

RECEIVED
CLACKAMAS COUNTY SHERIFF
22 AUG 15 PM 1:26

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

FIRST HORIZON HOME LOANS, a division
of FIRST TENNESSEE BANK NATIONAL
ASSOCIATION, through their loan servicing
agent NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

GLEN A.M. LARIMER, KARI M.
LARIMER; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV13010043

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 9, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

FIRST HORIZON HOME LOANS, a division of FIRST TENNESSEE BANK
NATIONAL ASSOCIATION.
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 \$469,491.31, plus pre judgment interest at the per diem of \$48.46 from 1/15/2018 to 4/9/2018 in the amount of \$4,070.64, plus post judgment interest at the

1 statutory rate of 9.0% per annum from 4/9/2018 to 7/4/2022 in the amount of \$180,524.41, and
2 continuing with a per diem of \$116.77, currently totaling \$654,086.36.

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 August 11, 2008, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00471956 and
8 commonly known as: 14613 SE Primrose Avenue, Milwaukie, OR 97267.

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.

14 **DATED:** 14th day of July, 2022.

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

18 Court Clerk
Title
By: Wendy Jackson


19 Dated: 7-1-20 and submitted by:

20 McCarthy & Holthus, LLP

21 John Thomas

OSB #024691

22 Grace Chu, OSB No. 220848
23 Michael Scott, OSB No. 973947
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 gchu@mccarthyholthus.com
Of Attorneys for Plaintiff

John Thomas

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

EXHIBIT 1

Legal Description

LOT 6, BLOCK 5, LAWNFIELD VILLAGE, PLAT 2, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

End of Legal Description

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

FIRST HORIZON HOME LOANS, a
division of FIRST TENNESSEE BANK
NATIONAL ASSOCIATION, through their
loan servicing agent NATIONSTAR
MORTGAGE LLC

Plaintiff,

vs.

GLEN A.M. LARIMER, KARI M.
LARIMER; OREGON AFFORDABLE
HOUSING ASSISTANCE
CORPORATION; OCCUPANTS OF THE
PROPERTY

Defendants.

Case No.: CV13010043

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. KARI M. LARIMER and OCCUPANTS OF THE PROPERTY were dismissed from this action;
- b. A verdict was returned in favor of Plaintiff against Defendant Glen A.M. Larimer and has been entered by this Court, now therefore,

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 Clackamas County,
2 Oregon, and is commonly known as 14613 SE Primrose Avenue, Milwaukie, OR 97267 (the
3 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. 00471956.

5 b. Plaintiff is entitled to enforce the note dated August 11, 2008 and made, delivered, and
6 executed by Glen A.M. Larimer and Kari M. Larimer to Sunset Mortgage Co. in the amount
7 of \$276,315.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession
8 and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendants Glen A.M. Larimer and
10 Kari M. Larimer on or about August 11, 2008 (the “Deed of Trust”). The Deed of Trust was
11 recorded on August 15, 2008 as Instrument No. 2008-057550 in the official records of
12 Clackamas County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
13 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
14 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
15 Sheriff’s Deed.

16 d. The Borrower failed to make the payment that was due for August 1, 2009 and has not cured
17 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
18 comprised of the following amounts (the “Amount Due”):

- 19 a) Unpaid principal balance: \$272,119.69
- 20
- 21 b) Prejudgment interest accruing from \$142,188.61
22 1/1/2010 through 1/15/2018 and
23 continuing until the entry of
24 judgment at the current Note rate of
25 6.50%:
- 26 c) Additional amounts due under the \$31,729.96¹
27 terms of the loan:

26 ¹ The additional amounts due under the terms of the loan total of \$31,729.96 is supported by Plaintiff’s Proposed
27 Special Findings of Fact and Conclusions of Law, filed with the Court on 12/14/2017 and entered by the Court on
28 1/2/2018.

1 d) Attorney Fees and Costs: \$23,347.78

2 e) Prevailing party fee (ORS 20.190 \$105.00
3 (1)(b)(B)):

4 **Total: \$469,491.31**

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

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

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

12 g. All right, title and interest in the Subject Property that Defendants Glen A.M. Larimer had as
13 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
14 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,
15 and the proceeds of sale shall be applied:

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

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

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

22 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
23 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
24 the date of entry of judgment through the date of the sale and any incurred costs of sale.

25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
26 Property from and after the date of the sale and is entitled to such remedies as are available at
27 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
28

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.

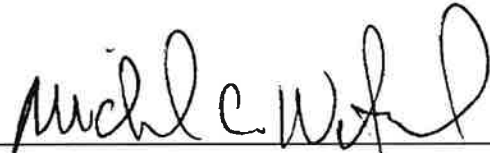
3 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
4 entitled to any further or other judgment, including a judgment for the deficiency.

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 ORS 18.950 (4), there are no apparent liens subsequent and inferior to the Deed
9 of Trust.

10 m.

Signed: 4/4/2018 04:32 PM



Circuit Court Judge Michael C. Wetzel

11
12
13
14
15
16
17 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

18 On January 15, 2018, a copy of the Motion For Entry Of Judgment, Declaration Of
19 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of
Foreclosure was:

20 Served on:

21 Jeff Myers
22 5200 SW Meadows Rd Ste 150
23 Lake Oswego, OR 97035

24 not less than 6 days prior to submission to the court.

25 Accompanied by a stipulation by that no objection exists as to the judgment or order.

26 Mailed to:
27
28

1 not less than 7 days prior to submission to the court with a notice of the time period to
2 object.

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

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

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

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

11 No objection has been served on me.

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

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

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

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

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

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

24 Other: _____

25 Dated: 1/24/2018 and submitted by:

26 **McCarthy & Holthus, LLP**

27 s/ Brady Godbout

28 John Thomas OSB No. 024691
 Brady Godbout OSB No. 132708
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

Exhibit 1

LOT 6, BLOCK 5, LAWNFIELD VILLAGE, PLAT 2, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.