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LINCOLN COUNTY SHERIFF'S OFFICE
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWMBS 2004-12 MSTR),
Plaintiff,

Case No. 16CV23854

WRIT OF EXECUTION

v.

JAMI COLEMAN; JAMI COLEMAN,
SUCCESSOR TRUSTEE OF THE DONALD
L. SINNEMA TRUST; THE UNKNOWN
HEIRS AND ASSIGNS OF DONALD L.
SINNEMA; THE UNKNOWN DEVISEES
OF DONALD L. SINNEMA; STATE OF
OREGON, DEPARTMENT OF HUMAN
RESOURCES, SENIOR AND DISABLED
SERVICES DIVISION; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. SOLELY AS NOMINEE FOR
QUICKEN LOANS INC.; VIEW OF THE
BAY P.U.D. HOMEOWNERS
ASSOCIATION; CITY OF DEPOE BAY; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 130
NE SPRING AVE, DEPOE BAY, OR 97341,
Defendant.

TO THE LINCOLN COUNTY SHERIFF:

On July 11, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lincoln County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMBS 2004-12 MSTR) c/o

1 Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

2 The real property to be sold at public auction is commonly known as 130 NE SPRING
3 AVE, DEPOE BAY, OR 97341 ("Subject Property"), and legally described as:

4 LOT 9, VIEW OF THE BAY PUD, PHASE I, CITY OF DEPOE BAY, LINCOLN
5 COUNTY, OREGON.

6 The total amount due and owing on the Judgment as of July 25, 2017;

7 Judgment:	Principal	\$271,210.85
8 Pre-Judgment:	Interest(4.12500%,\$24.40/day)	\$1,708.00 (5/3/17 through 7/11/17)
9	Attorney Fees	\$2,745.00
10	Costs	\$2,641.26
11	Prevailing Party Fee	\$300.00
12 Post-Judgment:	Interest(4.12500%,\$24.40/day)	\$ 341.60 (7/12/17 through 7/25/17)
13	Attorney Fees	\$305.00

14 **TOTAL: \$279,227.31**

15 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
16 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
17 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
18 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
19 holder of the certificate of sale.
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Signed: 7/28/2017 09:33 AM

Circuit Court Clerk Steven Zalewski

21 Presented by:
22 ALDRIDGE PITE LLP

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26 Katie L. Riggs, 0000 # 0000861

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWMBS 2004-12 MSTR),

Plaintiff,

v.

JAMI COLEMAN; JAMI COLEMAN,
SUCCESSOR TRUSTEE OF THE DONALD
L. SINNEMA TRUST; THE UNKNOWN
HEIRS AND ASSIGNS OF DONALD L.
SINNEMA; THE UNKNOWN DEVISEES
OF DONALD L. SINNEMA; STATE OF
OREGON, DEPARTMENT OF HUMAN
RESOURCES, SENIOR AND DISABLED
SERVICES DIVISION; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. SOLELY AS NOMINEE FOR
QUICKEN LOANS INC.; VIEW OF THE
BAY P.U.D. HOMEOWNERS
ASSOCIATION; CITY OF DEPOE BAY; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 130
NE SPRING AVE, DEPOE BAY, OR 97341,

Defendants.

Case No. 16CV23854

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

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Based upon the Court's Order of Default against Defendants JAMI COLEMAN; JAMI
COLEMAN, SUCCESSOR TRUSTEE OF THE DONALD L. SINNEMA TRUST; THE
UNKNOWN HEIRS AND ASSIGNS OF DONALD L. SINNEMA; THE UNKNOWN
DEVISEES OF DONALD L. SINNEMA; STATE OF OREGON, DEPARTMENT OF
HUMAN RESOURCES, SENIOR AND DISABLED SERVICES DIVISION; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR QUICKEN

1 LOANS INC.; VIEW OF THE BAY P.U.D. HOMEOWNERS ASSOCIATION; CITY OF
2 DEPOE BAY; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY
3 RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN
4 AS 130 NE SPRING AVE, DEPOE BAY, OR 97341, the records on file herein, and pursuant to
5 the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff THE
6 BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE
7 (CWMBS 2004-12 MSTR) ("Plaintiff"),

8 **IT IS HEREBY ADJUDGED:**

9 1. Plaintiff's security interest in the real property located at 130 NE Spring Ave,
10 Depoe Bay, OR 97341 ("Subject Property"), as evidenced by the Deed of Trust recorded April 8,
11 2004 in the official records of Lincoln County as Instrument Number 200405208 ("Deed of
12 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
13 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
14 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

15 LOT 9, VIEW OF THE BAY PUD, PHASE I, CITY OF DEPOE BAY, LINCOLN
16 COUNTY, OREGON.

17 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
18 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
19 in the manner provided by law;

20 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
21 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
22 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
23 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

24 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
25 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
26 68(C), which amount may be added to the outstanding obligation due and owing under the Note

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
3 by sale of the Subject Property as directed under this Judgment;

4 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
5 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
6 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
7 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
8 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

9 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
10 sale of the Subject Property as directed under this Judgment.

11 7. The Sheriff shall make a return on the writ of execution to the court administrator
12 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
13 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
14 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
15 parties as may establish their right thereto. The Defendants and all persons claiming through or
16 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
17 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
18 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
19 every part of the Subject Property when the time for redemption has elapsed;

20 8. Plaintiff or any other party to this action may become a purchaser at the
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the
24 subject property if Defendants or any other party or person refuses to surrender possession;

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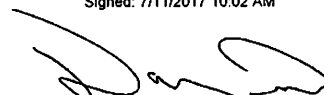
DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$271,210.85.
2. Simple interest at the variable rate currently at 4.12500% (\$24.40 *per diem*) after May 2, 2017, through the date of sale.
3. Attorney fees of \$2,745.00, plus \$305.00, through the date of sale.
4. Costs of \$2,641.26, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 7/11/2017 10:02 AM



Circuit Court Judge David V. Cramer

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

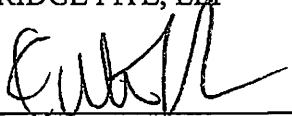
1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document 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 objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I

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received and indicated which objections remain unresolved;

- c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 2/3/17

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(503) 222-2260 (facsimile)
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Of Attorneys for Plaintiff