

PD #37-
Cev # 5-
\$3.75

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 OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

U.S. BANK TRUST, N.A. AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST,

Case No.: 130506814

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

JAMES F. BOLAND; VANESSA R.
BOLAND; BANK OF AMERICA, N.A.;
AMERICAN GENERAL FINANCIAL
SERVICES; WESTERN CREDIT &
COLLECTION SERVICE, INC.;
COLUMBIA COLLECTION SERVICE
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
COUNTRYWIDE HOME LOANS, INC.;
OCCUPANTS OF THE PROPERTY,

Defendants.

2017 SEP 13 AM 10:45

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 3/29/2017, a
corrected judgment entered on 5/3/2017, and a second corrected judgment entered on 7/21/2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

U.S. BANK TRUST, N.A. AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$275,104.23, plus post judgment interest at the statutory rate
of 9.0% per annum from 3/29/2017 to 8/3/2017 in the amount of \$8,614.91, and continuing with

1 a per diem of \$67.83, currently totaling \$283,719.14.

2 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
3 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
4 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
5 about April 25, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
6 thereafter, in the real property described in attached *Exhibit 1*, APN/Parcel # R262109, and
7 commonly known as 8727 NE Prescott St, Portland , OR 97220 .

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

13 **DATED:** 16 day of August, 2017.

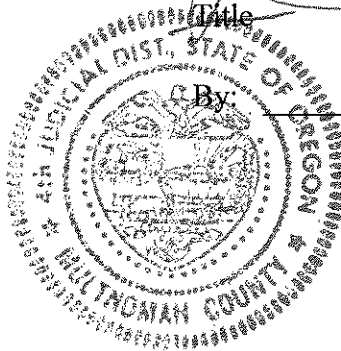
14 _____
15 Title

16 _____
17 By

18 Dated: 8/3/17 and submitted by:

19 **McCarthy & Holthus, LLP**

20 _____
21 John Thomas OSB No. 024691
22 Robert Hakari OSB No. 114082
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 rhakari@mccarthyholthus.com
28 Of Attorneys for Plaintiff



LOT 8, AND THAT PART OF LOT 7 LYING NORTH OF A LINE DRAWN 50 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 7, BLOCK 36, ROSEWAY PLAT NO. 2, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

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

U.S. BANK TRUST, N.A. AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

JAMES F. BOLAND; VANESSA R.
BOLAND; BANK OF AMERICA, N.A.;
AMERICAN GENERAL FINANCIAL
SERVICES; WESTERN CREDIT &
COLLECTION SERVICE, INC.;
COLUMBIA COLLECTION SERVICE
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
COUNTRYWIDE HOME LOANS, INC.;
OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 130506814

SECOND CORRECTED GENERAL
JUDGMENT OF FORECLOSURE AS TO
ALL DEFENDANTS

1.

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

- a. JAMES F. BOLAND, VANESSA R. BOLAND, AMERICAN GENERAL FINANCIAL SERVICES, WESTERN CREDIT & COLLECTION SERVICE, INC., COLUMBIA COLLECTION SERVICE INC., COUNTRYWIDE HOME LOANS, INC., 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;
- b. A Stipulation has been entered with regard to Defendants BANK OF AMERICA, N.A. and

1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC (“Stipulating
2 Defendants”) (collectively Defaulted and Stipulating Defendants are referred to as
3 “Defendants”);

4 2.

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

- 6 1. The real property to which this judgment relates is located and situated in Multnomah
7 County, Oregon, and is commonly known as 8727 NE Prescott St, Portland , OR 97220 (the
8 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having
9 APN/Parcel No. R262109.
- 10 2. Plaintiff is entitled to enforce the note dated 4/25/2007 and made, delivered, and executed by
11 Vanessa R. Boland and James F. Boland (“Borrowers”) to Countrywide Home Loans, Inc. in
12 the amount of \$192,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of
13 possession and by indorsement set forth on the Note.
- 14 3. A deed of trust was made, executed, and delivered by Borrowers on or about 4/25/2007 (the
15 “Deed of Trust”). The Deed of Trust was recorded on 5/10/2007 as Instrument No. 2007-
16 083599 in the official records of Multnomah County, Oregon. The Deed of Trust is a valid
17 and perfected lien against all of the Property for and securing the Amount Due. The lien of
18 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in
19 effect until issuance of a Sheriff’s Deed.
- 20 4. The Borrower failed to make the payment that was due for 7/1/2013 and has not cured the
21 default. The amount of debt secured by the Deed of Trust that is now due and owing is
22 comprised of the following amounts (the “Amount Due”):

- 23 a) Unpaid principal balance: \$205,551.74
24 b) Prejudgment interest accruing from \$36,149.56
25 6/1/2013 through 3/22/2017 and
26 continuing until the entry of judgment
27 at the current Note rate of 6.375%:
28

1	c) Additional amounts due under the terms of the loan:	\$26,492.01
2	d) Attorney fees and costs:	\$6,825.82
3	e) Prevailing party fee (ORS 20.190 (1)(b)):	\$85.00
4		
5	Total:	\$275,104.23.

