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

U.S. BANK NATIONAL ASSOCIATION,

Case No.: 23CV20596

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

LYNN BRAUN; MICHELE BRAUN;
PRONGHORN COMMUNITY
ASSOCIATION, INC.; OCCUPANTS OF
THE PROPERTY,

Defendants.

State of Oregon

County of Deschutes

I certify that this is a true and correct copy of a document
in the possession of the Court Administrator for Deschutes
County Circuit Court



Dated: 05/14/2024
Court Administrator for Deschutes County Circuit Court or designee

S. Dear
Printed Name

TO THE DESCHUTES COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on August 15, 2023. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION
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 \$408,297.45, plus post judgment interest at the statutory rate of 9.0% per annum from August 15, 2023 to April 20, 2024 in the amount of \$20,638.45, and continuing with a per diem of \$100.68, totaling \$428,935.90.

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 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or

1 about October 24, 2005, the date of the Deed of Trust, and also the interest that the Defendant
2 had thereafter, in the real property described as follows:

3 LOT 198, ESTATES AT PRONGHORN, PHASE 2, RECORDED AUGUST 18,
4 2003, IN CABINET G, PAGE 3, DESCHUTES COUNTY, OREGON.

5 and commonly known as: Lot 198 Estates At Pronghorn, Bend, OR 97701.

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

11 DATED: ____ day of _____, 20__.

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Angela R. Curtis



12 Title Trial Court Administrator
Angela Curtis

13 By: _____

14
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19
20 Dated April 23, 2024 and submitted by:

21 McCarthy & Holthus, LLP

22
23 s/ Michael Scott

24 Michael Scott OSB No. 973947

25 920 SW 3rd Ave, 1st Floor

26 Portland, OR 97204

27 Phone: (971) 201-3200

28 Fax: (971) 201-3202

mscott@mccarthyholthus.com

Of Attorneys for Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

vs.

LYNN BRAUN; MICHELE BRAUN;
PRONGHORN COMMUNITY
ASSOCIATION, INC.; OCCUPANTS OF
THE PROPERTY,

Defendants.

Case No.: 23CV20596

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants LYNN BRAUN and MICHELE BRAUN ("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;
- b. A Stipulated Limited Judgment has been entered with regard to Defendant PRONGHORN COMMUNITY ASSOCIATION, INC. ("Stipulating Defendants") (collectively Defaulted and Stipulating Defendants are referred to as "Defendants");
- c. Defendant OCCUPANTS OF THE PROPERTY was dismissed from this action;

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 Deschutes County,
2 Oregon, and is commonly known as Lot 198 Estates At Pronghorn, Bend, OR 97701 (the
3 “Subject Property”), legally described as:

4 LOT 198, ESTATES AT PRONGHORN, PHASE 2, RECORDED AUGUST 18,
5 2003, IN CABINET G, PAGE 3, DESCHUTES COUNTY, OREGON.

6 APN/Parcel No. 242444.

7 b. Plaintiff is entitled to enforce the note dated October 24, 2005 and made, delivered, and
8 executed by LYNN BRAUN and MICHELE BRAUN to Mortgage Electronic Registration
9 Systems, Inc., Solely as Nominee for U.S. Bank N.A., Its Successors and Assigns, in the
10 amount of \$405,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of
11 possession and by indorsement set forth on the Note.

12 c. A deed of trust was made, executed, and delivered by Defendants LYNN BRAUN and
13 MICHELE BRAUN on or about October 24, 2005 (the “Deed of Trust”). The Deed of Trust
14 was recorded on November 2, 2005 as Instrument No. 2005-75477 in the official records of
15 Deschutes County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
16 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
17 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
18 Sheriff’s Deed.

19 d. The Borrower failed to make the payment that was due for November 1, 2017 and has not
20 cured the default. The amount of debt secured by the Deed of Trust that is now due and
21 owing is comprised of the following amounts (the “Amount Due”):

- 22 a) Unpaid principal balance: \$305,272.23
23 b) Prejudgment interest accruing from \$67,191.39
24 10/1/2017 through 8/14/2023 and
25 continuing until the entry of
judgment at the current Note rate of
3.75000%:
26 c) Additional amounts due under the \$29,778.77
27 terms of the loan:
28

d) Attorney fees and costs:	\$5,970.06
e) Prevailing party fee (ORS 20.190 (1)(b)(A)):	\$85.00
Total:	\$408,297.45

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

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendants LYNN BRAUN and MICHELE BRAUN had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Deschutes County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale, post-judgment property taxes, insurance, and other sums reasonably incurred and allowed under the Deed of Trust to protect Plaintiff's interest in the Property, and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale, post-judgment property taxes,

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

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

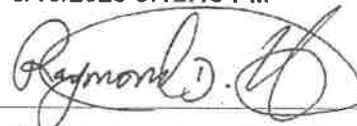
8 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
9 entitled to any further or other judgment, including a judgment for the deficiency.

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

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

- 15 1) Defendant PRONGHORN COMMUNITY ASSOCIATION, INC. may have a junior
16 interest in the Property by virtue of a Lien recorded on 8/30/2016 as Instrument No.
17 2016-35438 in the official records of Deschutes County, Oregon, and by virtue of a
18 Judgment entered on 10/30/2018 as Case No. 18CV10860 in Deschutes County,
19 Oregon.

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24 Circuit Court Judge Raymond D. Crutchley (He/Him)

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

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

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

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

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

8 No objection has been served on me.

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

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

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

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

13 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
14 otherwise.

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

17 Other: Defendant Pronghorn Community Association Inc. has stipulated to a limited
18 judgment and entry of a General Judgment.

19 Dated August 14, 2023 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Michael Scott

22 _____
John Thomas OSB No. 024691

23 Grace Chu OSB No. 220848

24 X Michael Scott OSB No. 973947

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Of Attorneys for Plaintiff