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3 Jaimie Fender, OSB #120832
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CIRCUIT COURT OF OREGON FOR LANE COUNTY

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18
19 DEUTSCHE BANK NATIONAL TRUST
20 COMPANY, AS TRUSTEE FOR NEW
21 CENTURY HOME EQUITY LOAN TRUST, NO. 16CV19891
22 SERIES 2005-C, ASSET BACKED PASS-
23 THROUGH CERTIFICATES, WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

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29 ROCHELLE LUCKING; RAY KLEIN INC.,
30 DBA PROFESSIONAL CREDIT SERVICE;
31 OREGON AFFORDABLE HOUSING
32 ASSISTANCE CORPORATION; AND
33 PERSONS OR PARTIES UNKNOWN
34 CLAIMING ANY RIGHT, TITLE, LIEN, OR
35 INTEREST IN THE PROPERTY DESCRIBED
36 IN THE COMPLAINT HEREIN,

Defendants.

TO: LANE COUNTY SHERIFF

1
2 1. WHEREAS, on March 29, 2017, in the above-entitled court, a judgment of foreclosure
3 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as
4 Exhibit "A" and made a part hereof;

5 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

6 Deutsche Bank National Trust Company, as Trustee for New Century Home Equity
7 Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates
8 c/o Ocwen Loan Servicing
9 1661 Worthington Rd., #100
10 West Palm Beach, FL 33409

11 For the purpose of this Writ, the Judgment Creditor's address is as follows:

12 Ocwen Loan Servicing
13 c/o Robinson Tait, P.S.
14 901 Fifth Avenue, Suite 400
Seattle, Washington 98164

15 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is
16 legally described as

17 THE WEST 75 FEET OF LOTS 8, 9, AND 10, BLOCK 9, STOREY SUBDIVISION OF
18 COLLEGE-CREST ADDITION TO EUGENE, AS PLATTED AND RECORDED IN BOOK 4,
19 PAGE 41, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

20 and commonly known as 745 W 26th Ave, Eugene, OR 97405.

21
22 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
23 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
24 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
25 had on October 19, 2005, the date of the Deed of Trust, and also all of the interest which the
26 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
27 which as of April 28, 2017,
28

1
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.

6
7 DATED this 3rd day of May, 2017.

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10 By: Angie Jones
11 Court Clerk

12
13 For: ISI Elizabeth Rambo
14 Trial Court Administrator



Exhibit A

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CIRCUIT COURT OF OREGON FOR LANE COUNTY

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN TRUST,
SERIES 2005-C, ASSET BACKED PASS-
THROUGH CERTIFICATES,

Plaintiff,

v.

ROCHELLE LUCKING; RAY KLEIN INC.,
DBA PROFESSIONAL CREDIT SERVICE;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

NO. 16CV19891

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein. the
plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY. AS TRUSTEE FOR NEW
CENTURY HOME EQUITY LOAN TRUST. SERIES 2005-C. ASSET BACKED PASS-
THROUGH CERTIFICATES, appearing and being represented by CRAIG PETERSON, Attorney of

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-29424-100 OR1677943

Law Offices
ROBINSON TAIT, P.S.

201 Fifth Avenue, Suite 160
Seattle, WA 98101
206.465.7610

1
2 Robinson Tait, and after considering the pleadings and affidavits on file herein, findings of fact and
3 conclusion of law being unnecessary under Civil Rule 69D. the court finds that the allegations
4 contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the
5 plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of
6 the plaintiff forthwith as more particularly hereafter set forth. Therefore,
7

8 IT IS HEREBY ORDERED AND ADJUDGED THAT:

9 1. Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
10 NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-C, ASSET BACKED PASS-
11 THROUGH CERTIFICATES be awarded judgment in the sum of \$141,013.48, together with interest at
12 a rate as provided in the Note from May 1, 2011 through December 26, 2016 in the amount of
13 \$70,544.64 with additional pre-judgment interest at the per diem rate of \$34.66 as provided in the Note
14 to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,050.00, plus other
15 recoverable amounts of \$19,336.59 which includes the amounts itemized in the declaration of the lender
16 in support of motion for judgment plus allowable costs of \$2,220.00 as itemized in the bill of
17 disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest
18 until paid at the statutory rate or at the contract rate, whichever is greater; and
19
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21 2. Plaintiff's Deed of Trust on real property in Lane County, Oregon, legally described as
22 follows:
23

