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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
6 FOR THE COUNTY OF CLACKAMAS

7 FEDERAL NATIONAL MORTGAGE  
8 ASSOCIATION ("FANNIE MAE"), A  
9 CORPORATION ORGANIZED AND  
10 EXISTING UNDER THE LAWS OF THE  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 THE UNKNOWN HEIRS AND DEVISEES  
15 OF LARRY S. MARKOVITZ; BARBARA  
16 MARKOVITZ; OSWEGO RIDGE  
17 CONDOMINIUM HOMEOWNER'S  
18 ASSOCIATION AKA ASSOCIATION OF  
19 UNIT OWNERS OF OSWEGO RIDGE, A  
20 CONDOMINIUM; MOUNTAIN PARK  
21 HOME OWNERS ASSOCIATION;  
22 OCCUPANTS OF THE PROPERTY,

23 Defendants.

Case No.: 16CV21410

WRIT OF EXECUTION IN  
FORECLOSURE

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**TO THE CLACKAMAS COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 6/30/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA  
c/o Michael S. Scott  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$184,168.86, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from 6/30/2017 to 8/17/2017 in the amount of \$2,179.75, and continuing  
3 with a per diem of \$45.41, currently totaling \$186,348.61.

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 12/19/2007, 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*

10 and commonly known as: 86 Kingsgate Road Unit 78, Lake Oswego, OR 97035.

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

16  
17 **DATED:** 30 day of August, 2017.

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

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

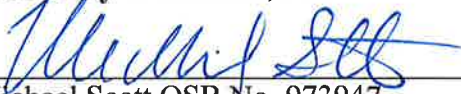


27 clerk  
28 Title

By: Wendy Watson

1 Dated: August 17, 2017 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

4 Michael Scott OSB No. 973947

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

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10 Of Attorneys for Plaintiff

UNIT 78, PARKING UNIT NO. P78, OSWEGO RIDGE, A CONDOMINIUM, IN THE CITY OF LAKE  
OSWEGO, COUNTY OF CLACKAMAS AND STATE OF OREGON, TOGETHER WITH AN UNDIVIDED  
INTEREST IN AND TO THE LIMITED AND GENERAL COMMON ELEMENTS APPERTAINING THERETO  
AS SET FORTH IN DECLARATIONS RECORDED JANUARY 17, 1997 AS FEE NO. 97-004011

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION (“FANNIE MAE”), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES OF LARRY S. MARKOVITZ; BARBARA MARKOVITZ; OSWEGO RIDGE CONDOMINIUM HOMEOWNER'S ASSOCIATION AKA ASSOCIATION OF UNIT OWNERS OF OSWEGO RIDGE, A CONDOMINIUM; MOUNTAIN PARK HOME OWNERS ASSOCIATION; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV21410

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff’s motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF LARRY S. MARKOVITZ; BARBARA MARKOVITZ; OSWEGO RIDGE CONDOMINIUM HOMEOWNER'S ASSOCIATION AKA ASSOCIATION OF UNIT OWNERS OF OSWEGO RIDGE, A CONDOMINIUM; MOUNTAIN PARK HOME OWNERS 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;

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 Clackamas County, Oregon, and is commonly known as 86 Kingsgate Road Unit 78, Lake Oswego, OR 97035 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 01745204 \ 21E06AC90078.
- b. Plaintiff is entitled to enforce the note dated 12/19/2007 and made, delivered, and executed by Larry S. Markovitz to INDYMAC BANK, F.S.B., A FEDERALLY CHARTERED SAVINGS BANK in the amount of \$132,000.00 (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 Larry S. Markovitz on or about 12/19/2007 (the "Deed of Trust"). The Deed of Trust was recorded on 12/31/2007 as Instrument No. 2007-108407 in the official records of Clackamas 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 6/1/2013 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: \$ 122,990.14
- b) Prejudgment interest accruing from 5/1/2013 through 4/22/2017 and continuing until the entry of judgment at the current Note rate of 6.625%: \$ 32,395.15
- c) Additional amounts due under the terms of the loan: \$ 23,959.28
- d) Attorney fees and costs: \$ 4,739.29

1 e) Prevailing party fee (ORS 20.190 (2)(a)): \$ 85.00

2 **Total:** \$ 184,168.86

3  
4 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
5 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
6 per annum.

7 e. The interest of the Defendants and any successor in interest in the Subject Property is  
8 foreclosed and terminated excepting only any statutory right of redemption as provided by  
9 Oregon law.

10 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

11 g. All right, title and interest in the Subject Property that Defendant Larry S. Markovitz had as  
12 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
13 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,  
14 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 h. 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 i. 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  
27

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 j. 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 k. 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 l. 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 OSWEGO RIDGE CONDOMINIUM HOMEOWNER'S ASSOCIATION  
11 AKA ASSOCIATION OF UNIT OWNERS OF OSWEGO RIDGE, A  
12 CONDOMINIUM may claim a junior interest in Subject Property by virtue of  
13 Regulations and Assessments recorded on January 17, 1997 as Recording  
14 No. 97004011 in the official records of Clackamas County, Oregon.

15 2) Defendant MOUNTAIN PARK HOME OWNERS ASSOCIATION may claim a  
16 junior interest in Subject Property by virtue of a lien recorded on October 24, 2013 as  
17 Recording No. 2013-073144 in the official records of Clackamas County, Oregon.

18 3) Defendant MOUNTAIN PARK HOME OWNERS ASSOCIATION may also claim a  
19 junior interest in Subject Property by virtue of a lien recorded on August 11, 2014 as  
20 Recording No. 2014-040002 in the official records of Clackamas County, Oregon.

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1 4) Defendant MOUNTAIN PARK HOME OWNERS ASSOCIATION may also claim a  
2 junior interest in Subject Property by virtue of a foreclosure of an HOA lien filed on  
3 January 29, 2016 as Suit No. 16CV03560 in the official records of Clackamas  
4 County, Oregon.  
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Signed: 6/30/2017 04:26 PM

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11 \_\_\_\_\_  
12 **Circuit Court Judge Michael C. Wetzel**

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

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

15 An order of default is being requested with this proposed judgment.  
16

17 Presented by:  
18 **McCarthy & Holthus, LLP**

19 s/ Michael S. Scott 5/8/2017

20 Michael S. Scott, OSB # 973947

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26 Of Attorneys for Plaintiff  
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UNIT 78, PARKING UNIT NO. P78, OSWEGO RIDGE, A CONDOMINIUM, IN THE CITY OF LAKE  
OSWEGO, COUNTY OF CLACKAMAS AND STATE OF OREGON, TOGETHER WITH AN UNDIVIDED  
INTEREST IN AND TO THE LIMITED AND GENERAL COMMON ELEMENTS APPERTAINING THERETO  
AS SET FORTH IN DECLARATIONS RECORDED JANUARY 17, 1997 AS FEE NO. 97-004011