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989180987
Description: Condition Roof Condition
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181000
Description: Condition Side of House-Left
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181006
Description: Condition House w/Address Sign
Order Number: [REDACTED]
CompletedDate: 4/7/2021



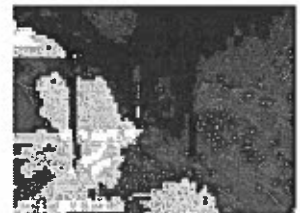
4989181020
Description: Condition Notices or postings
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181011
Description: Condition Rear of House
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181012
Description: Condition Volt Stick
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181770
Description: Condition Rear of House
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181778
Description: Condition FTV Sticker
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181301
Description: Condition Door Knock
Order Number: [REDACTED]
CompletedDate: 4/7/2021



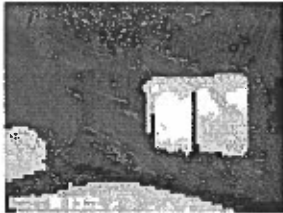
4989181780
Description: Condition Side of House-Right
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181033
Description: Condition Living Room
Order Number: [REDACTED]
CompletedDate: 4/7/2021



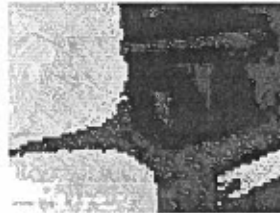
Client: PENNYMAC LOAN SERVICES LLC	Mortgagor: DANIEL WILLIAM O BERRY
Loan: [REDACTED]	Address: 2194 16TH ST
Loan Type: FHA [REDACTED]	FLORENCE, OR 97439



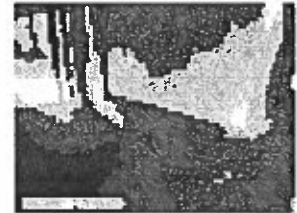
4989181309
Description: Condition No Lockbox
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181785
Description: Condition Mortgagee Neglect
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181039
Description: Condition Living Room
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181046
Description: Condition Living Room
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181050
Description: Condition Living Room
Order Number [REDACTED]
CompletedDate: 4/7/2021



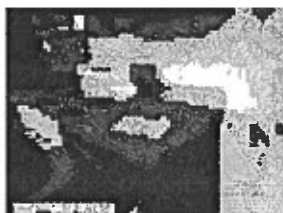
4989181053
Description: Condition Refrigerator
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181344
Description: Condition Faucet Open -
Condition
Order Number [REDACTED]
CompletedDate: 4/7/2021



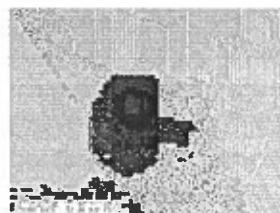
4989181061
Description: Condition Kitchen
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181805
Description: Condition Sign In Sheet
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181812
Description: Condition Dishwasher
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181814
Description: Condition Thermostat Setting
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181815
Description: Condition Stove
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181347
Description: Condition Garage - Interior
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181820
Description: Condition Mortgagee Neglect
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181821
Description: Condition Hot Water Tank
Order Number [REDACTED]
CompletedDate: 4/7/2021



4989181097
Description: Condition Bathroom
Order Number [REDACTED]
CompletedDate: 4/7/2021



Safeguard
Properties

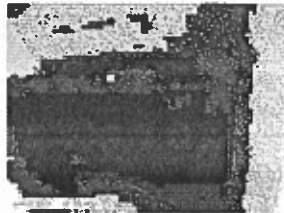
7887 Safeguard Circle
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Client: PENNYMAC LOAN SERVICES LLC
Loan: [REDACTED]
Loan Type: FHA [REDACTED]

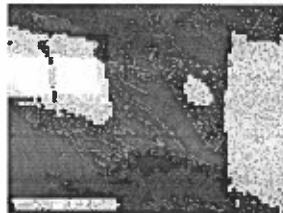
Mortgagor: DANIEL WILLIAM O BERRY
Address: 2194 16TH ST
FLORENCE, OR 97439



4989181091
Description: Condition Garage - Interior
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181353
Description: Condition Bathroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181356
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



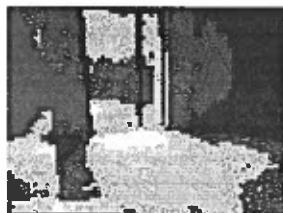
4989181099
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181358
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



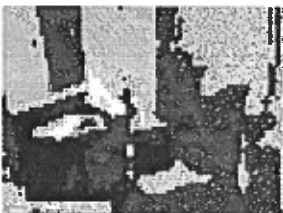
4989181827
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181828
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181361
Description: Condition Bedroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181112
Description: Condition Bathroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989182141
Description: Condition FTV Form
Order Number: [REDACTED]
CompletedDate: 4/7/2021



4989181380
Description: Condition Bathroom
Order Number: [REDACTED]
CompletedDate: 4/7/2021