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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR INDYMAC  
IMSC MORTGAGE LOAN TRUST 2007-  
AR1, MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2007-AR1,

Plaintiff,

v.

BRIAN D. STEVENS AKA BRIAN  
STEVENS; VSN PROPERTIES, LLC; SA  
LIQUIDATING TRUST RESOLUTIONS,  
LLC; KEVIN D. PADRICK; TILlicum  
VILLAGE HOMEOWNERS ASSOCIATION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV09284

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE DESCHUTES COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 6, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
INDYMAC IMSC MORTGAGE LOAN TRUST 2007-AR1, MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2007-AR1  
c/o Bryan Kidder  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$279,939.10, plus post-judgment interest at the statutory rate  
2 of 9.0% per annum from June 6, 2017 to August 8, 2017 the amount of \$4,348.64, and  
3 continuing with a per diem of \$69.03, currently totaling \$284,287.74.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about February 6, 2007, the date of the Deed of Trust, and also the interest that the Defendant  
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 185624 and  
9 commonly known as: 2808 SW Reindeer Ave, Redmond, OR 97756.

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

Signed: 8/15/2017 02:23 PM

15  
16   
17 **Administrative Analyst Lisa Marx**



for Jeff Hall, Trial Court Administrator

18 Dated: August 4, 2017 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Bryan Kidder

21 Bryan Kidder, OSB No. 140459

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 [bkidder@mccarthyholthus.com](mailto:bkidder@mccarthyholthus.com)

27 Of Attorneys for Plaintiff

# **EXHIBIT "1"**

## Legal Description

Lot 3, Block 7, Summerfield Phase IV, recorded April 28, 1994, in Cabinet D, Page 48,  
Deschutes County, Oregon.

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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR INDYMAC  
IMSC MORTGAGE LOAN TRUST 2007-  
AR1, MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2007-AR1,

Plaintiff,

v.

BRIAN D. STEVENS AKA BRIAN  
STEVENS; VSN PROPERTIES, LLC; SA  
LIQUIDATING TRUST RESOLUTIONS,  
LLC; KEVIN D. PADRICK; TILlicum  
VILLAGE HOMEOWNERS ASSOCIATION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV09284

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

All defendants ("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;

2.

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

- a. The real property to which this judgment relates is located and situated in Deschutes County, Oregon, and is commonly known as 2808 SW Reindeer Ave, Redmond, OR 97756 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
2 APN/Parcel No. 185624.

3 b. Plaintiff is entitled to enforce the note dated 2/6/2007 and made, delivered, and executed by  
4 BRIAN D. STEVENS to AMERICAN MORTGAGE NETWORK, INC. DBA AMERICAN  
5 MORTGAGE NETWORK OF OREGON in the amount of \$172,000.00 (the "Note"). The  
6 Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on  
7 the Note.

8 c. A deed of trust was made, executed, and delivered by Defendant BRIAN D. STEVENS on or  
9 about 2/8/2007 (the "Deed of Trust"). The Deed of Trust was recorded on 2/14/2007 as  
10 Instrument No. 2007-09468 in the official records of Deschutes County, Oregon. The Deed  
11 of Trust is a valid and perfected lien against all of the Property for and securing the Amount  
12 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and  
13 shall remain in effect until issuance of a Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for 1/1/2009 and has not cured the  
15 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
16 comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$172,000.00
18	b) Prejudgment interest accruing from	
19	12/1/2008 through 5/29/2017 and	
20	continuing until the entry of judgment	
	at the current Note rate of 6.75%:	\$66,289.23
21	c) Additional amounts due under the	\$37,684.52
22	terms of the loan:	
23	d) Attorney fees and costs:	\$3,880.35
24	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
25	<b>Total:</b>	<b>\$279,939.10</b>

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

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

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

8 g. All right, title and interest in the Subject Property that Defendant BRIAN D. STEVENS had  
9 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
10 Deschutes County Sheriff's Office in accordance with the process for sale upon execution,  
11 and the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
22 Property from and after the date of the sale and is entitled to such remedies as are available at  
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
25 possession to the purchaser immediately upon the purchaser's demand for possession.

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

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
3 terminated.

4 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
5 Trust are as follows:

- 6 1) Defendant, VSN PROPERTIES, LLC, may claim an interest in Subject Property by  
7 virtue of a Bargain and Sale Deed recorded 09/24/2008 as Instrument No. 2008-  
8 39032;
- 9 2) Defendant, SA LIQUIDATING TRUST RESOLUTIONS, LLC may claim a junior  
10 interest in Subject Property by virtue of a may claim a junior interest in Subject  
11 Property by virtue of a Deed of Trust recorded 09/24/2008 as Instrument No. 2008-  
12 39033 in the official records of Deschutes County, Oregon, securing a promissory  
13 note in the amount of \$1,200,000.00;
- 14 3) Defendant, KEVIN D. PADRICK, may claim an interest in Subject Property by  
15 virtue of a judgment entered on 03/02/2010 in the Circuit Court of Deschutes County,  
16 Case No. 08-37031-rld11, in the amount of \$7,500,000.00;
- 17 4) Defendant, TILlicum VILLAGE HOMEOWNERS ASSOCIATION, may claim an  
18 interest in Subject Property by virtue of a judgment, entered on 05/09/2014, in the  
19 Circuit Court of Deschutes County, Case No. CV131512, in the amount of \$3,904.98.

Signed: 6/5/2017 03:17 PM

  
\_\_\_\_\_  
Circuit Court Judge Walter R. Miller

25 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

26 This proposed General Judgment of Foreclosure is ready for judicial signature because:  
27  
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1 [ ] Each opposing party affected by this order or judgment has stipulated to the order or  
2 judgment, as shown by each opposing party's signature on the document being  
submitted.

3 [ ] Each opposing party affected by this order or judgment has approved the order or  
4 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

5 [ ] I have served a copy of this order or judgment on all parties entitled to service and:

6 [ ] No objection has been served on me.

7 [ ] 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.

8 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

9 [x] The relief sought is against an opposing party who has been found in default.

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

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

13 [ ] 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  
14 by subsection (4) of this rule.

15 [ ] Other: \_\_\_\_\_

16 Presented by:

17 **McCarthy & Holthus, LLP**

18 s/ Bryan Kidder 5/31/2017

19 Bryan Kidder, OSB No. 140459

20 920 SW 3rd Ave, 1st Floor

21 Portland, OR 97204

22 Phone: (971) 201-3200

23 Fax: (971) 201-3202

24 bkidder@mccarthyholthus.com

25 Of Attorneys for Plaintiff

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## Legal Description

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