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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 HOLDERS  
OF THE HARBORVIEW 2004-9 TRUST,

Plaintiff,

vs.

VINCENT P. LODUCA AKA VINCENT P.  
LODUCA, JR. AKA PHILLIP V. LODUCA  
AKA PAUL LODUCA; DAIDRI L. LODUCA  
AKA DAIDRI LYNN PECCIE AKA DAIDRI  
LYNN LODUCA; RANDY SUGARMAN;  
UNITED STATES OF AMERICA; VALLEY  
PACIFIC PETROLEUM DBA VPL INC; 12W  
RPO, LLC; OCCUPANTS OF THE  
PROPERTY;

Defendants.

Case No.: 16CV37292

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE DESCHUTES COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 5/8/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1  
2 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
3 HOLDERS OF THE HARBORVIEW 2004-9 TRUST

4 c/o Brady Godbout  
5 Attorney for Plaintiff

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McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

7 With the adjudicated amount due of 197,431.53, plus post judgment interest at the statutory rate  
8 of 9.0% per annum from 5/8/2017 to 9/11/2017 in the amount of \$6,133.90, and continuing with  
9 a per diem of \$48.68, currently totaling \$203,565.43.

10 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
11 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
12 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
13 about 8/12/2004, the date of the Deed of Trust, and also the interest that the Defendant had  
14 thereafter, in the real property described as follows:


15 See attached Exhibit 1

16 and commonly known as: 53 SE Taft Avenue, Bend, OR 97702-0000.

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

22  
23 **DATED:** \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: 9/8/2017 04:05 PM

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Title   
Trial Court Administrator Jeffrey E. Hall



By: \_\_\_\_\_

1 Dated: September 6, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

- 4 \_ John Thomas OSB No. 024691  
5 \_ Robert Hakari OSB No. 114082  
6 \_ Andreanna Smith OSB No. 131336  
7 x Brady Godbout OSB No. 132708  
8 \_ Samuel Burton OSB No. 136522  
9 \_ Brian Kidder OSB No. 140459  
10 \_ Jeremy Clifford OSB No. 142987  
11 \_ Michael Scott OSB No. 973947

12 920 SW 3rd Ave, 1st Floor

13 Portland, OR 97204

14 Phone: (971) 201-3200

15 Fax: (971) 201-3202

16 bgodbout@mccarthyholthus.com

17 Of Attorneys for Plaintiff

# Exhibit 1

Parcel 3 of Partition Plat No. 2004-44 being a portion of Lots 3, 4, and 5 in Block 143 of Second Addition to Bend Park, located in the Northeast Quarter of the Southeast Quarter of Section 5, Township 18 South, Range 12, East of the Willamette Meridian, City of Bend, 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 HOLDERS  
OF THE HARBORVIEW 2004-9 TRUST,

Plaintiff,

v.

VINCENT P. LODUCA AKA VINCENT P.  
LODUCA, JR. AKA PHILLIP V. LODUCA  
AKA PAUL LODUCA; DAIDRI L.  
LODUCA AKA DAIDRI LYNN PECCIE  
AKA DAIDRI LYNN LODUCA; RANDY  
SUGARMAN; UNITED STATES OF  
AMERICA; VALLEY PACIFIC  
PETROLEUM DBA VPL INC; 12W RPO,  
LLC; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV37292

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 53 SE Taft Avenue, BEND, OR 97702-0000 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having  
2 APN/Parcel No. 204775.

3 b. Plaintiff is entitled to enforce the note dated 8/12/2004 and made, delivered, and executed by  
4 Vincent Loduca, Daidri Loduca to America's Wholesale Lender in the amount of  
5 \$161,600.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession  
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Vincent P. Loduca, Daidri  
8 L Loduca on or about 8/12/2004 (the "Deed of Trust"). The Deed of Trust was recorded on  
9 8/24/2004 as Instrument No. 2004-50629 in the official records of Deschutes County,  
10 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
11 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
12 of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13 d. The Borrower failed to make the payment that was due for 10/1/2011 and has not cured the  
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$138,697.49
17	b) Prejudgment interest accruing from	\$30,978.22
18	9/1/2011 through 4/28/2017 and	
19	continuing until the entry of judgment	
	at the current Note rate of 3.750%:	
20	c) Additional amounts due under the	\$23,072.02
21	terms of the loan:	
22	d) Attorney fees and costs:	\$4,598.80
23	e) Prevailing party fee (ORS 20.190	\$85.00
24	(2)(a)):	
25	<b>Total:</b>	<b>\$197,431.53</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. Pursuant to 28 U.S.C. § 2410 (c), the lien of the United States, which arises under the  
8 Internal Revenue Code, shall have a period of 120 days from the Sheriff's Sale in which to  
9 redeem their interest in the Subject Property.

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

11 h. All right, title and interest in the Subject Property that Defendants Vincent P. Loduca and  
12 Daidri L Loduca had as of the date of the Deed of Trust or thereafter acquired is hereby  
13 ordered to be sold by the Deschutes County Sheriff's Office in accordance with the process  
14 for sale upon execution, and the proceeds of sale shall be applied:

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

21 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

8 m. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
9 Trust are as follows:

10 1. Defendant RANDY SUGARMAN may claim a junior interest in Subject Property by  
11 virtue of a judgment lien recorded on 12/17/2012 as Case No. 111115115 in the official  
12 records of Multnomah County, Oregon.

13 2. Defendant UNITED STATES OF AMERICA may claim an interest in the Subject  
14 Property by virtue of a Federal Tax Lien, notice of which was filed as follows:

15 Notice of federal tax lien in the amount of \$1,412,204.58 recorded on 3/18/2013 in the  
16 Office of County Record, Deschutes County, Instrument Number 2013-10977 wherein  
17 Daidri Loduca of 1034 SW Douglas Pl., Portland, OR 97205 is named as taxpayer.  
18 The notice was filed by the Internal Revenue Service and bears serial number  
19 926462413 and identification number xxx-xx-4706.

20 3. Defendant VALLEY PACIFIC PETROLEUM DBA VPL INC may claim an interest in  
21 Subject Property by virtue of a Lien recorded on 6/19/2013 as Case No. 130404884 in the  
22 official records of Multnomah County, Oregon.

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1 4. Defendant 12W RPO, LLC may claim an interest in Subject Property by virtue of a  
2 Judgment Lien recorded on 7/29/2013 as Case No. 1304-05384 in the official records of  
3 Multnomah County, Oregon.

Signed: 5/5/2017 02:54 PM

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8   
Circuit Court Judge Bethany P. Flint

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

10 This proposed General Judgment of Foreclosure is ready for judicial signature because:

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

12 Dated: April 28, 2017

13 Presented by:

14 **McCarthy & Holthus, LLP**

15 s/ Brady Godbout

16 

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Brady Godbout, OSB No. 132708

17 920 SW 3rd Ave, 1st Floor

18 Portland, OR 97204

19 Phone: (971) 201-3200

20 Fax: (971) 201-3202

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