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

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST,

Case No. 22CV10074

WRIT OF EXECUTION

Plaintiff,

v.

THE ESTATE OF DENNIS H. HOPKINS;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF DENNIS H. HOPKINS;
DENNIS MICHAEL HOPKINS; JASON T.
HOPKINS; DAVID A. HOPKINS; THE
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 243 G STREET,
COTTAGE GROVE, OREGON 97424,

Defendant.

TO THE LANE COUNTY SHERIFF:

On March 29, 2024, 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: BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS MANAGEMENT SERIES I TRUST c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR

Page 1 – WRIT OF EXECUTION

1 97204.

2 The real property to be sold at public auction is commonly known as 243 G STREET,
3 COTTAGE GROVE, OREGON 97424 ("Subject Property"), and legally described as:

4 Beginning at the Northeast corner of Lot 4, in Block 1, of D.G. MCFARLAND'S THIRD
5 ADDITION to Cottage Grove, as platted and recorded at Page 32 of Volume 2, Lane County Oregon Plat
6 Records; run thence South 114.0 feet to the Southeast corner of said Lot 4; thence West along the South
7 line of said Lot 4, 65.0 feet to a point; thence North 114.0 feet to a point on the North line of said Lot 4, a
8 distance of 65.0 feet West of the Northeast corner of said Lot 4; thence East 65.0 feet to the point of
9 beginning, in Lane County, Oregon.

10 The total amount due and owing on the Judgment as of April 18, 2024;

11 Judgment:	Principal	\$219,611.58
12 Pre-Judgment:	Interest(8.19%, \$53.99/day)	\$1,673.69 (3/2/2024 through 4/1/2024)
13	Attorney Fees	\$6,802.50
14	Costs	\$3,370.52
15	Prevailing Party Fee	\$325.00
16 Post-Judgment:	Interest(9.00%, \$57.24/day)	\$973.23 (4/2/2024 through 4/18/2024)
17	Attorney Fees	\$392.50
18	Costs	\$0.00

19 **TOTAL: \$233,149.02**

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

25 ///

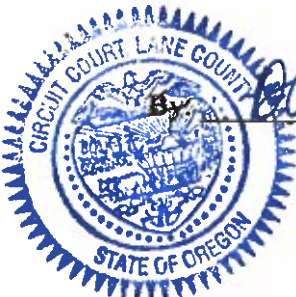
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Page 2 – WRIT OF EXECUTION

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By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

APR 30 2024



Coregony
Court clerk

Presented by:
ALDRIDGE PITE, LLP

By: *[Signature]*
Michael J. Page OSB #194328
(503) 345-9459
Facsimile: (503) 222-2260

Of Attorneys for Judgment Creditor

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

BANK OF NEW YORK MELLON TRUST
COMPANY, N.A. AS TRUSTEE FOR
MORTGAGE ASSETS MANAGEMENT
SERIES I TRUST,

Plaintiff,

v.

THE ESTATE OF DENNIS H. HOPKINS;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF DENNIS H. HOPKINS;
DENNIS MICHAEL HOPKINS; JASON T.
HOPKINS; DAVID A. HOPKINS; THE
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 243 G STREET,
COTTAGE GROVE, OREGON 97424,

Defendants.

Case No. 22CV10074

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

ORCP Rule 69

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

Based upon the Court's Order of Default against defendants The Estate of Dennis H. Hopkins; The Unknown Heirs, Assigns and Devisees of Dennis H. Hopkins; Dennis Michael Hopkins; Jason T. Hopkins; David A. Hopkins; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Real Property Commonly Known as 243 G Street, Cottage Grove, Oregon 97424, the stipulation of Secretary of Housing and Urban Development ("Stipulating Defendant"), the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Stipulation and Default by Plaintiff

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND DEFAULT

1 BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR
2 MORTGAGE ASSETS MANAGEMENT SERIES I TRUST ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 243 G Street, Cottage
5 Grove, Oregon 97424 ("Subject Property"), as evidenced by the Deed of Trust recorded April
6 28, 2009 in the official records of Lane County as instrument number 2009-022432 ("Deed of
7 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
8 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
9 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

10 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

11 2. Stipulating Defendant has determined that it holds no title or financial interest in
12 the Subject Property and agrees to be bound by this judgment. No monetary judgment, interest,
13 attorneys' fees, expenses, costs, or fees are awarded in this proceeding against Stipulating
14 Defendant.

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

18 4. Pursuant to ORS 18.406, the Oregon homestead exemption does not apply as this
19 is a judgment of foreclosure against a Deed of Trust;

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

24 6. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
25 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule

26 Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

1 68(C), which amount may be added to the outstanding obligation due and owing under the Note
2 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
3 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
4 by sale of the Subject Property as directed under this Judgment;

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

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

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

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

26 Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

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DECLARATION OF AMOUNT DUE BY DEFAULT


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

- 1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$219,611.58.
- 2. Simple interest at the variable rate currently at 8.19% (\$53.99 *per diem*) after March 1, 2024, through the date of judgment.
- 3. Attorney fees of \$6,802.50, plus \$392.50, through the date of sale.
- 4. Costs of \$3,370.52, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$325.00.
- 6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

3/29/2024

3/29/2024 2:03:24 PM

**  **

Charles M. Zennaché, Circuit Court Judge

CERTIFICATE OF READINESS

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

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

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- 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. X 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



Date: March 28, 2024

Michael J. Page, OSB No. 194328
Of Attorneys for Plaintiff
(858) 750-7600
(619) 590-1385 (Facsimile)
orecourtnotices@aldridgepite.com

Stipulated by:
UNITED STATES ATTORNEY'S OFFICE

/s/ M. Alex DeLorenzo

Date: March 28, 2024

M. Alex DeLorenzo, OSB #203641
Of Attorneys for Stipulating Defendant
(503) 727-1108
m.alex.delorenzo-lawley@usdoj.gov



PROPERTY DESCRIPTION

Beginning at the Northeast corner of Lot 4, in Block 1, of D.G. MCFARLAND'S THIRD ADDITION to Cottage Grove, as platted and recorded at Page 32 of Volume 2, Lane County Oregon Plat Records; run thence South 114.0 feet to the Southeast corner of said Lot 4; thence West along the South line of said Lot 4, 65.0 feet to a point; thence North 114.0 feet to a point on the North line of said Lot 4, a distance of 65.0 feet West of the Northeast corner of said Lot 4; thence East 65.0 feet to the point of beginning, in Lane County, Oregon.