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Trial Court Admin.

Amber Engert

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LINN

THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK,
SUCCESSOR TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR
CENTEX HOME EQUITY LOAN TRUST
2006-A

Case No. 15CV02221

Plaintiff,

WRIT OF EXECUTION

vs.

LEELAND B. STODDARD; SUE S.
STODDARD; BILLIE A. CROSS;
DUREDA D. STODDARD; DARLA
HANTEN; LVNV FUNDING, LLC;
UNITED STATES OF AMERICA;
PARTIES IN POSSESSION

Defendants.

TO: LINN COUNTY SHERIFF

WHEREAS, on November 10, 2015, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on April 5, 2006, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
JLF No. 14-114842

JANEWAY LAW FIRM, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360) 260-2253 (800)970-5647
Fax (360) 260-2285
ksutherland@logos.com

1 LOT 5, AMIGO VILLA, AS PLATTED AND RECORDED IN VOLUME 15, PAGE 22, LINN
2 COUNTY PLAT RECORDS, COUNTY OF LINN, AND STATE OF OREGON.

3 and commonly known as 3727 40th Avenue SE, Albany, OR 97322 to satisfy the sum of
4 \$281,958.77, as of September 29, 2022, together with additional post judgment interest of 9.00%
5 from that date (\$42.91 per day), and costs of this execution, making due return within 60 days after
6 you receive this writ.

7 The Bank of New York Mellon f/k/a The Bank of New York, successor to JPMorgan
8 Chase Bank, N.A., as Trustee for Centex Home Equity Loan Trust 2006-A is the Judgment
9 Creditor, and its address for purpose of this writ only is: C/O Janeway Law Firm, LLC, 1499 SE
10 Tech Center Place, Suite 255, Vancouver, WA 98683 (360) 260-2253. Janeway Law Firm, LLC
11 is the attorney for the Judgment Creditor.
12



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15 10/3/2022 11:31:11 AM

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19 **Circuit Court Judge, Thomas A. McHill**

20 Submitted by:
21 Attorneys for Plaintiff,
22 JANEWAY LAW FIRM, LLC

23 By:

24 James A. Craft #090146 [jcraft@janewaylaw.com]
25 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
26 (360) 260-2253; Fax (360) 260-2285

27 2- WRIT OF EXECUTION
28 JLF No. 14-114842

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LINN

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, SUCCESSOR TO
JPMORGAN CHASE BANK, N.A., AS TRUSTEE
FOR CENTEX HOME EQUITY LOAN TRUST
2006-A,

Case No. 15CV02221

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

LEELAND B. STODDARD; SUE S. STODDARD;
BILLIE A. CROSS; DUREDA D. STODDARD;
DARLA HANTEN; LVNV FUNDING, LLC;
UNITED STATES OF AMERICA; PARTIES IN
POSSESSION,

Defendants.

Defendants, Parties in Possession, Sue S. Stoddard, Darla Hanten, Dureda D. Stoddard,
LVNV Funding, LLC and United States of America, having been defaulted and Summary
Judgment having been granted against Defendant, Billie A. Cross:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Linn County, Oregon is commonly known as 3727 - 40th Avenue SE, Albany, OR 97322
and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 14-114842

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 253, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 Lot 5, AMIGO VILLA, as platted and recorded in Volume 15, Page 22, Linn County
2 Plat Records, County of Linn, and State of Oregon.

- 3 2. The Deed of Trust executed and delivered by Defendant, Leeland Stoddard a married man as
4 his sole and separate property ("Borrower") on or about April 5, 2006 and recorded on April
5 28, 2006 as Instrument No. 2006-09975 in the official records of Linn County, Oregon, is a
6 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as
7 provided herein.
- 8 3. The Plaintiff is the holder of the original note dated April 5, 2006 and made by Leeland
9 Stoddard in the amount of \$120,000.00. A copy of the Note was attached to the complaint
10 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
11 (together the "Loan").
- 12 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
13 interest in the Property is foreclosed and terminated excepting only any statutory right of
14 redemption as provided by Oregon law.
- 15 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
16 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
17 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
18 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
19 interests and priorities.
- 20 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 21 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
22 thereafter acquired in the subject Property, is hereby ordered to be sold by the Linn County

23 2 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
 2 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
 3 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
 4 may appear or to the clerk of the court to be distributed to such party of parties as may
 5 establish their right thereto.
 6

- 7 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
 8 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
 9 from and after the date of the sale and is entitled to such remedies as are available at law or
 10 in equity to secure possession.
 11 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 12 any person holding possession under or through such Defendant(s) shall refuse to surrender
 13 possession to the purchaser immediately on the purchaser's demand for possession.
 14 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:
 15

Principal		\$123,894.71	
Prejudgment interest at 2% through March 27, 2015 (accruing thereafter until entry of judgment at \$6.79/per diem)			\$2,860.88
Late Charges		\$0.00	
Other Costs and fees (recoverable)		38,275.41	
	Property Tax	\$2,494.28	
	Hazard Insurance	\$697.11	
	Property Inspections	\$120.00	
	Misc. Advances	\$244.76	
	Streamline Mods	\$34,719.26	
	Subtotal		\$162,170.12
	Total plus Prejudgment Interest		\$165,031.00

25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
 26 SALE
 S&S No. 14-114842

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1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

2	Costs		\$2,236.00
3	Title Search Cost	\$510.00	
4	Skip Trace Costs	\$100.00	
5	Filing Fee	\$531.00	
6	Lis Pendens Recording Fee	\$60.00	
7	Service Costs	\$760.00	
	Prevailing Party Fee	\$275.00	
	Attorney fees		\$5,225.00
	Total		\$7,461.00

8
9 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
10 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

11 14. The amounts due in Paragraphs 11, 12 and 13 of this judgment shall collectively declare the
12 secured amount due under this Judgment of Foreclosure and Sale.

13 15. This judgment shall not create a personal lien or liability against Borrower except as is
14 customary or necessary to execute on such judgment and for purposes of redemption. In no
15 event should it be construed as establishing personal liability for any persons whose debt has
16 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
17 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
18 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
19 entitled to any further judgment, including a judgment for deficiency.

20
21 16. Execution may issue against the subject property for the aggregate amount found due
22 Plaintiff herein as detailed in Paragraphs 11 through 13. (together "Amounts Due").
23 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by

24
25 ORS 18.936 or other applicable law.

26 4 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 14-114842

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1 17. If before sale such amount, including sheriff's fees for the execution, is tendered to the court
2 and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment
3 as to the amounts due shall be terminated.

4 18. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
5 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
6 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
7
8 18.936.

9 19. This Court shall retain jurisdiction to enter such additional order, judgment or decree
10 necessary to enforce this judgment, the writ of execution or for the purchaser at the
11 foreclosure sale to obtain possession.
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15 Dated: Nov. 9, 2015.

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19 _____
CIRCUIT COURT JUDGE Signed: 11/9/2015 04:10 PM

20 Submitted by:
21 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

22 By: 
23 Holger Uhl #950143 [huhl@logs.com]
24 7632 SW Durham Road, Suite 350, Tigard, OR 97224
(360)260-2253; Fax (360)260-2285

25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 14-114842

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