

pd 37⁰⁰
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Court clerk has not verified the figures in
this writ. If you have questions
regarding this writ, please contact your legal
counsel, the issuing attorney, or company
Debtor may contest this writ by filing a claim
of exception.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF JESUS RUIZ AKA
JESUS A RUIZ; SARAH RUIZ; SOFIA RUIZ;
PORTFOLIO RECOVERY ASSOCIATES,
LLC; STATE OF OREGON; OREGON
DEPARTMENT OF STATE LANDS; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.15CV31289

WRIT OF EXECUTION IN
FORECLOSURE

2017 SEP 12 PM 5:07

TO: THE SHERIFF OF MULTNOMAH COUNTY, OREGON

1.

WHEREAS, on June 12, 2017, in the above-entitled court, a General Judgment of
Foreclosure (the "Judgment") was entered and docketed in the above-entitled cause.

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
commanded to sell, in the manner prescribed by law for the sale of real property upon execution
(subject to redemption), all of the interest which the defendants had on December 15, 2006, the

1 date of the foreclosed Deed of Trust, and also all of the interest which the defendants had
2 thereafter, in the real property described in the Judgment to satisfy the amount due to Plaintiff,
3 set out as follows:

4 **Lenders' Principal Judgment**

5 Unpaid Principal Balance	\$256,744.32
6 Pre-Judgment Interest from September 1, 2012 to 7 April 30, 2017, the date calculated by the declarant in 8 the declaration of indebtedness @ 4.00% per annum	\$28,630.00
9 Lenders' Fees and Costs	\$28,157.01
10 Attorneys' Fees and Costs	\$6,759.70
11 <i>Total Amount Due to Plaintiff as of Judgment Submission Date</i>	\$320,291.03

12 **Additional Pre-Judgment Interest**

13 Accrued Interest from May 1, 2017 through June 12, 14 2017, the date of entry of the general judgment @ 15 4.00% per annum (\$28.14 per diem).	\$1,210.02
16 <i>Total Amount Due to Plaintiff as of Judgment Entry Date</i>	\$321,501.05

17 **Post Judgment Interest**

18 Accrued Post Judgment Interest from June 13, 2017, 19 the date after the entry of the general judgment, 20 through August 9, 2017, the date the Writ was 21 requested @ legal rate of interest of 9.000% per 22 annum (\$79.27 per diem).	\$4,518.39
23 <i>Total Amount Due to Plaintiff as of Date of Writ</i>	\$326,019.44

24 3.

25 In addition to this amount, Plaintiff is entitled to the continued accrual of post-judgment
26 interest at the legal rate of interest of 9.000% per annum, \$79.27 per diem from August 10, 2017,
to the date the real property subject to the Judgment is sold by the Multnomah County Sheriff at
its foreclosure auction, plus costs of this writ, sheriff's fees and sale costs, and all other
recoverable costs pursuant to law.

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4.

The real property subject to this writ of execution is situated in Multnomah County, State of Oregon, to wit:

LOT 2, BLOCK 1, LANSDOWNE, PORTLAND, MULTNOMAH COUNTY, OREGON.

and more commonly known as 1039 Southeast 168th Avenue, Portland, Oregon 97233 ("Property").

5.

The Judgment Creditor's name and address is:

Federal National Mortgage Association
c/o Seterus, Inc.
PO Box 2008
Grand Rapids, MI 49501-2008

6.

The Judgment Creditor's name and address for the purpose of this Writ is:

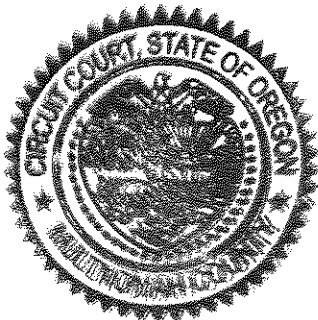
Federal National Mortgage Association
c/o RCO Legal, P.C.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 977-7840

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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, including interest, fees and costs.

