

1 Craig Peterson, OSB #120365  
 2 Jaimie Fender, OSB #120832  
 3 Kimberly Hood, OSB #123008  
 4 Robinson Tait, P.S.  
 5 901 Fifth Avenue, Suite 400  
 6 Seattle, WA 98164  
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 9 Email: cpeterson@robinsontait.com  
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12 CIRCUIT COURT OF OREGON FOR LANE COUNTY

13 DEUTSCHE BANK TRUST COMPANY  
 14 AMERICAS AS INDENTURE TRUSTEE  
 15 FOR THE REGISTERED HOLDERS OF NO. 15CV29853  
 16 SAXON ASSET SECURITIES TRUST 2004-1  
 17 MORTGAGE LOAN ASSET BACKED WRIT OF EXECUTION IN FORECLOSURE  
 18 NOTES AND CERTIFICATES, SERIES 2004-  
 19 1,

20 Plaintiff,

21 v.

22 PAMELLA SCHMIDT, STEPHEN M.  
 23 SCHMIDT, NORTHWEST COMMUNITY  
 24 CREDIT UNION, AND PERSONS OR  
 25 PARTIES UNKNOWN CLAIMING ANY  
 26 RIGHT, TITLE, LIEN, OR INTEREST IN  
 27 THE PROPERTY DESCRIBED IN THE  
 28 COMPLAINT HEREIN,

Defendants.

TO: LANE COUNTY SHERIFF

1  
2 1. WHEREAS, on February 11, 2016, in the above-entitled court, a judgment of  
3 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached  
4 hereto as **Exhibit "A"** and made a part hereof;

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

6 DEUTSCHE BANK TRUST COMPANY AMERICAS as Indenture Trustee for the  
7 registered holders of SAXON ASSET SECURITIES TRUST 2004-1 MORTGAGE  
8 LOAN ASSET BACKED NOTES AND CERTIFICATES, SERIES 2004-1  
9 c/o Ocwen Loan Servicing  
10 1661 Worthington Rd., #100  
11 West Palm Beach, FL 33409

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

13 Ocwen Loan Servicing  
14 c/o Robinson Tait, P.S.  
15 901 Fifth Avenue, Suite 400  
16 Seattle, Washington 98164

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

19 LOT 17, BLOCK 6, TENTH ADDITION TO BELL ESTATES, AS PLATTED AND  
20 RECORDED IN BOOK 69, PAGE 1, LANE COUNTY OREGON PLAT RECORDS, IN LANE  
21 COUNTY, OREGON.

22 and commonly known as 408 Kingsbury Avenue, Eugene, OR 97404.

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 April 22, 1998, the date of the Deed of Trust, and also all of the interest which the  
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1  
2 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,  
3 which as of September 26, 2017,

4 **Lenders Principal Judgment:**

5	1. Unpaid Principal Balance	<u>\$99,294.76</u>
6	2. Pre-Judgment Interest from January 1, 2013	
7	to December 7, 2015, the date calculated by the Declarant	
8	in the Declaration in Support of Judgment	<u>\$26,039.20</u>
9	3. Lenders Fees and Costs	<u>\$11,203.74</u>
10	4. Attorney's Fees and Costs	<u>\$3,034.00</u>

11 *Total Judgment Award Entered* \$139,571.70

12 **Additional Pre Judgment Interest**

13	1. Accrued Interest from December 8, 2015	
14	to February 11, 2016 the date of entry	
15	of Judgment	<u>\$1,626.90</u>

16 *Total Judgment Award* \$141,198.60

17 **Post Judgment Interest**

18	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$34.82, from February 12,	
19	2016, the day after the entry of judgment, through September 26, 2017,	
20	the date the writ is being requested	<u>\$20,648.26</u>

21 *Current Total Amount Owing* \$161,846.86

22  
23 In addition to the above, interest continues to accrue on the total of the amounts listed above  
24 at the rate of 9% per annum or at \$34.82 per diem, in accordance with the General Judgment of  
25 Foreclosure and continues to accrue until the date of sale.  
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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 DATED this 2nd day of October, 2017.

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15 By: Angie Jones  
16 court clerk



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR LANE COUNTY

DEUTSCHE BANK TRUST COMPANY  
AMERICAS AS INDENTURE TRUSTEE  
FOR THE REGISTERED HOLDERS OF  
SAXON ASSET SECURITIES TRUST 2004-  
1 MORTGAGE LOAN ASSET BACKED  
NOTES AND CERTIFICATES, SERIES  
2004-1,

Plaintiff,

v.

PAMELLA SCHMIDT; STEPHEN M.  
SCHMIDT; NORTHWEST COMMUNITY  
CREDIT UNION; AND PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

NO. 15CV29853

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, Deutsche Bank Trust Company Americas As Indenture Trustee For The Registered Holders  
Of Saxon Asset Securities Trust 2004-1 Mortgage Loan Asset Backed Notes And Certificates, Series  
2004-1, appearing and being represented by Craig Peterson, Attorney of Robinson Tait, and after  
considering the pleadings and affidavits on file herein, findings of fact and conclusion of law being

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 1  
60128-26334-JUD-OR1237959

*Law Office of*  
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710  
Seattle WA 98104  
(206) 676-9640

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

6  
7 IT IS HEREBY ORDERED AND ADJUDGED THAT:

8 1. Plaintiff, Deutsche Bank Trust Company Americas As Indenture Trustee For The  
9 Registered Holders Of Saxon Asset Securities Trust 2004-1 Mortgage Loan Asset Backed Notes And  
10 Certificates, Series 2004-1 be awarded judgment in the sum of \$99,294.76, together with interest at a  
11 rate as provided in the Note from January 1, 2013 through December 7, 2015 in the amount of  
12 \$26,039.20, with additional pre-judgment interest at the per diem rate of \$24.65 as provided in the Note  
13 to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,050.00, plus other  
14 recoverable amounts of \$11,203.74, which includes the amounts itemized in the declaration of the lender  
15 in support of motion for judgment plus allowable costs of \$984.00, as itemized in the bill of  
16 disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest  
17 until paid at the statutory rate or at the contract rate, whichever is greater; and.

