

1 After recording return to:  
Daniel Ross, OSB No. 112979  
2 Weinstein & Riley, P.S.  
2001 Western Avenue, Suite 400  
3 Seattle, WA 98121

REEL 3923 PAGE 264  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
03-17-2017 02:37 pm.  
Control Number 450973 \$ 71.00  
Instrument 2017 00013331

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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MARION COUNTY

7 U.S. BANK NATIONAL ASSOCIATION AS  
TRUSTEE FOR NRZ PASS-THROUGH  
8 TRUST V,

9 Plaintiff,

vs.

10 DIANE HAWKINS; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
11 INC. ("MERS"), ACTING SOLELY AS  
NOMINEE FOR COUNTRYWIDE BANK,  
12 FSB; COUNTRYWIDE BANK, FSB; JOHN  
AND JANE DOES, I THROUGH V,  
13 OCCUPANTS OF THE SUBJECT REAL  
PROPERTY, AND ALL OTHER PERSONS  
14 OR PARTIES UNKNOWN, CLAIMING ANY  
RIGHT, TITLE, INTEREST, LIEN OR  
15 ESTATE IN THE PROPERTY HEREIN  
16 DESCRIBED,

17 Defendants.

Case No. 16CV19147

WRIT OF EXECUTION

(Clerk's Action Required)

18 TO THE SHERIFF OF MARION COUNTY, OREGON:

19 WHEREAS, on January 30, 2017, a General Judgment of Foreclosure was enrolled  
20 and docketed in this cause, a true copy of which is attached and made a part hereof; in  
21 favor of Plaintiff, U.S. Bank National Association As Trustee For NRZ Pass-Through Trust  
22 V, regarding the real property commonly known as 8693 Shaw Square Road SE,  
23 Aumsville, OR 97325, situated in Marion County, Oregon, legally described property as  
24 follows:

25 WRIT OF EXECUTION - 1

WEINSTEIN & RILEY, P.S.  
2001 Western Avenue, Suite 400  
Seattle, Washington 98121  
Telephone: (206) 269-3490  
Facsimile: (206) 269-3493

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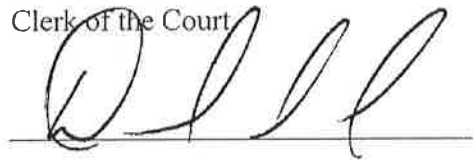
BEGINNING AT THE NORTHWEST CORNER OF LOT FOURTEEN (14), WALDO HILLS FRUIT FARMS NO. 3, IN TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, AND THENCE RUNNING EAST 285.45 FEET; THENCE SOUTH 0 DEGREES 12 FEET WEST 152.59 FEET; THENCE WEST 285.45 FEET; THENCE NORTH 0 DEGREES 12 FEET EAST 152.59 FEET TO THE PLACE OF BEGINNING.

MORE ACCURATELY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT FOURTEEN (14), WALDO HILLS FRUIT FARMS NO. 3, IN TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, AND THENCE RUNNING EAST 285.45 FEET; THENCE SOUTH 0° 12' WEST 152.59 FEET; THENCE WEST 285.45 FEET; THENCE NORTH 0° 12' EAST 152.59 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption), all of the interest that defendants had on April 14, 2003, the date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the real property described in the judgment, to satisfy the principal judgment amount of \$127,316.46, together with interest accrued to December 28, 2016, of \$50,418.90, and thereafter at the rate of 5.875%; other recovery amounts of \$34,020.74; attorneys' costs in the sum of \$3,391.18, and attorneys' fees of \$2,600.00, which bear interest at 9% per annum, and the costs of this writ, making due return within 60 days after you receive this writ. The total amount due including interest as of February 21, 2017, is \$219,701.86.

Clerk of the Court

Signed: 2/27/2017 10:05 AM




By: **Circuit Court Judge David Leith**  
Deputy

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Seattle, Washington 98121  
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1 Presented by attorneys for Judgment Creditors:

2

3

  
4 Daniel Ross, OSB No. 112979  
5 Weinstein & Riley, P.S.  
6 2001 Western Avenue, Suite 400  
7 Seattle, Washington 98121  
8 DanielR@w-legal.com

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WRIT OF EXECUTION - 3

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

U.S. BANK NATIONAL ASSOCIATION AS  
TRUSTEE FOR NRZ PASS-THROUGH  
TRUST V,

Plaintiff,

vs.

