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LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

*JMA*

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

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THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2007-17CB),  
Plaintiff,

Case No. 17CV17617

**WRIT OF EXECUTION**

v.

STEVEN W. JOHNSON; BRENDA D.  
JOHNSON; AND ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 5518 N. COAST HIGHWAY,  
NEWPORT, OR 97365,  
Defendant.

TO THE LINCOLN COUNTY SHERIFF:

On August 22, 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 (CWALT 2007-17CB) c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 5518 N COAST HWY, NEWPORT, OR 97365 ("Subject Property"), and legally described as:

BEGINNING AT A POINT MARKING THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO CLIFF J. MURK, ET UX BY DEED

1 RECORDED OCTOBER 28, 1953 IN BOOK 160, PAGE 623, DEED RECORDS FOR  
2 LINCOLN COUNTY, OREGON, SAID POINT BEING 104.8 FEET NORTH 16° 44' WEST  
3 FROM WHERE THE EASTERLY LINE OF HIGHWAY 101 INTERSECTS THE SOUTH  
4 LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION  
5 29, TOWNSHIP 10 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN IN  
6 LINCOLN COUNTY, OREGON; RUNNING THENCE SOUTH 89° 18' 36" EAST, 140.71  
7 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 0° 00' 31" WEST, 154.73 FEET TO AN  
8 IRON ROD IN THE CENTER OF VACATED SHELL STREET (NE 55TH); THENCE  
9 NORTH 89° 20' 54" WEST 26.56 FEET TO THE WESTERLY TERMINUS OF VACATED  
10 SHELL STREET; THENCE NORTH 0° 41' 16" EAST, 25.00 FEET TO THE NORTH LINE  
11 OF NE 55TH STREET; THENCE NORTH 89° 42' 00" WEST, 76.06 FEET TO THE EAST  
12 BOUNDARY OF U.S. HIGHWAY 101; THENCE NORTH 16° 20' 12" WEST ALONG  
13 HIGHWAY 101, 136.23 FEET TO THE POINT OF BEGINNING. EXCEPTING THE RIGHTS  
14 OF THE PUBLIC TO THAT PORTION OF THIS PARCEL WHICH THE PUBLIC HAS  
15 BEEN USING AS AN UNNAMED PUBLIC STREET ON THE WESTERLY BOUNDARY  
16 OF THIS PARCEL. EXCEPTING ANY PORTION LYING IN THE 30 FOOT WIDE STRIP  
17 CONVEYED TO LINCOLN COUNTY, OREGON, BY DEED RECORDED DECEMBER 18,  
18 1946 IN BOOK 115, PAGE 296, DEED RECORDS.

19 The total amount due and owing on the Judgment as of October 3, 2017;

20 Judgment:	Principal	\$493,836.79
21 Pre-Judgment:	Interest(6.00000%,\$52.76/day)	\$1,002.44 (8/4/17 through 8/22/17)
22	Attorney Fees	\$3,095.00
23	Costs	\$869.00
24	Prevailing Party Fee	\$300.00
25 Post-Judgment:	Interest(6.00000%,\$52.76/day)	\$2,215.92 (8/23/17 through 10/3/17)
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Page 2 – WRIT OF EXECUTION

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Attorney Fees

\$305.00

**TOTAL: \$501,624.15**

In the name of the State of Oregon, you are hereby directed to proceed to notice for sale and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

DATED \_\_\_\_\_ Signed: 10/16/2017 03:04 PM



By: *St. Jull.*  
**Circuit Court Clerk Steven Zalewski**

Presented by:  
ALDRIDGE PITE, LLP

*Christina Andreoni*

x  
\_\_\_\_\_  
Christina Andreoni, OSB #160875  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
candreoni@aldridgepite.com

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON**

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**FOR THE COUNTY OF LINCOLN**

7

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2007-17CB),

Case No. 17CV17617

8

Plaintiff,

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

9

v.

ORCP Rule 69

10

STEVEN W. JOHNSON; BRENDA D.  
JOHNSON; and ALL OTHER PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 5518 N. COAST HIGHWAY,  
NEWPORT, OR 97365,

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

14

Defendants.

