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2 Craig Peterson, OSB #120365  
3 Jaimie Fender, OSB #120832  
4 Kimberly Hood, OSB #123008  
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6 Gregory Morphew, OSB #170214  
7 Robinson Tait, P.S.  
8 901 Fifth Avenue, Suite 400  
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CIRCUIT COURT OF OREGON FOR LANE COUNTY

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS CWALT, NO. 16CV41385  
INC., ALTERNATIVE LOAN TRUST 2006-  
18CB, MORTGAGE PASS-THROUGH WRIT OF EXECUTION IN FORECLOSURE  
CERTIFICATES, SERIES 2006-18CB,

Plaintiff,

v.

RANDEEN M. CUMMINGS, AS A  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF WILLIAM R. NELSON;  
RANDEEN M. CUMMINGS; AND PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

1  
2 TO: LANE COUNTY SHERIFF

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

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

7  
8 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS  
9 TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE  
10 LOAN TRUST 2006-18CB, MORTGAGE PASS-THROUGH CERTIFICATES,  
11 SERIES 2006-18CB  
12 c/o New Penn Financial, LLC dba Shellpoint Mortgage Servicing  
13 55 Beattie Place, Suite 110, MS501  
14 Greenville, SC 29601

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

16 New Penn Financial, LLC dba Shellpoint Mortgage Servicing  
17 c/o Robinson Tait, P.S.  
18 901 Fifth Avenue, Suite 400  
19 Seattle, Washington 98164

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

22 LOT 10, SILVER ACRES, AS PLATTED AND RECORDED JANUARY 30, 2004.  
23 RECEPTION NO. 2004-006549, LANE COUNTY OREGON RECORDS, IN LANE COUNTY,  
24 OREGON.

25 and commonly known as 475 Salty Way, Eugene, OR 97404.

26 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
27 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
28 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
had on April 5, 2006, the date of the Deed of Trust, and also all of the interest which the defendant(s)

1  
2 had thereafter, in the real property described in the judgment. to satisfy the judgment, which as of  
3 May 17, 2017,

4 **Lenders Principal Judgment:**

5	1. Unpaid Principal Balance	\$335,677.75
6	2. Pre-Judgment Interest from February 1, 2013	
7	to April 3, 2017, the date calculated by the Declarant	
8	in the Declaration in Support of Judgment	\$89,010.62
9	3. Lenders Fees and Costs	\$25,312.92
10	4. Attorney's Fees and Costs	\$3,603.48
11	<i>Total Judgment Award Entered</i>	<u>\$453,604.77</u>

12 **Additional Pre Judgment Interest**

13	1. Accrued Interest from April 4, 2017	
14	to May 3, 2017, the date of entry	
15	of Judgment	\$1,668.90
16	<i>Total Judgment Award</i>	<u>\$455,273.67</u>

17 **Post Judgment Interest**

18	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$112.26, from May 4,	
19	2017, the day after the entry of judgment, through May 17, 2017,	
20	the date the writ is being requested	\$1,571.64

21  
22 *Current Total Amount Owing*      \$ 456,845.31

23  
24 In addition to the above, interest continues to accrue on the total of the amounts listed above  
25 at the rate of 9% per annum or at \$112.26 per diem. in accordance with the General Judgment of  
26 Foreclosure and continues to accrue until the date of sale.

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

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

DATED this 19<sup>th</sup> day of May, 2017.

By: Angie Jones  
court clerk



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR LANE COUNTY

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS CWALT.  
INC., ALTERNATIVE LOAN TRUST 2006-  
18CB. MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-18CB,

NO. 16CV41385

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE

Plaintiff,

v.

(Clerk's Action Required)

RANDEEN M. CUMMINGS, AS A PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
WILLIAM R. NELSON; RANDEEN M.  
CUMMINGS; AND PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT, TITLE,  
LIEN, OR INTEREST IN THE PROPERTY  
DESCRIBED IN THE COMPLAINT HEREIN.

Defendants.

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, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT. INC., ALTERNATIVE LOAN TRUST  
2006-18CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-18CB, appearing and  
being represented by CRAIG PETERSON, Attorney of Robinson Tall, and after considering the

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 1  
60137-00023-01-0-OR1698981

ROBINSON TALL, P. S.

