

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN G. LAWRENCE, MARY
ELIZABETH LAWRENCE; CAPITAL ONE
BANK (U.S.A.), N.A., OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV21995

WRIT OF EXECUTION IN
FORECLOSURE

TO THE UMATILLA COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 28, 2017.
An Assignment of Judgment was executed on October 12, 2022. True copies of the Judgment
and Assignment are attached hereto. The Judgment is currently assigned to:

U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust
c/o Grace Chu
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

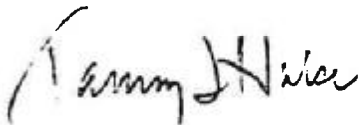
With the adjudicated amount due of \$77,414.71, plus pre judgment interest at the Note rate of
6.125% from September 25, 2017 through September 28, 2017 in the amount of \$34.23 and post
judgment interest at the statutory rate of 9.0% per annum from September 29, 2017 to September

1 16, 2024 in the amount of \$48,582.77, minus bankruptcy payments in the amount of \$6,506.49
2 and continuing with a per diem of \$19.10, currently totaling \$119,525.22.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about January 3, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
7 thereafter, in the real property described in *Exhibit 1*, APN: 109310 and commonly known as:
8 1103 Parallel St., Milton-Freewater, OR 97862.

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.

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Tammy Hulse, Court Clerk

9/11/2024 1:13:51 PM



Dated: and submitted by:

McCarthy & Holthus, LLP

/s/ - David M. Swartley

_ Grace Chu, OSB No. 220848

_x David M. Swartley, OSB No. 232327

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

gchu@mccarthyholthus.com

Of Attorneys for Plaintiff

EXHIBIT “1”

EAST HALF OF LOTS 4 AND 5, BLOCK 32, ORIGINAL TOWN OF FREEWATER, NOW CITY OF MILTON-FREEWATER, UMATILLA COUNTY, OREGON;

ALSO THAT VACATED PORTION OF PARALLEL STREET ADJOINING LOTS 4 AND 5, AND DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH ALONG EAST LINE OF LOTS 4 AND 5 TO SOUTHEAST CORNER OF LOT 5; THENCE EASTERLY ALONG EASTERLY EXTENDED SOUTH LINE OF LOT 5 A DISTANCE OF 10 FEET; THENCE NORTHERLY AND PARALLEL TO EASTERLY LINE OF BLOCK 32, TO A POINT ON EASTERLY EXTENDED NORTH LINE OF LOT 4; THENCE WESTERLY ALONG SUCH EXTENDED LINE 10 FEET TO THE POINT OF BEGINNING.

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE
UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN G. LAWRENCE; MARY
ELIZABETH LAWRENCE; CAPITAL
ONE BANK (U.S.A.), N.A.; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 17CV21995

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

All defendants ("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 Umatilla County, Oregon, and is commonly known as 1103 Parallel St., Milton-Freewater, OR 97862 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 109310.

- 1 b. Plaintiff is entitled to enforce the note dated January 3, 2006 and made, delivered, and
2 executed by BENJAMIN G. LAWRENCE and MARY ELIZABETH LAWRENCE to
3 BANK OF AMERICA, N.A. in the amount of \$80,000.00 (the "Note"). The Note was
4 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 5 c. A deed of trust was made, executed, and delivered by Defendants BENJAMIN G.
6 LAWRENCE and MARY ELIZABETH LAWRENCE on or about January 3, 2006 (the
7 "Deed of Trust"). The Deed of Trust was recorded on January 4, 2006 as Instrument No.
8 2006-4940192 in the official records of Umatilla County, Oregon. The Deed of Trust is a
9 valid and perfected lien against all of the Property for and securing the Amount Due. The
10 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
11 remain in effect until issuance of a Sheriff's Deed.
- 12 d. The Borrower failed to make the payment that was due for March 6, 2017 and has not cured
13 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):
- | | | |
|----|---------------------------------------|--------------------|
| 15 | a) Unpaid principal balance: | \$67,973.82 |
| 16 | b) Prejudgment interest accruing from | |
| 17 | 10/1/2016 through 9/25/2017 and | |
| 18 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 6.125%: | \$4,097.04 |
| 19 | c) Additional amounts due under the | \$1,914.51 |
| 20 | terms of the loan: | |
| 21 | d) Attorney fees and costs: | \$3,344.34 |
| 22 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(b)): | |
| 23 | Total: | \$77,414.71 |

24 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
25 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
26 per annum.
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1 e. The interest of the Defendants and any successor in interest in the Subject Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.

