

17 OCT 27 PM 2:51

Craig Peterson, OSB #120365 Jaimie Fender, OSB #120832 Kimberly Hood, OSB #123008
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
Phone: (206) 676-9640
Fax: (206) 676-9659
Email: cpeterson@robinsontait.com
Email: jfender@robinsontait.com
Email: khood@robinsontait.com

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE NO. CV14110055
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-17, WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

MIKE SYLVIA; STACIE SYLVIA; STATE
OF OREGON, DEPARTMENT OF
REVENUE; UNITED STATES OF
AMERICA, INTERNAL REVENUE
SERVICE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

1
2 TO: CLACKAMAS COUNTY SHERIFF

3 1. WHEREAS, on August 27, 2015, in the above-entitled court, a judgment of
4 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
5 hereto as **Exhibit "A"** and made a part hereof;

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

7
8 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
9 TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-
10 BACKED CERTIFICATES, SERIES 2006-17
11 c/o New Penn Financial, LLC dba Shellpoint Mortgage Servicing
12 55 Beattie Place, Suite 110, MS501
13 Greenville, SC 29601

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

15 New Penn Financial, LLC dba Shellpoint Mortgage Servicing
16 c/o Robinson Tait, P.S.
17 901 Fifth Avenue, Suite 400
18 Seattle, Washington 98164

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

21 LOT 26, HALLADIN HEIGHTS, COUNTY OF CLACKAMAS, STATE OF OREGON.
22 and commonly known as 15721 SE Summit Rock Way, Clackamas, OR 97015.

23 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
24 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
25 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
26 had on July 26, 2006, the date of the Deed of Trust, and also all of the interest which the defendant(s)
27 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
28 July 7, 2017,

1
2 **Lenders Principal Judgment:**

- 3 1. Unpaid Principal Balance \$319,796.08
4 2. Pre-Judgment Interest from May 1, 2009
5 to July 3, 2015, the date calculated by the Declarant
6 in the Declaration in Support of Judgment \$99,192.42
7 3. Lenders Fees and Costs \$33,524.50
8 4. Attorney's Fees and Costs \$5,072.60

9 ***Total Judgment Award Entered*** \$457,585.60

10 **Additional Pre Judgment Interest**

- 11 1. Accrued Interest from July 4, 2015
12 to August 27, 2015 the date of entry
13 of Judgment \$2,626.25

14 ***Total Judgment Award*** \$460,211.85

15 **Post Judgment Interest**

- 16 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$113.48, from August 28,
17 2015, the day after the entry of judgment, through July 7, 2017,
18 the date the writ is being requested \$77,166.40

19 ***Current Total Amount Owing*** \$ 537,378.25

20
21 In addition to the above, interest continues to accrue on the total of the amounts listed above
22 at the rate of 9% per annum or at \$113.48 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
24

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26 //

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28 //

1
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.
6
7

8
9
10 DATED this 24th day of July, 2017.
11
12



13
14 Wendy Watson
15
16

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

22 Submitted by:

23 Kimberly Hood
24 [] Craig Peterson, OSB #120365
25 Email: cpeterson@robinsontait.com

26 [] Jaimie Fender, OSB #120832
27 Email: jfender@robinsontait.com

28 [x] Kimberly Hood, OSB #123008
Email: KHood@robinsontait.com

Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

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"

2015 AUG 26 AM 9:03

ENTERED.....

DOCKETED.....BY.....

ENTERED

AUG 27 2015

By: KLC

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-17,

Plaintiff,

v.

MIKE SYLVIA; STACIE SYLVIA; STATE
OF OREGON, DEPARTMENT OF
REVENUE; UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. CV14110055

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, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-17, appearing and being represented by ZACHARY BRYANT,
Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60364-01545-JUD-OR912750

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104

1 of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the
2 allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact,
3 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
4 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
5

6 IT IS HEREBY ORDERED AND ADJUDGED THAT:
7

8 1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
9 AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED
10 CERTIFICATES, SERIES 2006-17 be awarded judgment in the sum of \$319,796.08, together with
11 interest at a rate of 7.450% per annum as provided in the Note from May 1, 2009 through July 3, 2015 in
12 the amount of \$99,192.42 with additional pre-judgment interest at the per diem rate of \$47.75 as
13 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
14 \$2,050.00, plus other recoverable amounts of \$33,524.50 which includes the amounts itemized in the
15 declaration of the lender in support of motion for judgment plus allowable costs of \$3,022.60 as itemized
16 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
17 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and
18

