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CLACKAMAS COUNTY SHERIFF

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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

vs.

JADE LANAY HARRISON, THE
PERSONAL REPRESENTATIVE OF THE
ESTATE OF WANDA L. HARRISON;
HOWARD'S ESTATES HOMEOWNERS
ASSOCIATION; HOWARD'S
COMMUNITY HOMEOWNERS
ASSOCIATION; UNITED STATES OF
AMERICA; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV47218

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on February 1, 2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OCWEN LOAN SERVICING, 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 \$284,408.84, plus pre judgment interest at the per diem of \$33.77 from 11/8/2018 to 2/1/2019 in the amount of \$2,870.45, plus post judgment interest at the statutory rate of 9.0% per annum from 2/1/2019 to 7/28/2022 in the amount of \$89,203.08, and continuing with a per diem of \$70.13, currently totaling \$376,482.37.

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about July 23, 2009, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described in the attached *Exhibit 1*, APN: 05008641 13511 SE
6 Barbara Jean Court, Clackamas, OR 97015.

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: 4th day of August, 2022.

13 Court Clerk
Title
14
15 By: Wendy Watson



16 Dated: July 29, 2022 and submitted by:
17
18 McCarthy & Holthus, LLP

19
20
21 [Signature]
22 X Michael Scott, OSB No. 973947
23 _ Grace Chu, OSB No. 220848
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 gchu@mccarthyholthus.com
28 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.

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

EXHIBIT 1

Lot 19, HOWARD'S ESTATES, County of Clackamas, State of Oregon.

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

OCWEN LOAN SERVICING, LLC,

Plaintiff,

vs.

JADE LANAY HARRISON, THE
PERSONAL REPRESENTATIVE OF THE
ESTATE OF WANDA L. HARRISON;
HOWARD'S ESTATES HOMEOWNERS
ASSOCIATION; HOWARD'S
COMMUNITY HOMEOWNERS
ASSOCIATION; UNITED STATES OF
AMERICA; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV47218

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants JADE LANAY HARRISON, THE PERSONAL REPRESENTATIVE OF THE ESTATE OF WANDA L. HARRISON; HOWARD'S ESTATES HOMEOWNERS ASSOCIATION; HOWARD'S COMMUNITY HOMEOWNERS ASSOCIATION; OCCUPANTS OF THE PROPERTY ("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;
- b. A Stipulated Limited Judgment has been entered with regard to Defendant UNITED STATES OF AMERICA ("Stipulating Defendant") (collectively Defaulted and Stipulating Defendant are referred to as "Defendants"), now therefore.

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 13511 SE Barbara Jean Court, Clackamas, OR 97015 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 05008641.
- b. Plaintiff is entitled to enforce the note dated July 23, 2009 and made, delivered, and executed by WANDA L. HARRISON to Wealthbridge Mortgage Corp., an Oregon Corporation in the amount of \$358,753.00 (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 Defendant WANDA L. HARRISON on or about July 23, 2009 (the "Deed of Trust"). The Deed of Trust was recorded on July 31, 2009 as Instrument No. 2009-054621 in the official records of Clackamas 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 March 1, 2017 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: \$243,112.21
- b) Prejudgment interest accruing from 2/1/2017 through 11/7/2018 and continuing until the entry of judgment at the current Note rate of 5.00 %: \$21,508.72
- c) Additional amounts due under the terms of the loan: \$13,872.17
- d) Attorney fees and costs: \$5,830.74
- e) Prevailing party fee (ORS 20.190 (1)(a)): \$85.00

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Total: \$284,408.84

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

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

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

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

h. All right, title and interest in the Subject Property that Defendants WANDA L. HARRISON had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:

- 1) First, to the costs of sale not incurred by Plaintiff;
- 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
- 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at

1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
3 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

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

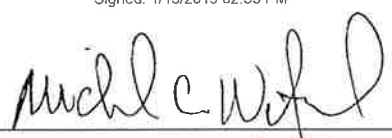
11 1) Defendant HOWARD'S COMMUNITY HOMEOWNERS ASSOCIATION may
12 claim a junior interest in Subject Property by virtue Lien of Homeowners Association
13 recorded on 12/28/2009 with the Clackamas County Recorded as Instrument No.
14 2009-088517.

15 2) Defendant UNITED STATES OF AMERICA, acting through the Secretary of
16 Housing and Urban Development, may claim a junior interest in Subject Property by
17 virtue of a mortgage recorded on 01/27/2011 as Instrument No. 2011-006471 in the
18 official records of Clackamas County, Oregon.

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3) Defendant HOWARD'S ESTATES HOMEOWNERS ASSOCIATION may claim an interest in Subject Property by virtue of a judgment entered on 10/13/2011 in the Circuit Court of Clackamas County, Case No. LV11070667.

Signed: 1/15/2019 02:53 PM



Circuit Court Judge Michael C. Wetzel

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

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

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.

Dated: 11/7/2018 and submitted by:

McCarthy & Holthus, LLP

s/ Brady Godbout for Jeremy Clifford

John Thomas OSB No. 024691

Jeremy Clifford OSB No. 142987

Brady Godbout, OSB No. 132708

920 SW 3rd Ave, 1st Floor

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Of Attorneys for Plaintiff

EXHIBIT 1

Lot 19, HOWARD'S ESTATES, County of Clackamas, State of Oregon.