DIANE HAWKINS; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC. ("MERS"), ACTING SOLELY AS  
NOMINEE FOR COUNTRYWIDE BANK,  
FSB; COUNTRYWIDE BANK, FSB; JOHN  
AND JANE DOES, I THROUGH V,  
OCCUPANTS OF THE SUBJECT REAL  
PROPERTY, AND ALL OTHER PERSONS  
OR PARTIES UNKNOWN, CLAIMING ANY  
RIGHT, TITLE, INTEREST, LIEN OR  
ESTATE IN THE PROPERTY HEREIN  
DESCRIBED,

Defendants.

Case No.: 16CV19147

GENERAL JUDGMENT OF  
FORECLOSURE

(Clerk's Action Required)

THIS MATTER came on before the undersigned Judge on the Motion of the Plaintiff for entry of a General Judgment of Foreclosure. An Order of Default as to All Defendants was entered on January 17, 2017. The Court, having read and considered the Affidavits in support of entry of judgment, and further appearing that said Defendants were not at the time of said service in the military service of the United States; it further appearing that the Defendants are not believed to be financially incapable as defined by

GENERAL JUDGMENT OF FORECLOSURE - 1  
46766447

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Facsimile: (206) 269-3493

1 ORS 125.005(3), are not minors, a protected or incapacitated person, or a respondent as  
2 defined by ORS 125.005.

3 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

4 1. The real property to which this Judgment relates is commonly known as  
5 8693 Shaw Square Rd SE, Aumsville, OR 97325, situated in Marion County, Oregon,  
6 legally described as follows:

7 BEGINNING AT THE NORTHWEST CORNER OF LOT FOURTEEN  
8 (14), WALDO HILLS FRUIT FARMS NO. 3, IN TOWNSHIP 8  
9 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN,  
10 MARION COUNTY, OREGON, AND THENCE RUNNING EAST  
11 285.45 FEET; THENCE SOUTH 0 DEGREES 12 FEET WEST 152.59  
12 FEET; THENCE WEST 285.45 FEET; THENCE NORTH 0 DEGREES  
13 12 FEET EAST 152.59 FEET TO THE PLACE OF BEGINNING.

14 MORE ACCURATELY DESCRIBED AS  
15 BEGINNING AT THE NORTHWEST CORNER OF LOT FOURTEEN  
16 (14), WALDO HILLS FRUIT FARMS NO. 3, IN TOWNSHIP 8  
17 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN,  
18 MARION COUNTY, OREGON, AND THENCE RUNNING EAST  
19 285.45 FEET; THENCE SOUTH 0° 12' WEST 152.59 FEET; THENCE  
20 WEST 285.45 FEET; THENCE NORTH 0° 12' EAST 152.59 FEET TO  
21 THE PLACE OF BEGINNING.

22 (hereinafter the "Property").

23 2. The Deed of Trust dated April 14, 2003, was made and delivered by the  
24 Defendant, Diane Hawkins, to America's Wholesale Lender, and recorded by the Clerk of  
25 Marion County, Oregon, on April 21, 2003, on Reel No. 2107, Page 114, and is a valid and  
perfected lien against all of the real property for the amount of Plaintiff's Judgment as  
provided herein. *See* Affidavit in Support of Judgment.

GENERAL JUDGMENT OF FORECLOSURE - 2

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1           3.       The Deed of Trust was subsequently assigned to Plaintiff, U.S. Bank National  
2 Association as Trustee for NRZ Pass-Through Trust V under a Corporate Assignment of  
3 Deed of Trust dated April 18, 2016, recorded by the Clerk of Marion County, Oregon, on  
4 May 27, 2016, on Reel 3821, Page 34. *Id.*

5           4.       The Note is endorsed in blank by Countrywide Home Loans, Inc., doing  
6 business under the fictitious business name of America's Wholesale Lender, a New York  
7 corporation, and Plaintiff, U.S. Bank National Association as Trustee for NRZ Pass-  
8 Through Trust V, is the true and legal holder of said Note endorsed in blank, and is the  
9 beneficiary of the Deed of Trust. *Id.*

10           5.       The interest of each of the Defendants and any successor in the Property is  
11 foreclosed and terminated excepting only any statutory right of redemption as provided by  
12 Oregon law.