19 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
20 described as follows:
21

22 LOT 26, HALLADIN HEIGHTS, COUNTY OF CLACKAMAS, STATE OF
23 OREGON.

24 which was recorded on August 1, 2006, under Auditor's File No. 2006-070598, in the records of
25 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
26 described real estate and the whole thereof as security for the payment of the judgment herein set
27 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
28

1
2 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
3 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
4 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
5 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
6 interest of MIKE SYLVIA, STACIE SYLVIA, STATE OF OREGON, DEPARTMENT OF
7 REVENUE, UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, and PERSONS
8 OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
9 PROPERTY DESCRIBED IN THE COMPLAINT HEREIN and of any one claiming by, through or
10 under them; and
11

12
13 3. MIKE SYLVIA, STACIE SYLVIA, STATE OF OREGON, DEPARTMENT OF
14 REVENUE, UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, and PERSONS
15 OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
16 PROPERTY DESCRIBED IN THE COMPLAINT HEREIN subsequent to July 26, 2006, the date of
17 the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or
18 asserting any right, title, lien or interest in or to said property or any part thereof, save and except for
19 the right of redemption as allowed by law; and
20

21 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
22 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
23 law, and to all right, title and interest in any rents and profits generated or arising from the property
24 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
25 secure possession, including writ of assistance, if defendants or any of them or any other party or person
26
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1 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
2 possession; and
3

4 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
5 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
6 pay the remaining proceeds as directed by the court in the order of distribution.
7

8
9 **DECLARATION DETERMINING AMOUNT OF DEBT**
10 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

11 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA
12 THE BANK OF NEW YORK, AS TRUSTEE
13 FOR THE CERTIFICATEHOLDERS OF
14 THE CWABS, INC., ASSET-BACKED
15 CERTIFICATES, SERIES 2006-17
16 c/o Robinson Tait, P.S.
17 710 Second Ave., Suite 710
18 Seattle, WA 98104
19 (206) 676-9640

20 Attorney for Judgment Creditor: Zachary Bryant
21 Robinson Tait, P.S.
22 710 Second Ave., Suite 710
23 Seattle, WA 98104
24 (206) 676-9640

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

Principal Balance: \$319,796.08

Simple Interest on the Principal Balance
from May 1, 2009 to July 3, 2015: \$99,192.42

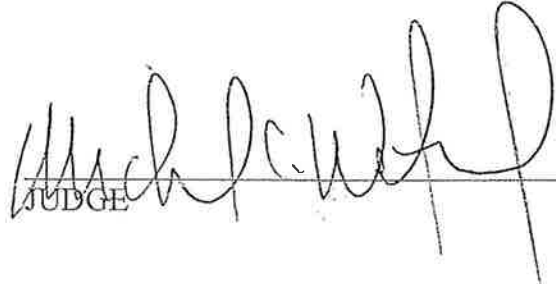
Other Amounts Due Under Terms of Loan: \$33,524.50

1 Attorneys' Fees and Costs:
2 Attorneys' Fee: \$2,050.00
3 Total Costs: \$3,022.60
4 Total Attorney Fees and Costs: \$5,072.60
5 *TOTAL DEBT OWED* \$457,585.60

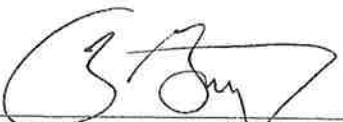
6 Pre-Judgment: Additional pre-judgment interest accrues from July 4, 2015, to the date of
7 entry of judgment at the per diem rate of \$47.75, in accordance with the Note.

8 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
9 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

10
11 DONE IN COURT this 24 day of Aug, 2015.

12
13
14
15
16 
17 JUDGE

18 Submitted by:

19
20 
21 [] Matt Booth, OSB #082663
22 Email: mbooth@robinsontait.com
23 [x] Zachary Bryant, OSB #113409
24 Email: zbryant@robinsontait.com
25 [] Craig Peterson, OSB #120365
26 Email: cpeterson@robinsontait.com
27 [] Brandon Smith, OSB #124584
28 Email: bsmith@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659



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