18  
19  
20 2. Plaintiff's Deed of Trust on real property in Lane County, Oregon, legally described as  
21 follows:

22  
23 **LOT 17, BLOCK 6, TENTH ADDITION TO BELL ESTATES, AS PLATTED**  
24 **AND RECORDED IN BOOK 69, PAGE 1, LANE COUNTY OREGON PLAT**  
25 **RECORDS, IN LANE COUNTY, OREGON.**

26 which was recorded on April 27, 1998, under Auditor's File No. 98-030654, records of Lane County,  
27 Oregon, be adjudged and decreed to be a first and paramount lien upon the above described real  
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2 estate and the whole thereof as security for the payment of the judgment herein set forth, and that said  
3 Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff  
4 of Lane County in the manner provided for by law, and the proceeds therefrom shall be applied to the  
5 payment of the judgment, interest, attorneys' fees and costs, and such other sums as plaintiff has  
6 advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge  
7 upon said real estate, prior and superior to any right, title, estate, lien or interest of Pamella Schmidt,  
8 Stephen M. Schmidt, and Northwest Community Credit Union and of any one claiming by, through or  
9 under them; and  
10

11           3.     Pamella Schmidt, Stephen M. Schmidt, and Northwest Community Credit Union  
12 subsequent to April 22, 1998, the date of the Deed of Trust which is foreclosed herein, be forever  
13 barred and estopped from claiming or asserting any right, title, lien or interest in or to said property or  
14 any part thereof, save and except for the right of redemption as allowed by law; and  
15

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

24           5.     Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
25 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
26 pay the remaining proceeds as directed by the court in the order of distribution.  
27  
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GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 3  
60128-26334-JUD-OR1237959

*Law Offices*  
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 110  
Seattle WA 98104  
(206) 676-9640



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

Judgment Creditor: Deutsche Bank Trust Company Americas As  
Indenture Trustee For The Registered Holders Of  
Saxon Asset Securities Trust 2004-1 Mortgage  
Loan Asset Backed Notes And Certificates,  
Series 2004-1  
c/o Robinson Tait, P.S.  
710 Second Ave., Suite 710  
Seattle, WA 98104  
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson  
Robinson Tait, P.S.  
710 Second Ave., Suite 710  
Seattle, WA 98104  
(206) 676-9640

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

Principal Balance: \$99,294.76

Simple Interest on the Principal Balance  
from January 1, 2013 to December 7, 2015: \$26,039.20

Other Amounts Due Under Terms of Loan: \$11,203.74

Attorneys' Fees and Costs:  
Attorneys' Fee: \$2,050.00  
Total Costs: \$984.00

Total Attorney Fees and Costs: \$3,034.00

*TOTAL DEBT OWED* \$139,571.70

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Pre-Judgment: Additional pre-judgment interest accrues from December 8, 2015, to the date of entry of judgment at the per diem rate of \$24.65, in accordance with the Note

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

Allowed. \_\_\_\_\_

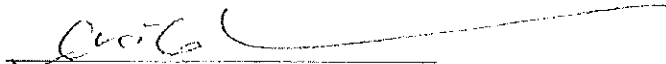
Denied. \_\_\_\_\_

Signed: 2/9/2016 01:49 PM



Suzanne B. Chaffi, Circuit Court Judge

Submitted by:



Craig Peterson, OSB #120365  
Email: cpeterson@robinsontait.com  
 Brandon Smith, OSB #124584  
Email: bsmith@robinsontait.com  
 Zhi Pauline Zheng, OSB #144692  
Email: pzheng@robinsontait.com  
 Jaimie Fender, OSB #120832  
Email: jfender@robinsontait.com  
Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
Fax: (206) 676-9659

1  
2 **AFFIDAVIT OF MAILING**

3 I, BRIAN DEBOURGUIGNON, being first duly sworn on oath deposes and states:  
4

5 On October 27, 2017, I caused to be deposited in the United States Mail, first class mail, and  
6 postage prepaid or deposited in a receptacle to be picked up by a courier service for filing. If mailed,  
7 the copies of the documents were addressed to the Sheriff in which they were to be filed:

8

Borrower Name	Loan Number	Robinson Tait File #	Court Address	Type of Document Mailed
Pamella Schmidt Stephen M. Schmidt	71310247	60128-26334- JUD-OR	Lane County Sheriff	Sheriff's Instructions

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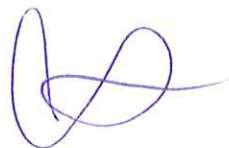
12 DATED this 27 day of October, 2017 in Seattle, Washington.

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14 

15 Print Name: BRIAN DEBOURGUIGNON  
16 Robinson Tait, P.S.

17 SUBSCRIBED AND SWORN (or affirmed) to me on October 27, 2017 by Caitlin Scott.



21 

22 NOTARY PUBLIC in and for the State of Washington  
23 residing at Seattle, County of King

24 Caitlin Scott

25 My appointment expires: August 29, 2020