

RECEIVED
CLACKAMAS CNTY SHERIFF

17 OCT -2 AM 8:57

1 Craig Peterson, OSB #120365
2 Jaimie Fender, OSB #120832
3 Kimberly Hood, OSB #123008
4 Michael Althouse, OSB #150793
5 Gregory Morphey, OSB #170214
6 Robinson Tait, P.S.
7 901 Fifth Avenue, Suite 400
8 Seattle, WA 98164
9 Phone: (206) 676-9640
10 Fax: (206) 676-9659
11 Email: cpeterson@robinsontait.com
12 Email: jfender@robinsontait.com
13 Email: khood@robinsontait.com
14 Email: malthouse@robinsontait.com
15 Email: gmorphey@robinsontait.com

11 CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

13 U.S. BANK NATIONAL ASSOCIATION AS
14 TRUSTEE FOR THE REGISTERED
15 HOLDERS OF ABFC 2007-WMC1 TRUST NO. CV15060442
16 ASSET BACKED FUNDING
17 CORPORATION ASSET BACKED WRIT OF EXECUTION IN FORECLOSURE
18 CERTIFICATES, SERIES 2007-WMC1,

17 Plaintiff,

18 v.

19 VINCENT W. CARY; SUSANA G. CARY;
20 THE CARY FAMILY REVOCABLE LIVING
21 TRUST; AND PERSONS OR PARTIES
22 UNKNOWN CLAIMING ANY RIGHT,
23 TITLE, LIEN, OR INTEREST IN THE
24 PROPERTY DESCRIBED IN THE
25 COMPLAINT HEREIN,

25 Defendants.

27 TO: CLACKAMAS COUNTY SHERIFF
28

1
2 1. WHEREAS, on April 11, 2017, in the above-entitled court, a judgment of foreclosure
3 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as
4 **Exhibit "A"** and made a part hereof;

5 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

6 U.S. BANK NATIONAL ASSOCIATION as Trustee for the registered holders of
7 ABFC 2007-WMC1 Trust Asset Backed Funding Corporation Asset Backed
8 Certificates, Series 2007-WMC1
9 c/o Ocwen Loan Servicing
10 1661 Worthington Rd., #100
11 West Palm Beach, FL 33409

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

13 Ocwen Loan Servicing
14 c/o Robinson Tait, P.S.
15 901 Fifth Avenue, Suite 400
16 Seattle, Washington 98164

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

19 LOT 4, BLOCK 2, PALISADES HEIGHTS PLAT NO. 2, IN THE CITY OF LAKE
20 OSWEGO, COUNTY OF CLACKAMAS AND STATE OF OREGON.

21 and commonly known as 17755 Overlook lane, Lake Oswego, OR 97034.

22 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
23 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
24 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
25 had on March 16, 2007, the date of the Deed of Trust, and also all of the interest which the
26 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
27 which as of May 17, 2017,
28

1
2 **Lenders Principal Judgment:**

3 1. Unpaid Principal Balance \$567,017.87
4 2. Pre-Judgment Interest from March 1, 2008
5 to January 30, 2017, the date calculated by the Declarant
6 in the Declaration in Support of Judgment \$379,783.67
7 3. Lenders Fees and Costs \$99,710.77
8 4. Attorney's Fees and Costs \$11,287.90
9
10 *Total Judgment Award Entered* \$1,057,800.21

11 **Additional Pre Judgment Interest**

12 1. Accrued Interest from January 21, 2017
13 to April 11, 2017, the date of entry
14 of Judgment \$8,387.23
15
16 *Total Judgment Award* \$1,066,187.44

17 **Post Judgment Interest**

18 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$262.90, from April 12,
19 2017, the day after the entry of judgment, through May 17, 2017,
20 the date the writ is being requested \$9,464.40
21
22 *Current Total Amount Owing* \$1,075,651.84

23 In addition to the above, interest continues to accrue on the total of the amounts listed above
24 at the rate of 9% per annum or at \$262.90 per diem, in accordance with the General Judgment of
25 Foreclosure and continues to accrue until the date of sale.

26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 26 day of May, 2017.



COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

Exhibit A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

U.S. BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF ABFC 2007-WMC1 TRUST
ASSET BACKED FUNDING
CORPORATION ASSET BACKED
CERTIFICATES, SERIES 2007-WMC1,

Plaintiff,

v.

VINCENT W. CARY; SUSANA G. CARY;
THE CARY FAMILY REVOCABLE LIVING
TRUST; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. CV15060442

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, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE REGISTERED
HOLDERS OF ABFC 2007-WMC1 TRUST ASSET BACKED FUNDING CORPORATION
ASSET BACKED CERTIFICATES. SERIES 2007-WMC1. appearing and being represented by
Craig Peterson, defendants Vincent W. Cary and Susana G. Cary being self-represented. plaintiff's

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-19056-JUD-OR1662492

Law Offices
ROBINSON TAIT, P.S.

