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

MORTGAGE ASSETS MANAGEMENT, LLC,

Plaintiff,

vs.

SHIRLEY D. NELSON AKA SHIRLEY NELSON; THE UNKNOWN HEIRS AND DEVISEES OF TERRY A. NELSON AKA TERRY NELSON; METROPOLITAN AGENCIES, INC.; STATE OF OREGON, DEPARTMENT OF REVENUE; UNITED STATES OF AMERICA; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 23CV33085

WRIT OF EXECUTION IN FORECLOSURE

TO THE YAMHILL COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on February 26, 2024. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MORTGAGE ASSETS MANAGEMENT, LLC
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 \$231,944.59, plus pre judgment interest at the per diem of \$43.88 from 12/11/2023 to 2/26/2024 in the amount of \$3,378.76, plus post judgment interest at the statutory rate of 9.0% per annum from 2/27/2024 to 5/9/2024 in the amount of \$4,117.81, and continuing with a per diem of \$57.19, currently totaling \$239,441.16.

On 4/12/2024, the Judgment was sold and assigned to U.S. Bank National Association, as Co-Trustee for Mortgage Equity Conversion Asset Trust 2011-1 (aka Mortgage Equity Conversion Asset Trust 2011-1, Mortgage-Backed Securities 2011-1).

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about November 26, 2007, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described as follows:

6 **LOT 2, FIR RIDGE, IN THE CITY OF MCMINNVILLE, COUNTY OF**
7 **YAMHILL, STATE OF OREGON.**

8 and commonly known as: 675 NW CONRAD COURT, MCMINNVILLE, OR 97128.

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:** ____ day of _____, 20__.

5/10/2024 11:02:00 AM



Circuit Court Judge Jennifer K. Chapman

Title

By: _____

18 Dated: May 8, 2024 and submitted by:
19 McCarthy & Holthus, LLP

20
21
22 s/Grace Chu
23 _____
24 _ Grace Chu OSB No. 220848
25 920 SW 3rd Ave, 1st Floor
26 Portland, OR 97204
27 Phone: (971) 201-3200
28 Fax: (971) 201-3202
gchu@mccarthyholthus.com
Of Attorneys for Plaintiff

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

MORTGAGE ASSETS MANAGEMENT,
LLC,

Plaintiff,

vs.

SHIRLEY D. NELSON AKA SHIRLEY
NELSON; THE UNKNOWN HEIRS AND
DEVISEES OF TERRY A. NELSON AKA
TERRY NELSON; METROPOLITAN
AGENCIES, INC.; STATE OF OREGON,
DEPARTMENT OF REVENUE; UNITED
STATES OF AMERICA; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 23CV33085

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants SHIRLEY D. NELSON AKA SHIRLEY NELSON; THE UNKNOWN HEIRS AND DEVISEES OF TERRY A. NELSON AKA TERRY NELSON; METROPOLITAN AGENCIES, INC.; STATE OF OREGON, DEPARTMENT OF REVENUE; 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 not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

1 b. Defendant United States of America has notified Plaintiff that they do not have interest in the
2 subject property and have been dismissed;

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 Yamhill County,
6 Oregon, and is commonly known as 675 NW CONRAD COURT, MCMINNVILLE, OR
7 97128 (the "Subject Property"), legally described as LOT 2, FIR RIDGE, IN THE CITY OF
8 MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON, and having
9 APN/Parcel No. 396002.

10 b. Plaintiff is entitled to enforce the note dated November 26, 2007 and made, delivered, and
11 executed by Shirley D. Nelson and Terry A. Nelson to Bank of America, N.A., a National
12 Banking Association in the amount of \$307,500.00 (the "Note"). The Note was transferred
13 to Plaintiff by delivery of possession and by indorsement set forth on the Note.

14 c. A deed of trust was made, executed, and delivered by Defendants SHIRLEY D. NELSON,
15 TERRY A. NELSON on or about November 26, 2007 (the "Deed of Trust"). The Deed of
16 Trust was recorded on November 30, 2007 as Instrument No. 200725393 in the official
17 records of Yamhill County, Oregon. The Deed of Trust is a valid and perfected lien against
18 all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to
19 any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
20 Sheriff's Deed.