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



Deen Calle
08/21/2017

Submitted By:

Calvin Knickerbocker Date: 8/9/2017

Calvin Knickerbocker, OSB #050110
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 977-7840; Fax (503) 977-7963
cknickerbocker@rcolegal.com

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF JESUS RUIZ AKA
JESUS A RUIZ; SARAH RUIZ; SOFIA RUIZ;
PORTFOLIO RECOVERY ASSOCIATES,
LLC; STATE OF OREGON; OREGON
DEPARTMENT OF STATE LANDS; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 15CV31289

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

- (1) UNKNOWN HEIRS OF JESUS RUIZ AKA JESUS A RUIZ;
- (2) SARAH RUIZ;
- (3) SOFIA RUIZ;
- (4) PORTFOLIO RECOVERY ASSOCIATES, LLC;
- (5) STATE OF OREGON;
- (6) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Federal National Mortgage Association, its successors in interest and/or assigns ("Plaintiff"), filed its First Amended Complaint for deed of trust foreclosure and declaratory relief; that defendants Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz;

1 Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; and Occupants of the
2 Premises failed to appear; and that an Order of Default has been filed concurrently with this Judgment
3 and, consequently this General Judgment of foreclosure is submitted in accordance with UTCR 5.100
4 (3)(c).

5
6 2.

7 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the
8 Court's register to accomplish the following: to foreclose any and all interest of defendants Unknown
9 Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC;
10 State of Oregon; and Occupants of the Premises in the real property subject to this foreclosure action,
11 located at 1039 Southeast 168th Avenue, Portland, Oregon 97233 (the "Property").

12
13 3.

14 The court being fully advised in the Premise, finding good cause exists so this general judgment
15 of foreclosure and sale may be entered in favor of Plaintiff and against Unknown Heirs of Jesus Ruiz
16 aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; and
17 Occupants of the Premises, all of them, it is hereby

18 ORDERED AND ADJUDGED:

19
20 4.

21 That the Deed of Trust dated December 15, 2006, executed by Jesus A Ruiz for the benefit of
22 Mortgage Electronic Registration Systems, Inc. solely as nominee for American Mortgage Network,
23 Inc., DBA American Mortgage Network of Oregon, its successors and assigns ("Deed of Trust"),
24 recorded on December 20, 2006 as Instrument No. 2006-234521 in the official records of Multnomah
25 County, Oregon, modified by the loan modification agreement dated November 23, 2010, and
26

1 subsequently assigned to Plaintiff by way of an assignment recorded on April 16, 2013 as Instrument
2 No. 2013-051712, is a valid lien for the amount due and owing as set forth in Paragraph 13 herein,
3 against the Property situated in Multnomah County, Oregon, and described as follows

4 LOT 2, BLOCK 1, LANSDOWNE, PORTLAND, MULTNOMAH COUNTY,
5 OREGON.

6 5.

7 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants
8 Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates,
9 LLC; State of Oregon; and Occupants of the Premises in the Property, and that said Deed of Trust is
10 hereby foreclosed by this Court on the Property.
11

12 6.

13 That Jesus Ruiz, the grantor of the Note and Deed of Trust is deceased. This suit constitutes an
14 attempt to execute upon the Property as security for the Amount Due to Plaintiff under the terms of the
15 Deed of Trust.

16 7.

17 That defendants Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz;
18 Portfolio Recovery Associates, LLC; State of Oregon; and Occupants of the Premises, each of them,
19 and all parties claiming by, through, or under them as purchasers, encumbrances, or otherwise, are
20 forever barred and foreclosed of all interests, liens, or claims in the Property, and every portion thereof,
21 excepting only the statutory right of redemption provided by the laws of the State of Oregon.
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8.

That defendants Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; Oregon Department of State Lands; and Occupants of the Premises, all of them, are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

9.

That all of the right, title and interest which Jesus A Ruiz had on December 15, 2006, the date of the Deed of Trust, and all of the right, title and interest defendants Unknown Heirs of Jesus Ruiz aka Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; and Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 13 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

10.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 13 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

11.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, should defendants Unknown Heirs of Jesus Ruiz aka

1 Jesus A Ruiz; Sarah Ruiz; Sofia Ruiz; Portfolio Recovery Associates, LLC; State of Oregon; and
2 Occupants of the Premises refuse to surrender possession of the Property immediately upon the
3 purchaser's demand for possession.