13           6.       The lien of the Plaintiff is superior to any interest, lien, or claim of the  
14 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

15           7.       The Defendants are not entitled to a homestead exception as against  
16 Plaintiff's Judgment.

17           8.       All rights, title and interest that Defendant Diane Hawkins had as of the date  
18 of the Deed of Trust, or thereafter acquired in the subject Property, is hereby ordered to be  
19 sold by the Marion County Sheriff in accordance with the process for sale upon execution,  
20 and the proceeds of sale shall be applied in the following order: first, to the costs of sale;  
21 second to the satisfaction of the amounts awarded to Plaintiff herein; third, any surplus, to  
22

1 the Defendants in the priority as their interest may appear or to the Clerk of the Court to be  
2 distributed to such party or parties as may establish their right thereto.

3 9. Plaintiff shall be entitled to recover any advances that plaintiff may be  
4 required to pay after the entry of judgment herein for taxes, assessment, other items  
5 constituting liens against the property, insurance and/or repairs for the protection and  
6 preservation of the subject property;

7 10. Plaintiff or any other junior lienholders may become the purchaser at the  
8 sale of the Property.

9 11. The purchaser at the sale is entitled to such remedies as are available at law  
10 or in equity to secure possession.

11 12. The purchaser at the sale may apply to the Court for a writ of assistance if  
12 any Defendants or any other party or person holding possession shall refuse to surrender  
13 possession to the purchaser immediately on the purchaser's demand for possession.

14 13. Plaintiff is awarded Judgment of the following amounts due and owing  
15 under the Note and Deed of Trust:

Principal		\$127,316.46
Prejudgment interest from 4/1/2010 to 12/28/2016 at 5.875% per annum		\$50,418.90
Other Costs and fees (recoverable)		\$34,020.74
Property Tax	\$11,267.34	
Hazard Insurance	\$6,649.00	
Property Inspection	\$824.00	
Property Preservation	\$15,205.40	
BPO Appraisal	\$90.00	
<i>Less Suspense</i>	<i>(\$15.00)</i>	
Subtotal (Principal and Costs)		\$161,337.20
Total (plus prejudgment interest)		\$211,756.10

16 GENERAL JUDGMENT OF FORECLOSURE - 4

17 **WEINSTEIN & RILEY, P.S.**

18 2001 Western Avenue, Suite 400  
19 Seattle, Washington 98121  
20 Telephone: (206) 269-3490  
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22 46766447

1           14. Attorneys fees and costs are awarded to Plaintiff as follows:

2	Costs		\$3,391.18
3		Mediation Costs:	\$400.00
4		Title Fees:	\$520.00
5		Filing Fees:	\$531.00
6		Recording Fees:	\$117.00
7		Prevailing Party Fee:	\$275.00
8		Process Service:	\$1,548.18
9	Attorney Fees		\$2,600.00
10		Reasonable Fee Amount for Uncontested Judicial Foreclosure	\$2,600.00
11	Total		\$5,991.18

12           15. Interest shall accrue on Principal Judgment amount of \$127,316.46 at the  
13 interest rate of 5.875%, at a per diem rate of \$20.49, on and after December 29, 2016.  
14 Interest shall accrue on the Other Recovery Amounts at the rate of 9.00% per annum from  
15 the date of the entry of Judgment. Interest shall accrue on Attorneys Fees and Costs  
16 totaling \$5,991.18 at the rate of 9.00% per annum from the date of entry of judgment  
17 pursuant to ORS 82.010.

18           16. This Judgment shall not create a personal lien or liability against Defendant  
19 Diane Hawkins except as is customary or necessary to execute such Judgment and for  
20 purposes of redemption. In no event should it be construed as establishing personal  
21 liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem  
22 order granting relief from stay, but only to foreclose the Deed of Trust mortgage. In the  
23 event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, Plaintiff  
24 shall not be entitled to any further judgment, including a Judgment for deficiency.



