

1  
 2 Craig Peterson, OSB #120365  
 3 Jaimic Fender, OSB #120832  
 4 Kimberly Hood, OSB #123008  
 5 Michael Althouse, OSB #150793  
 6 Gregory Morphey, OSB #170214  
 7 Robinson Tait, P.S.  
 8 901 Fifth Avenue, Suite 400  
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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

13 DEUTSCHE BANK TRUST COMPANY  
 14 AMERICAS, AS TRUSTEE FOR  
 15 RESIDENTIAL ACCREDIT LOANS, INC., NO. 16CV35753  
 16 MORTGAGE ASSET-BACKED PASS-  
 THROUGH CERTIFICATES, SERIES 2004- WRIT OF EXECUTION IN FORECLOSURE  
 QS9,

17 Plaintiff,

18 v.

19 MARTIN GLASBAND; IRWIN UNION  
 20 BANK AND TRUST COMPANY; CITIBANK  
 21 SOUTH DAKOTA N.A.; GENERAL CREDIT  
 22 SERVICE, INC.; SOUTHERN OREGON  
 23 CREDIT SERVICE, INC.; ROYALE  
 24 GARDENS HEALTH & REHABILITATION  
 25 CENTER; STATE OF OREGON  
 26 EMPLOYMENT DEPARTMENT; AND  
 27 PERSONS OR PARTIES UNKNOWN  
 CLAIMING ANY RIGHT, TITLE, LIEN, OR  
 INTEREST IN THE PROPERTY DESCRIBED  
 IN THE COMPLAINT HEREIN,

28 Defendants.

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TO: JOSEPHINE COUNTY SHERIFF

1. WHEREAS, on April 12, 2017, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:  
Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Assct-Backed Pass-Through Certificates, Series 2004-QS9  
c/o Ocwen Loan Servicing  
1661 Worthington Rd., #100  
West Palm Beach, FL 33409

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

Ocwen Loan Servicing  
c/o Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, Washington 98164

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

BEGINNING AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 7 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION, 150.00 FEET; THENCE SOUTH, PARALLEL TO THE EAST LINE OF SAID SECTION, 480.0 FEET; THENCE WEST, PARALLEL TO THE NORTH LINE OF SAID SECTION, 150.0 FEET; THENCE SOUTH, PARALLEL TO THE EAST LINE OF SAID SECTION, 465.0 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF DRYDEN ROAD; THENCE EASTERLY ALONG

1 SAID RIGHT OF WAY LINE TO THE EAST LINE OF SAID SECTION 16; THENCE NORTH,  
2 ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

3 and commonly known as 5628 Lake Shore Dr, Selma, OR 97538.

4  
5 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
6 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
7 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
8 had on January 27, 2004, the date of the Deed of Trust, and also all of the interest which the  
9 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,  
10 which as of May 18, 2017,  
11

12 **Lenders Principal Judgment:**

13

14	1. Unpaid Principal Balance	\$30,791.99
15	2. Pre-Judgment Interest from June 1, 2015	
16	to February 27, 2017, the date calculated by the Declarant	
17	in the Declaration in Support of Judgment	\$2,876.30
18	3. Lenders Fees and Costs	\$3,427.58
19	4. Attorney's Fees and Costs	\$3,612.50

20 *Total Judgment Award Entered* \$40,708.37

21 **Additional Pre Judgment Interest**

22

23	1. Accrued Interest from February 28, 2017	
24	to April 12, 2017, the date of entry	
25	of Judgment	\$199.32

26 *Total Judgment Award* \$40,907.69

27 **Post Judgment Interest**

28

I. Accrued Post Judgment Interest at a rate of 9% per annum or at \$10.09, from April 13, 2017, the day after the entry of judgment, through May 18, 2017, the date the writ is being requested	\$363.24
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*Current Total Amount Owing*                      \$41,270.93

In addition to the above, interest continues to accrue on the total of the amounts listed above at the rate of 9% per annum or at \$10.09 per diem, in accordance with the General Judgment of Foreclosure and continues to accrue until the date of sale.

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 23 day of May, 2017.

*B. Sargent*  
\_\_\_\_\_  
Court Clerk



## Exhibit A

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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE FOR  
RESIDENTIAL ACCREDIT LOANS, INC.,  
MORTGAGE ASSET-BACKED PASS-  
THROUGH CERTIFICATES, SERIES 2004-  
QS9,

Plaintiff,

v.

MARTIN GLASBAND; IRWIN UNION  
BANK AND TRUST COMPANY; CITIBANK  
SOUTH DAKOTA N.A.; GENERAL CREDIT  
SERVICE, INC.; SOUTHERN OREGON  
CREDIT SERVICE, INC.; ROYALE  
GARDENS HEALTH & REHABILITATION  
CENTER; STATE OF OREGON,  
EMPLOYMENT DEPARTMENT; AND  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE PROPERTY DESCRIBED  
IN THE COMPLAINT HEREIN,

Defendants.

