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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**

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I TRUST 2004-HE7, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE7, its successors in interest and/or assigns,

Case No.16CV04649

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

UNKNOWN HEIRS OF LINDON REMELIJK; U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO U.S. BANK NATIONAL ASSOCIATION N.D.; POSTOL REMELIJK; STATE OF OREGON; AND OCCUPANTS OF THE PREMISES,

Defendants.

TO: THE SHERIFF OF MULTNOMAH COUNTY, OREGON

1.

WHEREAS, on July 21, 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

1 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
2 (subject to redemption), all of the interest which the defendants had on March 31, 2004, the date
3 of the foreclosed Deed of Trust, and also all of the interest which the defendants had thereafter,
4 in the real property described in the Judgment to satisfy the amount due to Plaintiff, set out as
5 follows:
6

7 **Lenders' Principal Judgment**

8 Unpaid Principal Balance	\$98,741.89
9 Pre-Judgment Interest through February 9, 2017, the date calculated by the declarant in the declaration of indebtedness.	\$26,212.14
10 Lenders' Fees and Costs	\$18,465.44
11 Attorneys' Fees and Costs	\$4,662.64
12 <i>Total Amount Due to Plaintiff as of Judgment Submission Date</i>	\$148,082.11

13 **Additional Pre-Judgment Interest**

14 Accrued Interest from February 10, 2017 through July 21, 2017, the date of entry of the general judgment @ 15 \$13.96 per diem.	\$2,261.52
16 <i>Total Amount Due to Plaintiff as of Judgment Entry Date</i>	\$150,343.63

17 **Post Judgment Interest**

18 Accrued Post Judgment Interest from July 22, 2017, the date after the entry of the general judgment, 19 through August 18, 2017, the date the Writ was requested @ legal rate of interest of 9.000% per 20 annum (\$37.07 per diem).	\$1,000.89
21 <i>Total Amount Due to Plaintiff as of Date of Writ</i>	\$151,344.52

22 3.

23 In addition to this amount, Plaintiff is entitled to the continued accrual of post-judgment
24 interest at the legal rate of interest of 9.000% per annum, \$37.07 per diem from August 19, 2017,
25 to the date the real property subject to the Judgment is sold by the Multnomah County Sheriff at
26

1 its foreclosure auction, plus costs of this writ, sheriff's fees and sale costs, and all other
2 recoverable costs pursuant to law.

3
4 4.

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

7 LOTS 6 AND 7, BLOCK 74, PENINSULAR ADDITION NO. 5, IN THE CITY OF
8 PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

9 and more commonly known as 7635 North Peninsular Avenue, Portland, Oregon 97217
10 ("Property").

11 5.

12 The Judgment Creditor's name and address is:

13 Deutsche Bank National Trust Company, as Trustee, in trust for the
14 registered holders of Morgan Stanley ABS Capital I Trust 2004-
15 HE7, Mortgage Pass-Through Certificates, Series 2004-HE7
16 c/o Select Portfolio Servicing, Inc.
3217 South Decker Lake Drive
Salt Lake City, UT 84119

17 6.

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

19 Deutsche Bank National Trust Company, as Trustee, in trust for the
20 registered holders of Morgan Stanley ABS Capital I Trust 2004-
21 HE7, Mortgage Pass-Through Certificates, Series 2004-HE7
22 c/o RCO Legal, P.C.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
23 (503) 977-7840

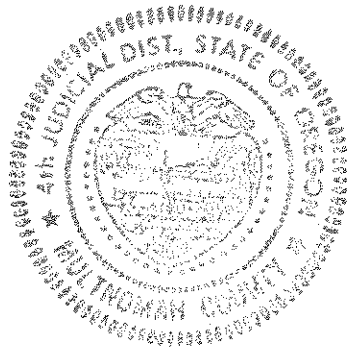
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1 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
2 sell the above-described Property, in the manner prescribed by law; or so much thereof as may be
3 necessary to satisfy the Judgment, including interest, fees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

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



8/29/17


11 Submitted By:

12 

Date: 8/18/17

13 Calvin Knickerbocker, OSB #050110
14 Attorneys for Plaintiff
15 511 SW 10th Ave., Ste. 400
16 Portland, OR 97205
17 (503) 977-7840; Fax (503) 977-7963
18 cknickerbocker@rcolegal.com
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CIRCUIT COURT
FOR MULTNOMAH COUNTY

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE, IN TRUST FOR
THE REGISTERED HOLDERS OF MORGAN
STANLEY ABS CAPITAL I TRUST 2004-
HE7, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-HE7, its
successors in interest and/or assigns,

Plaintiff,

v.

UNKNOWN HEIRS OF LINDON REMELIHK;
U.S. BANK NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO U.S. BANK
NATIONAL ASSOCIATION N.D.; POSTOL
REMELIHK; STATE OF OREGON; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 16CV04649

GENERAL JUDGMENT OF
FORECLOSURE with
DECLARATORY RELIEF AND SALE
AGAINST:

1. UNKNOWN HEIRS OF LINDON REMELIHK;
2. U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO U.S. BANK NATIONAL ASSOCIATION N.D.;
3. POSTOL REMELIHK; AND
4. STATE OF OREGON

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Trust 2004-HE7, Mortgage Pass-Through Certificates, Series 2004-HE7, 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

GENERAL JUDGMENT OF FORECLOSURE AND SALE - 1

7236.52302

RCO
LEGAL, P.C.