500 First Avenue, Suite 100  
Seaside, OR 97138  
TEL: 503.738.7610

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

7  
8 IT IS HEREBY ORDERED AND ADJUDGED THAT:

9 1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,  
10 AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN  
11 TRUST 2006-18CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-18CB be  
12 awarded judgment in the sum of \$335,677.75, together with interest at a rate as provided in the Note  
13 from February 1, 2013 through April 3, 2017 in the amount of \$89,010.62 with additional pre-judgment  
14 interest at the per diem rate of \$55.63 as provided in the Note to the date of entry of judgment; plus  
15 reasonable attorneys' fees in the amount of \$2,600.00, plus other recoverable amounts of \$25,312.92  
16 which includes the amounts itemized in the declaration of the lender in support of motion for judgment  
17 plus allowable costs of \$1,003.48 as itemized in the bill of disbursements and an additional amount for  
18 post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the  
19 contract rate, whichever is greater; and.

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21  
22 2. Plaintiff's Deed of Trust on real property in Lane County, Oregon, legally described as  
23 follows:

24  
25 LOT 10, SILVER ACRES, AS PLATTED AND RECORDED JANUARY 30, 2004,  
26 RECEPTION NO. 2004-006549, LANE COUNTY OREGON RECORDS, IN LANE  
27 COUNTY, OREGON.  
28

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 2

601-8-0002 S.J. D-OR1608983

ROBINSON TAIT, P.S.

601 Fifth Avenue, Suite 100  
Seattle, WA 98104  
C O U N T Y C L E R K

1  
2 which was recorded on April 17, 2006, under Auditor's File No. 2006-025794, records of Lane  
3 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described  
4 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that  
5 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the  
6 Sheriff of Lane County in the manner provided for by law, and the proceeds therefrom shall be  
7 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as  
8 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien  
9 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the  
10 defendant and of any one claiming by, through or under them; and  
11

12  
13 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the  
14 property described above or any part thereof subsequent to April 5, 2006, the date of the Deed of  
15 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,  
16 title, lien or interest in or to said property or any part thereof, save and except for the right of  
17 redemption as allowed by law; and  
18

19 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the  
20 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to  
21 law, and to all right, title and interest in any rents and profits generated or arising from the property  
22 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to  
23 secure possession, including writ of assistance, if defendants or any of them or any other party or person  
24 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for  
25 possession; and  
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1  
2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
4 pay the remaining proceeds as directed by the court in the order of distribution.  
5

6 **DECLARATION DETERMINING AMOUNT OF DEBT**  
7 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

8 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA  
9 THE BANK OF NEW YORK, AS TRUSTEE  
10 FOR THE CERTIFICATEHOLDERS CWALT,  
11 INC., ALTERNATIVE LOAN TRUST 2006-  
12 18CB, MORTGAGE PASS-THROUGH  
13 CERTIFICATES, SERIES 2006-18CB  
14 c/o Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640

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

18 The name of any person or public body,  
19 other than the Judgment Creditor's  
20 Attorney, who is entitled to any  
portion of the judgment: None

21 Principal Balance: \$335,677.75

22 Simple Interest on the Principal Balance  
23 from February 1, 2013 to April 3, 2017: \$89,010.62

24 Other Amounts Due Under Terms of Loan: \$25,312.92

25 Attorneys' Fees and Costs:  
26 Attorneys' Fee: \$2,600.00  
27 Total Costs: \$1,003.48

28 Total Attorney Fees and Costs: \$3,603.48

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TOTAL DEBT OWED \$453,604.77

Pre-Judgment: Additional pre-judgment interest accrues from April 4, 2017, to the date of entry of judgment at the per diem rate of \$55.63, 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: 5/3/2017 11:54 AM



Charles D. Carlson, Circuit Court Judge

Submitted by:



Craig Peterson, OSB #120365  
Email: cpeterson@robinsontait.com  
 Jaimie Fender, OSB #120832  
Email: jfender@robinsontait.com  
 Kimberly Hood, OSB #123008  
Email: khood@robinsontait.com  
 Michael Althouse, OSB #150793  
Email: malthouse@robinsontait.com  
 Gregory Morphew, OSB #170214  
Email: gmorphew@robinsontait.com  
Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
Fax: (206) 676-9659

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:

4-25-17

Cucio  
\_\_\_\_\_  
Attorney, OSB

120365