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

REVERSE MORTGAGE FUNDING LLC,

Case No. 21CV03775

Plaintiff,

WRIT OF EXECUTION

v.

THE ESTATE OF MERWYN D. JAMES;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF MERWYN D. JAMES; THE
ESTATE OF LOIS A. JAMES; THE
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF LOIS A. JAMES;
ANNALIESE QUINN; MATTHEW SCOTT
JAMES; SECRETARY OF HOUSING AND
URBAN DEVELOPMENT; AND ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1100 QUINCE DRIVE, JUNCTION CITY,
OR 97448,

Defendant.

TO THE LANE COUNTY SHERIFF:

On June 29, 2022, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lane County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: Reverse Mortgage Funding LLC c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Ste. 1100, Portland, OR 97204.

1 The real property to be sold at public auction is commonly known as 1100 QUINCE
2 DRIVE, JUNCTION CITY, OR 97448 ("Subject Property"), and legally described as:

3 LOT 6, BLOCK 1, STANLEY HALL SUBDIVISION, AS PLATTED AND
4 RECORDED IN VOLUME 42, PAGE 19, LANE COUNTY OREGON PLAT RECORDS, IN
5 THE CITY OF JUNCTION CITY, LANE COUNTY OREGON.

6 The total amount due and owing on the Judgment as of October 12, 2022;

7 Judgment:	Principal	\$245,779.23
8 Pre-Judgment:	Interest(3.78%,\$26.19 /day)	\$602.37 (6/7/2022 through 6/29/22)
9	Attorney Fees	\$4,590.00
10	Costs	\$2,511.08
11	Prevailing Party Fee	\$325.00
12 Post-Judgment:	Interest(9.00%, \$62.64 /day)	\$6,577.91 (6/30/22 through 10/12/2022)
13	Attorney Fees	\$0.00
14	Costs	\$260.00

15 **TOTAL: \$260,645.59**

16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
17 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
18 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
19 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
20 holder of the certificate of sale.

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Page 2 – WRIT OF EXECUTION

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

REVERSE MORTGAGE FUNDING LLC,

Case No. 21CV03775

Plaintiff,

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND
STIPULATION**

v.

ORCP Rule 69

THE ESTATE OF MERWYN D. JAMES;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF MERWYN D. JAMES; THE
ESTATE OF LOIS A. JAMES; THE
UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF LOIS A. JAMES;
ANNALIESE QUINN; MATTHEW SCOTT
JAMES; SECRETARY OF HOUSING AND
URBAN DEVELOPMENT; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 1100 QUINCE
DRIVE, JUNCTION CITY, OR 97448,

THIS IS A JUDGMENT OF FORECLOSURE
AND DOES NOT CONSTITUTE A MONEY
AWARD AGAINST ANY DEFENDANT

Defendants.

Based upon the Court's Order of Default against defendants The Estate of Merwyn D. James, The Unknown Heirs, Assigns and Devisees of Merwyn D. James, The Estate of Lois A. James, The Unknown Heirs, Assigns and Devisees of Lois A. James, Annaliese Quinn, Matthew Scott James, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 1100 Quince Drive, Junction City, OR 97448, the records on file herein, the stipulation of defendant Secretary of Housing and Urban Development, and pursuant to the Motion for General Judgment and Declaration of Amount Due

1 by Default by Plaintiff Reverse Mortgage Funding LLC ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 1100 Quince Drive,
4 Junction City, OR 97448 ("Subject Property"), as evidenced by the Deed of Trust recorded July
5 9, 2008 in the official records of Lane County as instrument number 2008-040022 ("Deed of
6 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
7 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
8 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:
9

10 Lot 6, Block 1, STANLEY HALL SUBDIVISION, as platted and recorded in
11 Volume 42, Page 19, Lane County Oregon Plat Records, in the City of Junction
12 City, Lane County, Oregon.

13 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
14 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
15 in the manner provided by law;

16 3. Stipulating Defendant Secretary of Housing and Urban Development is a lien
17 claimant of record by way of a Second Deed of Trust, recorded on July 9, 2008 in the official
18 records of Lane County as instrument number 2008-040023. Stipulating Defendant's interest is
19 junior to that of Plaintiff. Stipulating Defendant determined that it holds no title or financial
20 interest in the Subject Property and disclaims all interest;

21 4. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
22 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
23 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
24 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
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1 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
2 68(C), which amount may be added to the outstanding obligation due and owing under the Note
3 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
4 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
5 by sale of the Subject Property as directed under this Judgment;

6 6. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
7 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
8 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
9 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
10 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

11 7. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by
12 sale of the Subject Property as directed under this Judgment.

13 8. The Sheriff shall make a return on the writ of execution to the court administrator
14 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
15 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
16 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
17 parties as may establish their right thereto. The Defendants and all persons claiming through or
18 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
19 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
20 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
21 every part of the Subject Property when the time for redemption has elapsed;

22 9. Plaintiff or any other party to this action may become a purchaser at the
23 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
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1 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
2 successor in interest may apply to this Court for a writ of assistance to gain possession of the
3 subject property if Defendants or any other party or person refuses to surrender possession;

4 DECLARATION OF AMOUNT DUE BY DEFAULT

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6 THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A
7 MONEY AWARD AGAINST ANY DEFENDANT

8 1. The total amount of the unpaid principal balance, interest, and other amounts
9 owed is \$245,779.23.

10 2. Simple interest at the variable rate currently at 3.78% (\$26.19 *per diem*) after June
11 6, 2022, through the date of judgment.

12 3. Attorney fees of \$4,590.00, plus \$260.00, through the date of sale.

13 4. Costs of \$2,511.08, plus costs accrued through the date of sale.

14 5. Prevailing party fee: \$325.00.

15 6. Post-judgment interest thereafter on the total amount above, #1-5, at the contract
16 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

17 **IT IS SO ADJUDGED**

18 6/28/2022 2:49:21 PM

19 
20 _____
21 Stephen W. Morgan, Circuit Court Judge

22 CERTIFICATE OF READINESS

23 This proposed Order or Judgment is ready for judicial signature because:

- 24 1. Each party affected by this order or judgment has stipulated to the order or judgment,
25 as shown by each party's signature on the document being submitted.
- 26 2. Each party affected by this order or judgment has approved the order or judgment, as

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shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

- 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me;
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [**role and name of objecting party**] agreed to independently file any remaining objection.
- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 5. 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 (5) of this rule.
- 6. Other: _____

Presented By:
ALDRIDGE PITE, LLP

/s/ Michael J. Page
Michael J. Page, OSB #194328
Of Attorneys for Plaintiff
(858) 750-7600 / (503) 222-2260 (Facsimile)
orecourtnotices@aldridgepite.com

Date: June 24, 2022

Stipulated By:
ALDRIDGE PITE, LLP

/s/ Michael J. Page
Michael J. Page, OSB #194328
Of Attorneys for Plaintiff
UNITED STATES ATTORNEY'S OFFICE

Date: June 21, 2022

/s/ Jessie Young
Jessie Young, OSB #135246
Of Attorneys for Secretary of Housing and Urban Development

Date: June 21, 2022