511 SW 10th Ave., Ste. 400
Portland, OR 97205
Phone: 503.977.7840
Fax: 503.977.7963

1 Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National
2 Association N.D.; Postol Remeliik and State of Oregon were duly served with the Summons and
3 Complaint as required by law; that defendants Unknown Heirs of Lindon Remeliik; U.S. Bank National
4 Association, successor by merger to U.S. Bank National Association N.D.; Postol Remeliik and State of
5 Oregon failed to appear; and that an Order of Default has been entered against them on Plaintiff's
6 Complaint and, consequently this General Judgment of foreclosure is submitted in accordance with
7 UTCR 5.100 (3)(c).
8

9 2.

10 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the
11 Court's register to accomplish the following: to foreclose any and all interest of defendants Unknown
12 Heirs of Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National
13 Association N.D.; Postol Remeliik and State of Oregon in the real property subject to this foreclosure
14 action, located at 7635 North Peninsular Avenue, Portland, Oregon 97217 (the "Property").
15

16 3.

17 The court being fully advised in the Premise, finding good cause exists so this general judgment
18 of foreclosure and sale may be entered in favor of Plaintiff and against defendants Unknown Heirs of
19 Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National
20 Association N.D.; Postol Remeliik and State of Oregon all of them, it is hereby
21

22 ORDERED AND ADJUDGED:

23 4.

24 That the Deed of Trust dated March 31, 2004, executed by Lindon Remeliik for the benefit of
25 Aames Funding Corporation DBA Aames Home Loan ("Deed of Trust"), recorded on April 6, 2004 as
26

1 Instrument No. 2004-057470 in the official records of Multnomah County, Oregon, and is a valid lien
2 for the amount due and owing as set forth in Paragraph 14 herein, against the Property situated in
3 Multnomah County, Oregon, and described as follows

4 LOTS 6 AND 7, BLOCK 74, PENINSULAR ADDITION NO., IN THE CITY
5 OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

6 5.

7 REFORMATION OF THE DEED OF TRUST TO ADD CORRECT LEGAL DESCRIPTION:

8 For declaratory relief to reform the Deed of Trust by striking the incorrect legal description and
9 replacing it with the full and correct legal description as maintained in the real property records of
10 Multnomah:

11 LOTS 6 AND 7, BLOCK 74, PENINSULAR ADDITION NO. 5, IN
12 THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND
13 STATE OF OREGON.

14 6.

15 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants
16 Unknown Heirs of Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S.
17 Bank National Association N.D.; Postol Remeliik and State of Oregon in the Property, and that said
18 Deed of Trust is hereby foreclosed by this Court on the Property.

19 7.

20 That on August 8, 2013, the grantor of the Note and Deed of Trust passed away. This suit
21 constitutes an attempt to execute upon the Property as security for the Amount Due to Plaintiff under
22 the terms of the Deed of Trust.

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8.

That defendants Unknown Heirs of Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National Association N.D.; Postol Remeliik and State of Oregon, each of them, and all parties claiming by, through, or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property, and every portion thereof, excepting only the statutory right of redemption provided by the laws of the State of Oregon.

9.

That defendants Unknown Heirs of Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National Association N.D.; Postol Remeliik and State of Oregon, all of them, are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

10.

That all of the right, title and interest which Lindon Remeliik had on March 31, 2004, the date of the Deed of Trust, and all of the right, title and interest defendants Unknown Heirs of Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National Association N.D.; Postol Remeliik and State of Oregon 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 14 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.

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11.

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 14 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

12.

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 Lindon Remeliik; U.S. Bank National Association, successor by merger to U.S. Bank National Association N.D.; Postol Remeliik and State of Oregon refuse to surrender possession of the Property immediately upon the purchaser's demand for possession.

13.

That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$3,160.00 and its litigation costs in the amount of \$1,502.64, shall be, and is hereby declared additional amounts secured by and hereinafter shall be made part of the amount of the debt secured by Plaintiff's Deed of Trust.

DECLARATION OF DEBT SECURED BY DEED OF TRUST

(Pursuant to Senate Bill 368)

14.

Under the terms of the Deed of Trust and the promissory note dated March 31, 2004, in the principal amount of \$114,400.00 , there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

1	<u>Attorneys' Fees and Costs</u>		\$3,160.00
	Attorneys' Fees	\$531.00	
2	Filing Fee - Complaint	\$50.00	
	Recording Fee - Lis Pendens	\$465.00	
3	Process Service Fees	\$350.00	
	Publication Costs	\$6.64	
4	Courier and Mailing Costs	\$100.00	
	Death Certificate and Recording Cost		
5		Total Costs	\$1,502.64
6		Total Attorneys' Fees and Costs	\$4,662.64

7	<u>Lenders' Principal and Interest</u>		
	Principal Balance	\$98,741.89	
8	Accrued Interest through February 9, 2017, the date calculated by the declarant in the declaration of indebtedness	\$26,212.14	
9		Total Principal & Interest	\$124,954.03

10	<u>Lenders' Fees and Costs</u>		
	Escrow Advance	\$12,156.19	
11	Advances: Valuations / Preservations / Inspections	\$6,306.59	
	Interest on Advances	\$2.66	
12		Total Lenders' Fees and Costs:	\$18,465.44
13		Total Lenders' Principal, Interest, Fees, and Costs:	\$143,419.47

14 Additional pre-judgment interest pursuant to ORS 18.042 from February 9, 2017 to the date entry of judgment at the contract rate of interest as defined by Section 2 of the Note

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Post-Judgment interest thereafter on the Total Amount Due at the contract rate of interest as defined by Section 2 of the note, or 9.000% per annum, whichever is greater.

Total Amount Due **\$148,082.11**

7/14/17 
LABANOR

Presented by:
RCO LEGAL, P.C.

By  DATED 5/18/17
Calvin Knickerbocker, OSB # 050110
Attorneys for Plaintiff
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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 18 day of may, 2017

By, Calvin Knickerbocker
Calvin Knickerbocker OSB#050110
Attorney for Plaintiff.