4 12.

5 That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this
6 action, and that Plaintiff's attorney fees in the amount of \$3,160.00 and its litigation costs in the amount
7 of \$3,599.70, shall be, and is hereby declared additional amounts secured by and hereinafter shall be
8 made part of the amount of the debt secured by Plaintiff's Deed of Trust.
9

10 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

11 **(Pursuant to Senate Bill 368)**

12 13.

13 Under the terms of the Deed of Trust and the promissory note dated December 15, 2006, in the
14 principal amount of \$234,400.00, there is now due and owing the following amounts, to be hereinafter
15 described as the Amount Due:
16

17 **Attorneys' Fees and Costs**

18 Attorneys' Fees		\$3,160.00
19 Litigation Guarantee	\$843.00	
20 Filing Fee - Complaint	\$531.00	
21 Recording Fee - Lis Pendens	\$50.00	
22 Process Service Fees	\$835.00	
23 Publication Costs	\$1,171.20	
24 Courier and Mailing Costs	\$29.50	
25 Death Certificate	\$40.00	
26 Filing Fee - Vacate Dismissal	\$100.00	
	Total Costs	\$3,599.70
	Total Attorneys' Fees and Costs	\$6,759.70

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Lenders' Principal and Interest

Principal Balance	\$256,744.32	
Accrued Interest from September 1, 2012, to April 30, 2017, the date calculated by the declarant in the declaration in support of default @ 4.000% per annum	\$28,630.00	
		<i>Total Principal & Interest</i>
		\$285,374.32

Lenders' Fees and Costs

Accumulated Late Charges	\$3.16	
Escrow Advance	\$26,843.13	
Recoverable Balance	\$1,310.72	
		<i>Total Lenders' Fees and Costs:</i>
		\$28,157.01
		<i>Total Lenders' Principal, Interest, Fees, and Costs:</i>
		\$313,531.33

Additional pre-judgment interest pursuant to ORS 18.042 from April 30, 2017 to the date entry of judgment at the variable contract rate as defined by the loan modification

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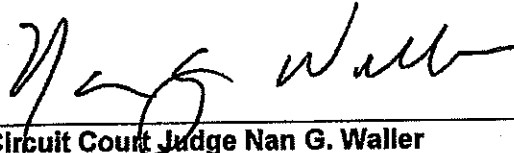
1 Post-Judgment interest thereafter on the Total
2 Amount Due at the variable contract rate as defined
3 by the loan modification, or 9.000% per annum,
4 whichever is greater.

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Total Amount Due

\$320,291.03

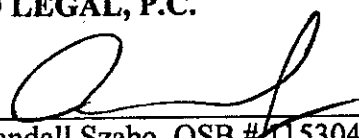
Signed: 6/9/2017 08:47 AM



Circuit Court Judge Nan G. Waller
proxy signed by LD

Presented by:

RCO LEGAL, P.C.

By  DATED 6/1/17

Randall Szabo, OSB #115304
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
Telephone (503) 977-7840 Facsimile (503) 977-7963
rszabo@rcolegal.com

CERTIFICATE OF UTCR 5.100 COMPLIANCE

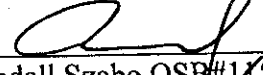
This Proposed order or judgment is ready for judicial signature because:

- A. The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B. The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C. The judgment or order is exempt from UTCR 5.100(1) because:
 - a. The judgment or order is a proposed order or judgment presented in open court with the parties present.
 - b. The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.
 - c. The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.
 - d. The proposed judgment is subject to UTCR 10.0099
 - e. The proposed judgment or order is an uncontested probate and protective proceeding.
 - f. This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.
- D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:
 - 1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
 - 2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
 - 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 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.
 - c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
 - 4. The relief sought is against an opposing party who has been found to be in default.

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- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise noted.
- 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 (4) of this rule.

Dated this 6 day of June, 2017

By, 
Randall Szabo OSB#115304
Attorney for Plaintiff