NO. 16CV35753

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

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, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc.,  
Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS9, appearing and being

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 1

60128-30604-JUD-OR1694737

*Law Office*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400  
Seattle WA 98161  
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2 represented by Kimberly Hood, Attorney of Robinson Tait, and after considering the pleadings and  
3 affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil Rule  
4 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are  
5 no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the  
6 judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth.  
7

8 Therefore,

9 **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

10 1. Plaintiff, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredited  
11 Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS9 be awarded  
12 judgment in the sum of \$30,791.99, together with interest at a rate as provided in the Note from June 1,  
13 2015 through February 27, 2017 in the amount of \$2,876.30, with additional pre-judgment interest at the  
14 per diem rate of \$4.53 as provided in the Note to the date of entry of judgment; plus reasonable  
15 attorneys' fees in the amount of \$2,050.00, plus other recoverable amounts of \$3,427.58, which includes  
16 the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable  
17 costs of \$1,562.50, as itemized in the bill of disbursements and an additional amount for post-judgment  
18 sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate,  
19 whichever is greater; and.  
20  
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22 2. Plaintiff's Deed of Trust on real property in Josephine County, Oregon, legally  
23 described as follows:  
24

25 **SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A.**

26 which was recorded on February 4, 2004, under Auditor's File No. 2004-002749, records of  
27 Josephine County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above  
28 described real estate and the whole thereof as security for the payment of the judgment herein set  
GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 2

60128-30604-JUD-OR1694737

*Law Offices*  
**ROBINSON TAIT, P.S.**

901 Fifth Avenue, Suite 400  
Seattle, WA 98161  
(206) 467-9610

1  
2 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
3 sold by the Sheriff of Josephine County in the manner provided for by law, and the proceeds  
4 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and  
5 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first  
6 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or  
7 interest of Martin Glasband, Irwin Union Bank and Trust Company, Citibank South Dakota N.A.,  
8 General Credit Service, Inc., Southern Oregon Credit Service, Inc., Royale Gardens Health &  
9 Rehabilitation Center, and State of Oregon, Employment Department and of any one claiming by,  
10 through or under them; and  
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12  
13 3. Martin Glasband, Irwin Union Bank and Trust Company, Citibank South Dakota N.A.,  
14 General Credit Service, Inc., Southern Oregon Credit Service, Inc., Royale Gardens Health &  
15 Rehabilitation Center, and State of Oregon, Employment Department subsequent to January 27, 2004,  
16 the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from  
17 claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save  
18 and except for the right of redemption as allowed by law; and  
19

20 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the  
21 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to  
22 law, and to all right, title and interest in any rents and profits generated or arising from the property  
23 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to  
24 secure possession, including writ of assistance, if defendants or any of them or any other party or person  
25 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for  
26 possession; and  
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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: Deutsche Bank Trust Company Americas, as  
9 Trustee for Residential Accredit Loans, Inc.,  
10 Mortgage Asset-Backed Pass-Through  
11 Certificates, Series 2004-QS9  
12 c/o Robinson Tait, P.S.  
13 901 Fifth Avenue, Suite 400  
14 Seattle, WA 98164  
15 (206) 676-9640

16 Attorney for Judgment Creditor: Kimberly Hood  
17 Robinson Tait, P.S.  
18 901 Fifth Avenue, Suite 400  
19 Seattle, WA 98164  
20 (206) 676-9640

21 The name of any person or public body,  
22 other than the Judgment Creditor's  
23 Attorney, who is entitled to any  
24 portion of the judgment:

None

25 Principal Balance: \$30,791.99

26 Simple Interest on the Principal Balance  
27 from June 1, 2015 to February 27, 2017: \$2,876.30

28 Other Amounts Due Under Terms of Loan: \$3,427.58

Attorneys' Fees and Costs:  
Attorneys' Fee: \$2,050.00  
Total Costs: \$1,562.50

Total Attorney Fees and Costs: \$3,612.50

**TOTAL DEBT OWED** \$40,708.37

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2 Pre-Judgment: Additional pre-judgment interest accrues from February 28, 2017, to the date  
3 of entry of judgment at the per diem rate of \$4.53, in accordance with the Note

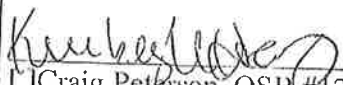
4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with  
5 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.  
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10 Signed: 4/12/2017 04:02 PM

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14 Circuit Court Judge Pat Wolke

15 Submitted by:

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18 

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

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 5  
60128-30604-JUD-OR1694737

Law Offices  
ROBINSON TAIT, P.S.

901 Fifth Avenue Suite 100  
Seattle WA 98161  
(206) 676-9610

# Exhibit A

EXHIBIT "A"  
LEGAL DESCRIPTION

Beginning at the Northeast corner of Section 16, Township 38 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence West, along the North line of said Section, 150.00 feet; thence South, parallel to the East line of said Section, 480.0 feet; thence West, parallel to the North line of said Section, 150.0 feet; thence South, parallel to the East line of said Section, 465.0 feet, more or less, to the Northerly right of way line of Dryden Road; thence Easterly along said right of way line to the East line of said Section 16; thence North, along said East line to the point of beginning.


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:

4/10/17

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

123008