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SEP 26 2024

Josephine Co. Sheriff's Office

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

FEDERAL HOME LOAN MORTGAGE CORPORATION, AS TRUSTEE FOR THE BENEFIT OF THE FREDDIE MAC SEASONED LOANS STRUCTURED TRANSACTION TRUST, SERIES 2021-1,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF CASEY RODRIGUEZ; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 24CV20424

WRIT OF EXECUTION IN FORECLOSURE

**TO THE JOSEPHINE COUNTY SHERIFF:**

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

FEDERAL HOME LOAN MORTGAGE CORPORATION, AS TRUSTEE FOR THE BENEFIT OF THE FREDDIE MAC SEASONED LOANS STRUCTURED TRANSACTION TRUST, SERIES 2021-1  
c/o Michael Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$75,395.54, plus pre judgment interest at the current  
2 Note rate of 9.375% from July 25, 2024 to July 26, 2024 in the amount of \$12.53, plus post  
3 judgment interest at the statutory rate of 9.0% per annum from July 26, 2024 through September  
4 6, 2024 in the amount of \$780.81, and continuing with a per diem of \$18.59, totaling \$76,188.88.

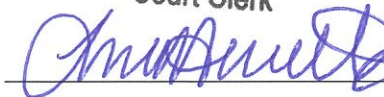
5 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are  
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
7 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
8 about July 14, 2000, the date of the Deed of Trust, and also the interest that the Defendant had  
9 thereafter, in the real property described as follows:

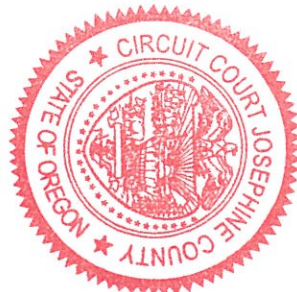
10 PARCEL 1 OF PARTITION PLAT NO. 1992-118 LOCATED IN MOONBEAM  
11 SUBDIVISION, IN THE NORTHWEST QUARTER OF THE NORTHEAST  
12 QUARTER OF SECTION 12, TOWNSHIP 37 SOUTH, RANGE 6 WEST, OF  
13 THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON.

14 and commonly known as: 468 MOONBEAM LN, GRANTS PASS, OR 97527.

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

20 DATED: 17 day of Sept, 2024.

21 Title Court Clerk  
22 By: 





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FOR THE COUNTY OF JOSEPHINE

FEDERAL HOME LOAN MORTGAGE CORPORATION, AS TRUSTEE FOR THE BENEFIT OF THE FREDDIE MAC SEASONED LOANS STRUCTURED TRANSACTION TRUST, SERIES 2021-1,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF CASEY RODRIGUEZ; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 24CV20424

GENERAL JUDGMENT OF FORECLOSURE

1.

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

Defendants UNKNOWN HEIRS AND DEVISEES OF CASEY RODRIGUEZ 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 not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

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

- a. The real property to which this judgment relates is located and situated in Josephine County, Oregon, and is commonly known as 468 MOONBEAM LN, GRANTS PASS, OR 97527 (the "Subject Property"), legally described as:

1 PARCEL 1 OF PARTITION PLAT NO. 1992-118 LOCATED IN MOONBEAM  
2 SUBDIVISION, IN THE NORTHWEST QUARTER OF THE NORTHEAST  
3 QUARTER OF SECTION 12, TOWNSHIP 37 SOUTH, RANGE 6 WEST, OF  
4 THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON.

5 APN/Parcel No. R324835.

6 b. Plaintiff is entitled to enforce the note dated July 14, 2000 and made, delivered, and executed  
7 by CASEY RODRIGUEZ to Western Sunrise aka Crossland Mortgage Corp. in the amount  
8 of \$81,750.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession  
9 and by indorsement set forth on the Note.

10 c. A deed of trust was made, executed, and delivered by Defendant CASEY RODRIGUEZ on  
11 or about July 14, 2000 (the "Deed of Trust"). The Deed of Trust was recorded on July 24,  
12 2000 as Instrument No. 00-13140 in the official records of Josephine County, Oregon. The  
13 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
14 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
15 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

16 d. The Borrower failed to make the payment that was due for July 1, 2021 and has not cured the  
17 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
18 comprised of the following amounts (the "Amount Due"):

- |    |                                       |                    |
|----|---------------------------------------|--------------------|
| 19 | a) Unpaid principal balance:          | \$48,789.48        |
| 20 | b) Prejudgment interest accruing from | \$14,386.23        |
| 21 | 6/1/2021 through 7/24/2024 and        |                    |
| 22 | continuing until the entry of         |                    |
|    | judgment at the current Note rate of  |                    |
|    | 9.375%:                               |                    |
| 23 | c) Additional amounts due under the   | \$7,077.89         |
| 24 | terms of the loan:                    |                    |
| 25 | d) Attorney fees and costs:           | \$5,056.94         |
| 26 | e) Prevailing party fee (ORS 20.190   | \$85.00            |
|    | (1)(b)(A)):                           |                    |
| 27 | <b>Total:</b>                         | <b>\$75,395.54</b> |

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

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

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

8 g. All right, title and interest in the Subject Property that Defendant CASEY RODRIGUEZ had  
9 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
10 Josephine County Sheriff's Office in accordance with the process for sale upon execution,  
11 and the proceeds of sale shall be applied:

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

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

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

20 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
21 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
22 the date of entry of judgment through the date of the sale, post-judgment property taxes,  
23 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to  
24 protect Plaintiff's interest the Property, and any incurred costs of sale.

25 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
26 Property from and after the date of the sale and is entitled to such remedies as are available at  
27

1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
3 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

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13 \_\_\_\_\_  
14 Circuit Court Judge Pat Wolke

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

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

20  
21  Each opposing party affected by this order or judgment has stipulated to the order or  
22 judgment, as shown by each opposing party's signature on the document being  
submitted.

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

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

26  No objection has been served on me.

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

4 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
5 any remaining objection.

6 [X] The relief sought is against an opposing party who has been found in default.

7 [ ] An order of default is being requested with this proposed judgment.

8 [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
9 otherwise.

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

13 [ ] Other:

14 Dated July 25, 2024 and submitted by:

15 **McCarthy & Holthus, LLP**

16 s/ Michael Scott

17 \_\_\_\_\_  
18 John Thomas OSB No. 024691

19 Grace Chu OSB No. 220848

20 X Michael Scott OSB No. 973947

21 920 SW 3rd Ave, 1st Floor

22 Portland, OR 97204

23 Phone: (971) 201-3200

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26 Of Attorneys for Plaintiff