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

FINANCE OF AMERICA REVERSE LLC,

Case No. 23CV17551

Plaintiff,

WRIT OF EXECUTION

v.

THE ESTATE OF M. GEORGE O'BRIEN;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVEISEES OF M. GEORGE O'BRIEN;
MARK GEORGE O'BRIEN, JR.; UNITED
STATES OF AMERICA; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 5213 HILLTOP
DR., FLORENCE, OR 97439.

Defendant.

TO THE LANE COUNTY SHERIFF:

On November 7, 2023, 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. On May 20, 2024 a Supplemental Judgment of Foreclosure and Declaration of Amount Due was entered by Lane County Circuit Court.

The mailing address for the judgment creditor is: FINANCE OF AMERICA REVERSE LLC c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR 97204.

The real property to be sold at public auction is commonly known as 5213 HILLTOP DR., FLORENCE, OR 97439 ("Subject Property"), and legally described as:

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LOT 8. BLOCK 2. SECOND ADDITION TO TSILTCOOS HEIGHTS, AS PLATTED
AND RECORDED IN VOLUME 53, PAGE 29, LANE COUNTY OREGON PLAT
RECORDS, IN LANE COUNTY, OREGON.

The total amount due and owing on the Judgment as of May 23, 2024

Judgment:	Principal	\$230,555.27
Pre-Judgment:	Attorney Fees	\$4,680.00
	Costs	\$2,095.40
	Prevailing Party Fee	\$325.00
Post-Judgment:	Interest (9.00%, \$58.7097/day)	\$11,624.53 (11/8/23 through 5/23/24)
	Attorney Fees	\$445.00
Supplemental Judgment:	Costs	\$0.00
	Principal:	\$20,485.89
	Attorney Fees:	\$1,467.50
	Costs:	\$1,773.58
	Interest: (9.0%, \$5.8504/day)	\$17.55 (5/21/24 through 5/23/24)
TOTAL: \$273,469.72		

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

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///

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

4 MAY 24 2024



5 By: Kimberly Scott
6 court clerk

7 Presented by:
8 ALDRIDGE PITE, LLP
9
10 By: [Signature]
11 Michael J. Page OSB #194328
12 (503) 345-9459
13 Facsimile: (503) 222-2260

14 Of Attorneys for Judgment Creditor

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

FINANCE OF AMERICA REVERSE LLC,

Plaintiff,

v.

THE ESTATE OF M. GEORGE O'BRIEN;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF M. GEORGE O'BRIEN;
MARK GEORGE O'BRIEN, JR.; UNITED
STATES OF AMERICA; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 5213 HILLTOP
DR., FLORENCE, OR 97439,

Defendants.

Case No. 23CV17551

**STIPULATED GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY 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 M. George O'Brien; The Unknown Heirs, Assigns and Devisees of M. George O'Brien; Mark George O'Brien, Jr.; And All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 5213 Hilltop Dr., Florence, OR 97439, the stipulation of Defendant United States of America ("Stipulating Defendant"), the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Finance of America Reverse LLC ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 5213 Hilltop Dr.,

1 Florence, OR 97439 ("Subject Property"), as evidenced by the Deed of Trust recorded
2 November 5, 2021 in the official records of Lane County as instrument number 2021-069999
3 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
4 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
5 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
6 described as follows:

7 LOT 8, BLOCK 2, SECOND ADDITION TO TSILTCOOS HEIGHTS, AS
8 PLATTED AND RECORDED IN VOLUME 53, PAGE 29, LANE COUNTY
9 OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

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

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

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

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

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

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

Aldridge Pite
Aldridge Pite, LLP
1050 SW 6th Ave, Suite 1100
Portland, OR 97204
(858) 750-7600

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

1 subject property if Defendants or any other party or person refuses to surrender possession;

2 DECLARATION OF AMOUNT DUE BY DEFAULT

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

5 1. The total amount of the unpaid principal balance, interest, and other amounts
6 owed is \$230,555.27.

7 2. Simple interest at the variable rate currently at 7.0600% (\$45.49 *per diem*) after
8 August 29, 2023, through the date of judgment.

9 3. Attorney fees of \$4,680.00, plus \$445.00, through the date of sale.

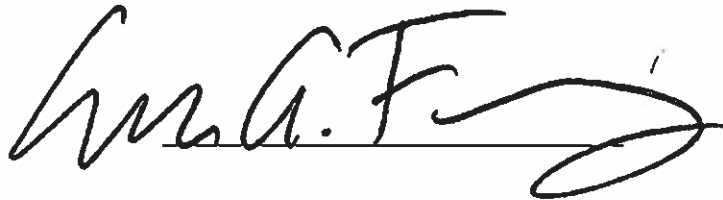
10 4. Costs of \$2,095.40, plus costs accrued through the date of sale.

11 5. Prevailing party fee: \$325.00.

12 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
13 of interest or 9.000% per annum, whichever is greater, through the date of sale.

14 11/2/2023 1:19:58 PM

15 **IT IS SO ADJUDGED**

16 

17 Erin A. Fennerty, Circuit Court Judge

18 CERTIFICATE OF READINESS

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

- 20
- 21
- 22 1. Each party affected by this order or judgment has stipulated to the order or judgment,
23 as shown by each party's signature on the document being submitted.
- 24 2. Each party affected by this order or judgment has approved the order or judgment, as
25 shown by each party's signature on the document being submitted or by written
26 confirmation of approval sent to me.

Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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- 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



Date: October 20, 2023

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/ Gillian Bunker
Gillian Bunker, OSB #062870
Of Attorneys for Defendant
(503) 727-1064
gillian.bunker@usdoj.gov

Date: October 19, 2023