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

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

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

13 7. All right, title and interest in the Subject Property that Defendants Vanessa R. Boland and
14 James F. Boland had as of the date of the Deed of Trust or thereafter acquired is hereby
15 ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process
16 for sale upon execution, and the proceeds of sale shall be applied:

- 17 a. First, to the costs of sale not incurred by Plaintiff;
- 18 b. Second, to the Amount Due, plus post-judgment interest accruing from the date of
19 entry of judgment through the date of the sale and any incurred costs of sale;
- 20 c. Third, the surplus, if any, to the Defendants in the priority as their interest may
21 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
22 such party or parties as they may establish their right thereto.

23 8. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
24 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
25 the date of entry of judgment through the date of the sale and any incurred costs of sale.

26 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
27
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1 Property from and after the date of the sale and is entitled to such remedies as are available at
2 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
3 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
4 possession to the purchaser immediately upon the purchaser's demand for possession.

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

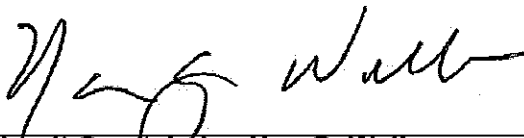
7 11. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
8 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
9 terminated.

10 12. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
11 Trust are as follows:

- 12 a. Defendants BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC
13 REGISTRATION SYSTEMS, INC.; COUNTRYWIDE HOME LOANS, INC. may
14 claim a junior interest in Subject Property by virtue of a deed of trust recorded May
15 10, 2007 as Instrument No. 2007-083600 in the official records of Multnomah
16 County, Oregon, securing a promissory note in the amount of \$24,000.00
- 17 b. Defendant AMERICAN GENERAL FINANCIAL SERVICES may claim an interest
18 in Subject Property by virtue of a judgment entered on October 9, 2009 in the Circuit
19 Court of Multnomah County, Case No. 09S013747 in the amount of \$2,398.26.
- 20 c. Defendant WESTERN CREDIT & COLLECTION SERVICE, INC. may claim an
21 interest in Subject Property by virtue of a judgment entered on April 4, 2012 in the
22 Circuit Court of Multnomah County, Case No. 120004700S in the amount of
23 \$1,075.56.
- 24 d. Defendant COLUMBIA COLLECTION SERVICE, INC. may claim an interest in
25 Subject Property by virtue of a judgment entered on November 2, 2012 in the Circuit
26 Court of Multnomah County, Case No. 120023992S in the amount of \$843.22.
- 27 e. Defendant WESTERN CREDIT & COLLECTION SERVICE, INC. may claim an
28

1 interest in Subject Property by virtue of a judgment entered on February 20, 2013 in
2 the Circuit Court of Multnomah County, Case No. 130001515S in the amount of
3 \$832.80.
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7 Signed: 7/20/2017 09:44 AM

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9
10 
11 Circuit Court Judge Nan G. Waller
12 proxy signed by LD

13 I hereby certify that the requirements of UTCR 5.100 have been satisfied. This proposed
14 General Judgment of Foreclosure is ready for judicial signature because:

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

18 Each opposing party affected by this order or judgment has approved the order or
19 judgment, as shown by signature on the document being submitted or by written
20 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
24 reasonable efforts to do so. I have filed a copy of the objections I received and
25 indicated which objections remain unresolved.

26 After conferring about objections, _____ agreed to independently file
27 any remaining objection.

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

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

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

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.

[] Other: _____

Presented by:

McCarthy & Holthus, LLP

s/ Robert B. Hakari 7/18/17

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Portland, OR 97204

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rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff

Exhibit 1

LOT 8, AND THAT PART OF LOT 7 LYING NORTH OF A LINE DRAWN 50 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 7, BLOCK 36, ROSEWAY PLAT NO. 2, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.