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

5 g. All right, title and interest in the Subject Property that Defendants BENJAMIN G.
6 LAWRENCE and MARY ELIZABETH LAWRENCE had as of the date of the Deed of
7 Trust or thereafter acquired is hereby ordered to be sold by the Umatilla County Sheriff's
8 Office in accordance with the process for sale upon execution, and the proceeds of sale shall
9 be applied:

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

11 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
12 entry of judgment through the date of the sale and any incurred costs of sale;

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

16 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
17 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
18 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

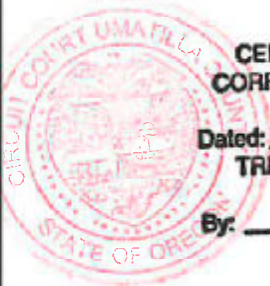
24 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
25 entitled to any further or other judgment, including a judgment for the deficiency.
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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

- 6 1) Defendant CAPITAL ONE BANK (U.S.A.), N.A. may claim a junior interest in
7 Subject Property by virtue of a judgment entered on January 10, 2017 as Case No.
8 17CV00833 in the official records of Umatilla County, Oregon.

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 CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Signed: 9/28/2017 02:05 PM
Dated: 9/11, 2024
TRIAL COURT ADMINISTRATOR
By: Tammy J. Hulse
Tammy J. Hulse Christopher R. Brauer, Circuit Court Judge

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

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

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

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

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

22 ☐ No objection has been served on me.

23 ☐ 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.

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

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

26 ☐ An order of default is being requested with this proposed judgment.
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1 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
2 otherwise.

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

6 [] Other: _____

7 DATED September 25, 2017 and submitted by:

8 **McCarthy & Holthus, LLP**

9 s/ Bryan Kidder

10 Bryan Kidder, OSB No. 140459

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

15 bkidder@mccarthyholthus.com

16 Of Attorneys for Plaintiff

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EXHIBIT “1”

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RECORDING COVER SHEET PER ORS 205.234
THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON
PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING.
ANY ERRORS IN THIS COVER SHEET DOES NOT AFFECT THE
TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

AFTER RECORDING RETURN TO:

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

State of Oregon
County of Umatilla
REC-CL-J

2022-7490759
12/06/2022 02:18:00 PM

Pgs=3 \$15.00 \$11.00 \$20.00

\$46.00

Office of County Records

John Churchill



M&H File No.: OR-17-765224-JUD

1. TITLE OF THE TRANSACTION (ORS 205.234a)
ASSIGNMENT OF JUDGMENT

2. Direct Party/Grantor(s) and Address: (ORS 205.160)

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND
EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA

C/O SN Servicing Corporation

323 Fifth Street

Eureka, CA 95501

3. Indirect Party/Grantee(s)/Plaintiff and Address: (ORS 205.1251a and 205.160)

U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust

C/O SN Servicing Corporation

323 Fifth Street

Eureka, CA 95501

4. Trustor(s)/Defendant(s) and Address:

Benjamin G. Lawrence

1103 Parallel St.

Milton-Freewater, OR 97862

Mary Elizabeth Lawrence

1103 Parallel St.

Milton-Freewater, OR 97862

5. TRUE AND ACTUAL CONSIDERATION PAID (ORS 93.030)

\$ _____

6. SEND TAX STATEMENTS TO:

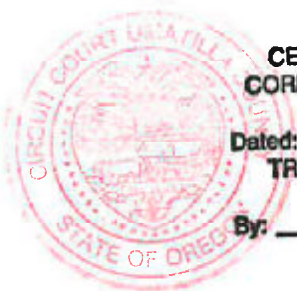
U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust

C/O SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501

7. If this instrument is being Re-Recorded, complete the following statement: (ORS 205.244)

Being Re-Recorded to correct _____

Previously recorded as Document No. _____



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Dated: 9/11, 2024

TRIAL COURT ADMINISTRATOR

By: Tammy J. Hulse
Tammy J. Hulse

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

FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE"), A
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Plaintiff,

vs.

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ELIZABETH LAWRENCE; CAPITAL ONE
BANK (U.S.A.), N.A., OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV21995

ASSIGNMENT OF GENERAL
JUDGMENT OF FORECLOSURE

1.

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A
CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED
STATES OF AMERICA, ("Assignor"), for valued received, hereby sells and assigns to U.S. Bank
Trust National Association, as Trustee of Chalet Series III Trust ("Assignee") the General
Judgment of Foreclosure entered into the court's register on 9/28/2017 which contains a
Judgment in principal sum of \$77,414.71 with interest thereon, plus costs, attorney fees and
litigation costs as set forth in said judgment.


2.

NOW THEREFORE, Assignor, FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA, hereby assigns, conveys and transfers to Assignee, U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust, all rights, title and interests the assignor has in and to the General Judgment of Foreclosure. Assignee now stands in the position of the assignor, who is the Plaintiff and judgment creditor in this action, thereby fully replacing the Assignor in that role.

The Clerk of the Court shall note this assignment in the court's records

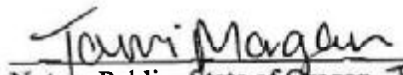
DATED October 12, 2022

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA


Alan Bryant, AVP

State of Texas
County of Collin

This instrument was acknowledged before me on October 12, 2022 by Alan Bryant of FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA


Notary Public- State of ~~Oregon~~ Texas
My commission expires: 10/13/2025