201 Fifth Avenue, Suite 400
Seattle WA 98101
(206) 876-9610

1
2 Motion for Summary Judgment having been granted, and that the judgment should be entered in
3 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE
6 REGISTERED HOLDERS OF ABFC 2007-WMC1 TRUST ASSET BACKED FUNDING
7 CORPORATION ASSET BACKED CERTIFICATES, SERIES 2007-WMC1 be awarded judgment in
8 the sum of \$567,017.87, together with interest at a rate as provided in the Note from March 1, 2008
9 through January 30, 2017 in the amount of \$379,783.67 with additional pre-judgment interest at the per
10 diem rate of \$118.13 as provided in the Note to the date of entry of judgment; plus reasonable attorneys'
11 fees in the amount of \$2,050.00, litigation fees in the amount of \$5,625.00, plus other recoverable
12 amounts of \$99,710.77 which includes the amounts itemized in the declaration of the lender in support
13 of motion for judgment plus allowable costs of \$3,612.90 as itemized in the bill of disbursements and an
14 additional amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the
15 statutory rate or at the contract rate, whichever is greater; and
16
17
18

19 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
20 described as follows:

21 LOT 4, BLOCK 2, PALISADES HEIGHTS PLAT NO. 2, IN THE CITY OF LAKE
22 OSWEGO, COUNTY OF CLACKAMAS AND STATE OF OREGON.

23 which was recorded on March 23, 2007, under Auditor's File No. 2007-025149, records of
24 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
25 described real estate and the whole thereof as security for the payment of the judgment herein set
26 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
27 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
28

1
2 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
3 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
4 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
5 interest of the defendants THE CARY FAMILY REVOCABLE LIVING TRUST and PERSONS OR
6 PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
7 PROPERTY DESCRIBED IN THE COMPLAINT HEREIN and of any one claiming by, through or
8 under them; and
9

10 3. THE CARY FAMILY REVOCABLE LIVING TRUST and PERSONS OR PARTIES
11 UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY
12 DESCRIBED IN THE COMPLAINT HEREIN subsequent to March 16, 2007, the date of the Deed
13 of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any
14 right, title, lien or interest in or to said property or any part thereof, save and except for the right of
15 redemption as allowed by law; and
16

17 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
18 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
19 law, and to all right, title and interest in any rents and profits generated or arising from the property
20 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
21 secure possession, including writ of assistance, if defendants or any of them or any other party or person
22 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
23 possession; and
24
25
26
27
28

1
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. The Trustee's Deed, recorded on May 20, 2010, under Clackamas County recording
6 number 2010-030424, is rescinded. The Deed of Trust, recorded on March 23, 2007, under
7 Clackamas County recoding number 2007-025149, is reinstated, subject to this foreclosure action.
8

9
10 **DECLARATION DETERMINING AMOUNT OF DEBT**
11 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

12 Judgment Creditor: U.S. BANK NATIONAL ASSOCIATION AS
13 TRUSTEE FOR THE REGISTERED
14 HOLDERS OF ABFC 2007-WMC1 TRUST
15 ASSET BACKED FUNDING
16 CORPORATION ASSET BACKED
17 CERTIFICATES, SERIES 2007-WMC1
18 c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

19 Attorney for Judgment Creditor: Craig Peterson
20 Robinson Tait, P.S.
21 901 Fifth Avenue, Suite 400
22 Seattle, WA 98164
23 (206) 676-9640

24 The name of any person or public body,
25 other than the Judgment Creditor's
26 Attorney, who is entitled to any
27 portion of the judgment: None

28 Principal Balance: \$567,017.87

Simple Interest on the Principal Balance
from March 1, 2008 to January 30, 2017: \$379,783.67

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Other Amounts Due Under Terms of Loan: \$99,710.77

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Litigation Costs: \$5,625.00
Total Costs: \$3,612.90

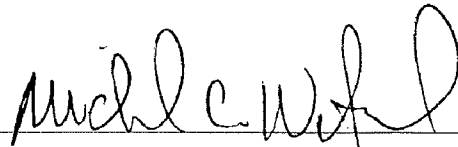
Total Attorney Fees and Costs: \$11,287.90

TOTAL DEBT OWED \$1,057,800.20

Pre-Judgment: Additional pre-judgment interest accrues from January 31, 2017, to the date of entry of judgment at the per diem rate of \$118.13, in accordance with the Note.

1
2 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
3 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
4
5
6
7

Signed: 4/11/2017 11:57 AM

8
9
10 
11 **Circuit Court Judge Michael C. Wetzel**

12 Submitted by:

13 
14 Craig Peterson, OSB #120365
15 Email: cpeterson@robinsontait.com
16 Brandon Smith, OSB #124584
17 Email: bsmith@robinsontait.com
18 Jaimie Fender, OSB #120832
19 Email: jfender@robinsontait.com
20 Kimberly Hood, OSB #123008
21 Email: KHood@robinsontait.com
22 Michael Althouse, OSB #150793
23 Email: malthouse@robinsontait.com
24 Gregory Morphew, OSB #170214
25 Email: gmorphew@robinsontait.com
26 Robinson Tait, P.S.
27 Attorneys for Plaintiff
28

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 6
69128-19056-JUD-OR1662-492

Law Offices
ROBINSON TAIT, P.S.

991 Fifth Avenue, Suite 400
Seattle WA 98161
(206) 676-9610