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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-
QS12,

Plaintiff,

v.

SEAN KEYS; THE BANK OF NEW YORK
MELLON; THE RAINBOW LAKE
HOMEOWNERS ASSOCIATION ;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV34582

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 4/19/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-QS12

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 \$165,352.18, plus post-judgment interest at the statutory rate
2 of 9.0% *per annum* from 4/19/2017 to 9/18/2017 in the amount of \$6,197.31, and at \$40.77 *per*
3 *diem*, currently totaling \$171,549.49.

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 6/19/2006, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows:

9 *See attached Exhibit 1 commonly known as 523 Hanover Street, Eugene, OR 97402.*

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.

15 SEP 18 2017

16 *Angie Jones*
17 *court clerk*

18 DATED: September 13, 2017 and submitted by:

19 **McCarthy & Holthus, LLP**

20 s/ Bryan Kidder

21 _____
22 Bryan Kidder, OSB No. 140459
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 bkidder@mccarthyholthus.com
28 Of Attorneys for Plaintiff



EXHIBIT "1"

Legal Description

Lot 6, RAINBOW LAKE, as platted and recorded March 20, 2002, as Reception No. 2002-021439, Official Records of Lane County, Oregon.

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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-
QS12,

Plaintiff,

v.

SEAN KEYS; THE BANK OF NEW YORK
MELLON; THE RAINBOW LAKE
HOMEOWNERS ASSOCIATION;
OCCUPANTS OF THE PROPERTY

Defendants.

Case No.: 15CV34582

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants SEAN KEYS, THE BANK OF NEW YORK MELLON, THE RAINBOW LAKE HOMEOWNERS ASSOCIATION and OCCUPANTS OF THE PROPERTY ("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 Lane County, Oregon, and is commonly known as 523 Hanover Street, Eugene, OR 97402 (the "Subject

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Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1690914.

b. Plaintiff is entitled to enforce the note dated 7/19/2006 and made, delivered, and executed by SEAN KEYS to PACIFIC NORTHWEST MORTGAGE, LLC in the amount of \$104,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

c. A deed of trust was made, executed, and delivered by Defendant SEAN KEYS on or about 7/31/2006 (the “Deed of Trust”). The Deed of Trust was recorded on 8/3/2006 as Instrument No. 2006-056201 in the official records of Lane County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

d. The Borrower failed to make the payment that was due for 3/1/2011 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the “Amount Due”):

a) Unpaid principal balance:	\$98,922.77
b) Prejudgment interest accruing from 2/1/2011 through 4/12/2017 and continuing until the entry of judgment at the current Note rate of 7.5%:	\$45,938.31
c) Additional amounts due under the terms of the loan:	\$15,291.30
d) Attorney fees and costs:	\$5,114.80
e) Prevailing party fee (ORS 20.190 (1)(b)):	\$85.00
Total:	\$165,352.18

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 SEAN KEYS had as of the
9 date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane
10 County Sheriff's Office in accordance with the process for sale upon execution, and the
11 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 THE BANK OF NEW YORK MELLON may claim a junior interest in
7 Subject Property by virtue of a judgment entered on 12/24/2014 as Case
8 No. 161417728 in the official records of Lane County, Oregon.
 - 9 2) Defendant THE BANK OF NEW YORK MELLON may claim a junior interest in
10 Subject Property by virtue of a judgment entered on 04/21/2015 as Case
11 No. 161422049 in the official records of Lane County, Oregon.

Signed 4/18/2017 03:09 PM



R. Curtis Conover, Circuit Court Judge

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

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

- 20 Each opposing party affected by this order or judgment has stipulated to the order or
21 judgment, as shown by each opposing party's signature on the document being
submitted.
- 22 Each opposing party affected by this order or judgment has approved the order or
23 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.
- 24 I have served a copy of this order or judgment on all parties entitled to service and:
 - 25 No objection has been served on me.
 - 26 I received objections that I could not resolve with the opposing party despite
27 reasonable efforts to do so. I have filed a copy of the objections I received and
28 indicated which objections remain unresolved.

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After conferring about objections, _____ agreed to independently file any remaining objection.

The relief sought is against an opposing party who has been found in default.

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

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

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.

Other: _____

Presented by:

McCarthy & Holthus, LLP

s/ Olga Groat 4/13/17

Jeremy Clifford, OSB No. 142987

Olga Groat, OSB No. 170174

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

jclifford@mccarthyholthus.com

Of Attorneys for Plaintiff

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Legal Description

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