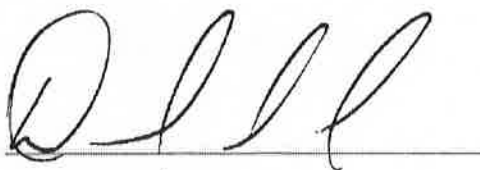
1           17. Execution may issue for the aggregate amount found due Plaintiff herein as  
2 detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may  
3 credit bid up to the Amounts Due plus such additional amounts as provided by ORS  
4 18.936 or other applicable law.

5           18. If before sale such amount, including sheriff's fees for the execution, is  
6 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and  
7 the effect of the judgment as to the amounts due shall be terminated.

8           19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in  
9 Foreclosure for the sale of the Property.


10           20. The Court shall retain jurisdiction to enter such additional order or  
11 judgment as necessary to enforce this judgment, the writ of execution or for the purchaser  
12 at the execution sale to obtain possession.  
13

14  
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16  
17 Signed: 1/30/2017 08:59 AM



**Circuit Court Judge David Leith**

18 Presented by:

19   
20 \_\_\_\_\_  
21 Daniel A. Ross, OSB No. 112979  
22 WEINSTEIN & RILEY PS  
23 2001 Western Ave Ste 400  
24 Seattle, WA 98121  
25 (206) 269-3490  
Attorneys for Plaintiff  
danielr@w-legal.com  
GENERAL JUDGMENT OF FORECLOSURE - 6

46766447

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

U.S. BANK NATIONAL ASSOCIATION AS  
TRUSTEE FOR NRZ PASS-THROUGH  
TRUST V,

Plaintiff,

v.

DIANE HAWKINS; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC. ("MERS"), ACTING SOLELY AS  
NOMINEE FOR COUNTRYWIDE BANK,  
FSB; COUNTRYWIDE BANK, FSB; JOHN  
AND JANE DOES, I THROUGH V,  
OCCUPANTS OF THE SUBJECT REAL  
PROPERTY, AND ALL OTHER PERSONS  
OR PARTIES UNKNOWN, CLAIMING  
ANY RIGHT, TITLE, INTEREST, LIEN OR  
ESTATE IN THE PROPERTY HEREIN  
DESCRIBED,

Defendants.

Case No. 16CV19147

CERTIFICATE OF READINESS

UTCR 5.100(2)

Based on the requirements presented in UTCR 5.100(2), Daniel Ross of Weinstein and Riley, P.S., attorney for the Plaintiff herein, states that the proposed order or judgment is ready for judicial signature for the following reasons:

Pursuant to UTCR 5.100(2)(b), Plaintiff asserts that this proposed order or judgment is ready for judicial signature because of the following:

1. [ ] Each opposing party affected by this order or judgment has stipulated to

CERTIFICATE OF READINESS  
PURSUANT TO UTCR 5.100(2) - 1

46766447

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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 objection has been served on me.

b. [ ] I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

c. [ ] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

4. [X] 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. [X] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. Pursuant to UTCR 5.100(3)(b) "A proposed order or judgment that may be presented *ex parte* by law or rule and is so submitted."

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.

///  
///  
///

1 As the Plaintiff has satisfied the requirements of UTCR 5.100, the attached proposed  
2 judgment or order is ready for judicial signature.

3  
4 Executed this 26<sup>th</sup> day of January, 2017, at Seattle, Washington.

5  
6   
7 Daniel Ross, OSB No. 112979  
8 WEINSTEIN & RILEY PS  
9 2001 Western Ave Ste 400  
10 Seattle, WA 98121  
11 (206) 269-3490  
12 Attorneys for Plaintiff  
13 danielr@w-legal.com  
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CERTIFICATE OF READINESS  
PURSUANT TO UTCR 5.100(2) - 3

46766447

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**REEL: 3923**

**PAGE: 264**

**March 17, 2017, 02:37 pm.**

**CONTROL #: 450973**

**State of Oregon  
County of Marion**

**I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:**

**FEE: \$ 71.00**

**BILL BURGESS  
COUNTY CLERK**

**THIS IS NOT AN INVOICE.**