21 d. The Borrower failed to make the payment that was due for November 16, 2021 and has not
22 cured the default. The amount of debt secured by the Deed of Trust that is now due and
23 owing is comprised of the following amounts (the "Amount Due"):

24 a) Unpaid principal balance:	\$139,348.31
25 b) Accrued Interest (Good Through 26 11/30/2023)	\$57,521.62
27 c) Intra Month Per Diem Total (As of 28 12/11/2023). After 12/11/2023 the	\$446.88

1 interest will accrue at the
Per Diem rate of \$43.88

2 d) Additional amounts due under the \$29,530.85
3 terms of the loan:

4 e) Attorney fees and costs: \$5,011.93

5
6 f) Prevailing party fee (ORS 20.190 \$85.00
(1)(b)(A)):

7 **Total: \$231,944.59**

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

11 c. The interest of the Defendants and any successor in interest in the Subject Property is
12 foreclosed and terminated excepting only any statutory right of redemption as provided by
13 Oregon law.

14 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the
15 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a
16 28 U.S.C. § 2410(c) one-year redemption right in this case.

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

18 h. All right, title and interest in the Subject Property that Defendants SHIRLEY D. NELSON,
19 TERRY A. NELSON had as of the date of the Deed of Trust or thereafter acquired is hereby
20 ordered to be sold by the Yamhill County Sheriff's Office in accordance with the process for
21 sale upon execution, and the proceeds of sale shall be applied:

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

23 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
24 entry of judgment through the date of the sale, post-judgment property taxes,
25 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
26 protect Plaintiff's interest in the Property, and any incurred costs of sale;

- 1 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
- 2 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
- 3 such party or parties as they may establish their right thereto.
- 4 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
- 5 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
- 6 the date of entry of judgment through the date of the sale, post-judgment property taxes,
- 7 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
- 8 protect Plaintiff's interest the Property, and any incurred costs of sale.
- 9 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
- 10 Property from and after the date of the sale and is entitled to such remedies as are available at
- 11 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
- 12 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
- 13 possession to the purchaser immediately upon the purchaser's demand for possession.
- 14 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
- 15 entitled to any further or other judgment, including a judgment for the deficiency.
- 16 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
- 17 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
- 18 terminated.
- 19 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
- 20 Deed of Trust are as follows:
- 21 (a) Defendant METROPOLITAN AGENCIES, INC. may claim a junior interest in Subject
- 22 Property by virtue of a judgment in the amount of \$567.22, entered on September 25,
- 23 2014 as Instrument No. 14SC15045.

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(b) Defendant STATE OF OREGON, DEPARTMENT OF REVENUE may claim a junior interest in Subject Property by virtue of a Lien for tax deferred properties, recorded on July 10, 2009 as Instrument No. 200910930.

2/23/2024 4:12:06 PM



Circuit Court Judge Jennifer K. Chapman

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

On _____, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

Served on:

not less than 3 days prior to submission to the court.

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

Mailed to:

SHIRLEY D. NELSON
675 NW CONRAD COURT
MCMINNVILLE, OR 97128

THE UNKNOWN HEIRS AND DEVISEES OF TERRY A. NELSON AKA TERRY
NELSON
675 NW CONRAD COURT
MCMINNVILLE, OR 97128

Metropolitan Agencies, Inc.
316 N Johnson
McMinnville, OR 97128

1 STATE OF OREGON, DEPARTMENT OF REVENUE
2 1162 COURT STREET NE SALEM
3 SALEM, OR 97301

4 Occupants of the Property
5 675 NW CONRAD COURT
6 MCMINNVILLE, OR 97128

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

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

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

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

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

17 No objection has been served on me.

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

21 After conferring about objections, _____ agreed to independently file
22 any remaining objection.

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

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

25 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
26 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: February 7, 2024 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/Grace Chu

8 _ John Thomas OSB No. 024691

9 _ Grace Chu OSB No. 220848

10 _ Michael Scott OSB No. 973947

11 920 SW 3rd Ave, 1st Floor

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16 Of Attorneys for Plaintiff