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JOSEPHINE CO SHERIFF

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

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE FOR CVI
CGS MORTGAGE LOAN TRUST I,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
DEBORAH RODMAN; LEAH MARIE
RAEDEKE; CITIBANK SOUTH DAKOTA
NA; OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION, A
NONPROFIT PUBLIC BENEFIT
CORPORATION; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 22CV13136

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 21, 2022.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE FOR CVI CGS
MORTGAGE LOAN TRUST I
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 \$191,277.51, plus pre judgment interest from November 9,
2022 through November 21, 2022 at the current Note rate of 5.50% in the amount of \$287.28,

1 plus post judgment interest at the statutory rate of 9.0% per annum from November 22, 2022 to
2 December 12, 2022 in the amount of \$943.29, and continuing with a per diem of \$47.16, totaling
3 \$192,508.08.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about January 25, 2006, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described as follows:

9 BEGINNING AT THE WEST QUARTER CORNER OF SECTION 20,
10 TOWNSHIP 36 SOUTH, RANGE 5 WEST, OF THE WILLAMETTE
11 MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 75 FEET;
12 THENCE EAST 134 FEET; THENCE SOUTH 75 FEET; THENCE WEST TO
13 THE PLACE OF BEGINNING. EXCEPTING THEREFROM A STRIP OF
14 LAND 20 FEET WIDE ACROSS THE ENTIRE WEST END OF SAID
15 PARCEL OF LAND ABOVE DESCRIBED RESERVED FOR ROAD
16 PURPOSES. ALSO EXCEPTING THEREFROM THE SOUTH 22 FEET.

17 and commonly known as: 1335 Oak View Dr, Grants Pass, OR 97527.

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

23 **DATED:** 20 day of December, 2022



24 Title

25 By:

26 *[Handwritten Signature]*

27 Court Clerk

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Dated December 19, 2022 and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

_ John Thomas OSB No. 024691
_ Grace Chu OSB No. 220848
X Michael Scott OSB No. 973947
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Of Attorneys for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
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U.S. BANK TRUST NATIONAL
ASSOCIATION, AS TRUSTEE FOR CVI
CGS MORTGAGE LOAN TRUST I,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
DEBORAH RODMAN; LEAH MARIE
RAEDEKE; CITIBANK SOUTH DAKOTA
NA; OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION, A
NONPROFIT PUBLIC BENEFIT
CORPORATION; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 22CV13136

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants UNKNOWN HEIRS AND DEVISEES OF DEBORAH RODMAN; LEAH
MARIE RAEDEKE; CITIBANK SOUTH DAKOTA NA; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION, A NONPROFIT PUBLIC BENEFIT
CORPORATION; STATE OF OREGON; and 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

1 not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in
2 the military service of the United States;

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 5 a. The real property to which this judgment relates is located and situated in Josephine County,
6 Oregon, and is commonly known as 1335 Oak View Dr, Grants Pass, OR 97527 (the
7 "Subject Property"), legally described as:

8 BEGINNING AT THE WEST QUARTER CORNER OF SECTION 20,
9 TOWNSHIP 36 SOUTH, RANGE 5 WEST, OF THE WILLAMETTE
10 MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 75 FEET;
11 THENCE EAST 134 FEET; THENCE SOUTH 75 FEET; THENCE WEST TO
12 THE PLACE OF BEGINNING. EXCEPTING THEREFROM A STRIP OF LAND
13 20 FEET WIDE ACROSS THE ENTIRE WEST END OF SAID PARCEL OF
14 LAND ABOVE DESCRIBED RESERVED FOR ROAD PURPOSES. ALSO
15 EXCEPTING THEREFROM THE SOUTH 22 FEET.

16 APN/Parcel No. R314158.

- 17 b. Plaintiff is entitled to enforce the note dated January 25, 2006 and made, delivered, and
18 executed by Deborah Rodman to Countrywide Home Loans, Inc. in the amount of
19 \$150,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
20 and by indorsement set forth on the Note.
- 21 c. A deed of trust was made, executed, and delivered by Defendant Deborah Rodman on or
22 about January 25, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on February
23 6, 2006 as Instrument No. 2006-002827 in the official records of Josephine County, Oregon.
24 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
25 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
26 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

1 d. The Borrower failed to make the payment that was due for September 1, 2020 and has not
2 cured the default. The amount of debt secured by the Deed of Trust that is now due and
3 owing is comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 4 | a) Unpaid principal balance: | \$158,852.69 |
| 5 | b) Prejudgment interest accruing from | \$18,435.73 |
| 6 | 8/1/2020 through 11/8/2022 and | |
| 7 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 5.50%: | |
| 8 | c) Additional amounts due under the | \$7,080.85 |
| 9 | terms of the loan: | |
| 10 | d) Attorney fees and costs | \$6,823.24 |
| 11 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(b)(A)): | |
| 12 | Total: | \$191,277.51 |

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

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

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

20 g. All right, title and interest in the Subject Property that Defendants Deborah Rodman had as
21 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
22 Josephine County Sheriff's Office in accordance with the process for sale upon execution,
23 and the proceeds of sale shall be applied:

- 24 1) First, to the costs of sale not incurred by Plaintiff;
- 25 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
26 entry of judgment through the date of the sale, post-judgment property taxes,
27

1 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
2 protect Plaintiff's interest in the Property, and any incurred costs of sale;

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

6 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
7 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
8 the date of entry of judgment through the date of the sale, post-judgment property taxes,
9 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
10 protect Plaintiff's interest the Property, and any incurred costs of sale.

11 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
12 Property from and after the date of the sale and is entitled to such remedies as are available at
13 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
14 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
15 possession to the purchaser immediately upon the purchaser's demand for possession.

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

18 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
19 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
20 terminated.

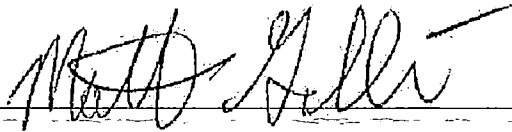
21 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
22 Deed of Trust are as follows:

23 1) Defendant CITIBANK SOUTH DAKOTA NA may have a junior interest in the
24 Property by virtue of a Judgment entered on 3/30/2009 as Case No. 09CV0307 in the
25 official records of Josephine County, Oregon.

26 2) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, A
27 NONPROFIT PUBLIC BENEFIT CORPORATION may have a junior interest in the
28

1 Property by virtue of a Junior Deed of Trust recorded on 10/23/2017 as Instrument
2 No. 2017-014730 in the official records of Josephine County, Oregon.
3
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5 11/18/2022 3:17:42 PM

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8 **Circuit Court Judge Matthew G. Galli**
9

10 I hereby certify that the requirements of UTCR 5.100 have been satisfied.
11

12 This proposed General Judgment of Foreclosure is ready for judicial signature because:
13

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

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

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

21 No objection has been served on me.

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

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

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

28 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.

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

4 [] Other: _____

5 Dated November 16, 2022 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Michael Scott

8 John Thomas OSB No. 024691

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