24 THE WEST 75 FEET OF LOTS 8, 9, AND 10, BLOCK 9, STOREY SUBDIVISION
25 OF COLLEGE-CREST ADDITION TO EUGENE, AS PLATTED AND
26 RECORDED IN BOOK 4, PAGE 41, LANE COUNTY OREGON PLAT
27 RECORDS, IN LANE COUNTY, OREGON.
28

which was recorded on October 24, 2005, under Auditor's File No. 2005-084563. records of Lane
County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described

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2 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
3 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
4 Sheriff of Lane County in the manner provided for by law, and the proceeds therefrom shall be
5 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
6 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
7 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
8 defendants Rochelle Lucking, Ray Klein Inc., DbA Professional Credit Service, Oregon Affordable
9 Housing Assistance Corporation, and Persons Or Parties Unknown Claiming Any Right, Title, Lien,
10 Or Interest In The Property Described In The Complaint Herein and of any one claiming by, through
11 or under them; and
12
13

14 3. Rochelle Lucking, Ray Klein Inc., DbA Professional Credit Service, Oregon
15 Affordable Housing Assistance Corporation, and Persons Or Parties Unknown Claiming Any Right,
16 Title, Lien, Or Interest In The Property Described In The Complaint Herein subsequent to October
17 19, 2005, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped
18 from claiming or asserting any right, title, lien or interest in or to said property or any part thereof,
19 save and except for the right of redemption as allowed by law; and
20

21 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
22 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
23 law, and to all right, title and interest in any rents and profits generated or arising from the property
24 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
25 secure possession, including writ of assistance, if defendants or any of them or any other party or person
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1 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
2 possession; and
3

4 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
5 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
6 pay the remaining proceeds as directed by the court in the order of distribution.
7

8
9 **DECLARATION DETERMINING AMOUNT OF DEBT**
10 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

11 Judgment Creditor: DEUTSCHE BANK NATIONAL TRUST
12 COMPANY, AS TRUSTEE FOR NEW
13 CENTURY HOME EQUITY LOAN TRUST,
14 SERIES 2005-C, ASSET BACKED PASS-
15 THROUGH CERTIFICATES
16 c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

17 Attorney for Judgment Creditor: Craig Peterson
18 Robinson Tait, P.S.
19 901 Fifth Avenue, Suite 400
20 Seattle, WA 98164
(206) 676-9640

21 The name of any person or public body,
22 other than the Judgment Creditor's
23 Attorney, who is entitled to any
24 portion of the judgment: None

24 Principal Balance: \$141,013.48

25 Simple Interest on the Principal Balance
26 from May 1, 2011 to December 26, 2016: \$70,544.64

27 Other Amounts Due Under Terms of Loan: \$19,336.59

28 Attorneys' Fees and Costs:

Attorneys' Fee: \$2,050.00
Total Costs: \$2,220.00

Total Attorney Fees and Costs: \$4,270.00

TOTAL DEBT OWED \$235,164.71

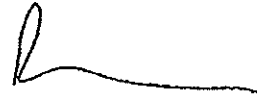
Pre-Judgment: Additional pre-judgment interest accrues from December 27, 2016, to the date of entry of judgment at the per diem rate of \$34.66, in accordance with the Note.

Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Allowed _____

Denied _____

Signed: 3/27/2017 04:49 PM



R. Curtis Conover, Circuit Court Judge

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
Robinson Tait P.S.
Attorney for Plaintiff

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60128-29424-JUD-OR1677943

Law Office
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100
Seattle, WA 98101
206.476.9610


CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a party who has been found in default.
5. An order of default is being requested with this proposed judgment.
6. Service is not required pursuant to subsection (1)(c) of UTCR 5.100, or by statute, rule, or otherwise.
7. 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 (1)(d) of UTCR 5.100.

Date:

3-18-17



Attorney, OSB

120365