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

KEYBANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF SANDRA KAY NEAL AKA SANDRA K.
NEAL AKA SANDRA NEAL; LINDA
CHARLEY, OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 19CV47131

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 30, 2021. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

KEYBANK, N.A.
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 \$127,423.10 plus pre judgment interest at the per diem rate of \$16.64 from 4/21/2021 through 4/31/2021 in the amount of 149.76, and post judgment interest at the statutory rate of 9.0% per annum from April 30, 2021 to 8/22/2022 in the amount of \$15,018.47 and continuing with a per diem of \$31.42, currently totaling \$142,591.33.

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 July 22, 2002, 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 COMMENCING AT THE SOUTHWEST CORNER OF LOT 32 OF THE HL &
5 TB STEWART'S PLAT, AS PLATTED AND RECORDED IN BOOK 3, PAGE
6 5, LANE COUNTY OREGON PLAT RECORDS; THENCE NORTH 120 FEET
7 TO THE POINT OF BEGINNING; THENCE EAST 148 FEET; THENCE
8 NORTH ABOUT 88 FEET AND 10 INCHES TO THE NORTH LINE OF SAID
9 LOT 32; THENCE WEST 148 FEET TO THE NORTHWEST CORNER OF
10 SAID LOT 32; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 32
11 TO THE PLACE OF BEGINNING; ALL SAID REAL ESTATE BEING A
12 PART OF THE JAMES EBBERT, JR. DONATION LAND CLAIM NO. 74,
13 NOTIFICATION NO. 3314, IN TOWNSHIP 17 SOUTH, RANGE 3 WEST OF
14 THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON.

15 and commonly known as: 257 16th St, Springfield, OR 97477.

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

21 DATED: 25 day of August, 2022.

22 _____
23 Title Court clerk
24 By: Newton



25 Dated August 24, 2022 and submitted by:

26 s/ Michael Scott

27 _____
28 John Thomas OSB No. 024691
X Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
msscott@mccarthyholthus.com
Of Attorneys for Plaintiff

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

KEYBANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF SANDRA KAY NEAL AKA SANDRA
K. NEAL AKA SANDRA NEAL; LINDA
CHARLEY; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 19CV47131

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF SANDRA KAY NEAL AKA SANDRA K. NEAL AKA SANDRA NEAL; LINDA CHARLEY; 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 257 16th St, Springfield, OR 97477 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 0331221.

5 b. Plaintiff is entitled to enforce the note dated July 22, 2002 and made, delivered, and executed
6 by SANDRA K. NEAL to Keybank National Association in the amount of \$124,650.00 (the
7 "Note"). On information and belief, the original Note has been lost or destroyed while in the
8 possession of the a person entitled to and Plaintiff is currently entitled to enforce the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant(s) SANDRA K. NEAL on
10 or about July 22, 2002 (the "Deed of Trust"). The Deed of Trust was recorded on July 24,
11 2002 as Instrument No. 2002-055934 in the official records of Lane County, Oregon. The
12 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
13 Amount Duc. The lien of the Plaintiff is superior to any interest, lien, or claim of the
14 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for November 1, 2018 and has not
16 cured the default. The amount of debt secured by the Deed of Trust that is now due and
17 owing is comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$85,227.96
19	b) Prejudgment interest accruing from	\$15,507.01
20	10/01/2018 through 4/20/2021 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	7.12500%:	
22	c) Additional amounts due under the	\$19,561.67
23	terms of the loan:	
24	d) Attorney fees and costs:	\$7,041.46
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	Total:	\$127,423.10

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

8 g. All right, title and interest in the Subject Property that Defendant(s) THE UNKNOWN
9 HEIRS AND DEVISEES OF SANDRA KAY NEAL AKA SANDRA K. NEAL AKA
10 SANDRA NEAL had as of the date of the Deed of Trust or thereafter acquired is hereby
11 ordered to be sold by the Lane County Sheriff's Office in accordance with the process for
12 sale upon 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;

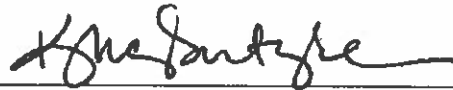
16 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
17 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
18 such party or parties as they may establish their right thereto.

19 h. 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 i. 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 j. 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 k. 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.

Signed: 4/30/2021 11:59 AM



Karrie K. McIntyre, Circuit Court Judge

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

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

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

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

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

22 No objection has been served on me.

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

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

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

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.

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

Other: _____

Dated: April 20, 2021, and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford

____ John Thomas OSB No. 024691
x Jeremy Clifford OSB No. 142987
____ Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

COMMENCING AT THE SOUTHWEST CORNER OF LOT 32 OF THE HL & TB STEWART'S PLAT, AS PLATTED AND RECORDED IN BOOK 3, PAGE 5, LANE COUNTY OREGON PLAT RECORDS; THENCE NORTH 120 FEET TO THE POINT OF BEGINNING; THENCE EAST 148 FEET; THENCE NORTH ABOUT 88 FEET AND 10 INCHES TO THE NORTH LINE OF SAID LOT 32; THENCE WEST 148 FEET TO THE NORTHWEST CORNER OF SAID LOT 32; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 32 TO THE PLACE OF BEGINNING; ALL SAID REAL ESTATE BEING A PART OF THE JAMES EBBERT, JR. DONATION LAND CLAIM NO. 74, NOTIFICATION NO. 3314, IN TOWNSHIP 17 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LANE COUNTY, OREGON.