15

16

Based upon the Court's Order of Default against Defendants STEVEN W. JOHNSON;

17

BRENDA D. JOHNSON; and ALL OTHER PERSONS OR PARTIES UNKNOWN

18

CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY

19

COMMONLY KNOWN AS 5518 N. COAST HIGHWAY, NEWPORT, OR 97365, the records

20

on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due

21

by Default by Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW

22

YORK, AS TRUSTEE (CWALT 2007-17CB) ("Plaintiff"),

23

**IT IS HEREBY ADJUDGED:**

24

1. Plaintiff's security interest in the real property located at 5518 N COAST HWY,

25

NEWPORT, OR 97365 ("Subject Property"), as evidenced by the Deed of Trust recorded May 4,

26

2007 in the official records of LINCOLN County as Instrument Number 200706470 ("Deed of

1 Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
2 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien  
3 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

4 BEGINNING AT A POINT MARKING THE SOUTHWEST CORNER OF THAT  
5 CERTAIN TRACT OF LAND CONVEYED TO CLIFF J. MURK, ET UX BY DEED  
6 RECORDED OCTOBER 28, 1953 IN BOOK 160, PAGE 623, DEED RECORDS FOR  
7 LINCOLN COUNTY, OREGON, SAID POINT BEING 104.8 FEET NORTH 16° 44’  
8 WEST FROM WHERE THE EASTERLY LINE OF HIGHWAY 101 INTERSECTS  
9 THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST  
10 QUARTER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 11 WEST OF THE  
11 WILLAMETTE MERIDIAN IN LINCOLN COUNTY, OREGON; RUNNING  
12 THENCE SOUTH 89° 18’ 36” EAST, 140.71 FEET TO A 5/8 INCH IRON ROD;  
13 THENCE SOUTH 0° 00’ 31” WEST, 154.73 FEET TO AN IRON ROD IN THE  
14 CENTER OF VACATED SHELL STREET (NE 55TH); THENCE NORTH 89° 20’ 54”  
15 WEST 26.56 FEET TO THE WESTERLY TERMINUS OF VACATED SHELL  
16 STREET; THENCE NORTH 0° 41’ 16” EAST, 25.00 FEET TO THE NORTH LINE OF  
17 NE 55TH STREET; THENCE NORTH 89° 42’ 00” WEST, 76.06 FEET TO THE EAST  
18 BOUNDARY OF U.S. HIGHWAY 101; THENCE NORTH 16° 20’ 12” WEST ALONG  
19 HIGHWAY 101, 136.23 FEET TO THE POINT OF BEGINNING. EXCEPTING THE  
20 RIGHTS OF THE PUBLIC TO THAT PORTION OF THIS PARCEL WHICH THE  
21 PUBLIC HAS BEEN USING AS AN UNNAMED PUBLIC STREET ON THE  
22 WESTERLY BOUNDARY OF THIS PARCEL. EXCEPTING ANY PORTION LYING  
23 IN THE 30 FOOT WIDE STRIP CONVEYED TO LINCOLN COUNTY, OREGON,  
24 BY DEED RECORDED DECEMBER 18, 1946 IN BOOK 115, PAGE 296, DEED  
25 RECORDS.

26 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court

1 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
2 in the manner provided by law;

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

7 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
8 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
9 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
10 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
11 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
12 by sale of the Subject Property as directed under this Judgment;

13 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
14 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
15 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
16 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
17 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

20 7. The Sheriff shall make a return on the writ of execution to the court administrator  
21 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
22 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
23 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
24 parties as may establish their right thereto. The Defendants and all persons claiming through or  
25 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
26 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
2 every part of the Subject Property when the time for redemption has elapsed;

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

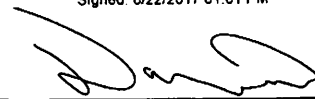
8 DECLARATION OF AMOUNT DUE BY DEFAULT

9  
10 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
11 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 12 1. The amount of the judgment is \$493,836.79.  
13 2. Simple interest at the variable rate currently at 6.00000% (\$52.76 *per diem*) after  
14 August 3, 2017, through the date of sale.  
15 3. Attorney fees of \$3,095.00, plus \$305.00, through the date of sale.  
16 4. Costs of \$869.00, plus costs accrued through the date of sale.  
17 5. Prevailing party fee: \$300.00.

18 **IT IS SO ADJUDGED**

19  
20 Signed: 8/22/2017 01:01 PM

21 

22 Circuit Court Judge David V. Cramer

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Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

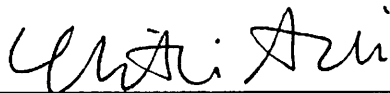
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**CERTIFICATE OF READINESS**

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 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: 2/18/2017

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Of Attorneys for Plaintiff