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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF MARCH 1, 2002, MORGAN STANLEY DEAN WITTER CAPITAL I INC. TRUST 2002-NC1,	NO. 17CV13032 WRIT OF EXECUTION IN FORECLOSURE
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Plaintiff,

v.

LESTER G. MONK, MARY LORENE MONK,
GENERAL CREDIT SERVICES, AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

TO: JOSEPHINE COUNTY SHERIFF

1
2 1. WHEREAS, on August 3, 2017, in the above-entitled court, a judgment of foreclosure
3 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as
4 **Exhibit "A"** and made a part hereof;

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

6 U.S. Bank National Association, as Trustee under the Pooling and Servicing
7 Agreement dated as of March 1, 2002, Morgan Stanley Dean Witter Capital I Inc.
8 Trust 2002-NC1
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 LEGAL DESCRIPTION IS ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.
20 and commonly known as 640 Lake Shore Dr, Selma, OR 97538.

21 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
22 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
23 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
24 had on December 21, 2001, the date of the Deed of Trust, and also all of the interest which the
25 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
26 which as of October 4, 2017,
27
28

1
2 **Lenders Principal Judgment:**

- 3 1. Unpaid Principal Balance \$112,442.12
4 2. Pre-Judgment Interest from June 1, 2009
5 to June 28, 2017, the date calculated by the Declarant
6 in the Declaration in Support of Judgment \$72,637.21
7 3. Lenders Fees and Costs \$26,260.21
8 4. Attorney's Fees and Costs \$3,319.50

9 ***Total Judgment Award Entered*** \$214,659.04

10 **Additional Pre Judgment Interest**

- 11 1. Accrued Interest from June 29, 2017
12 to August 3, 2017 the date of entry
13 of Judgment \$899.28

14 ***Total Judgment Award*** \$215,558.32

15 **Post Judgment Interest**

- 16 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$53.15, from August 4,
17 2017, the day after the entry of judgment, through October 4, 2017,
18 the date the writ is being requested \$3,295.30

19 ***Current Total Amount Owing*** \$218,853.62

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 \$53.15 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
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5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize and sell the above described Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment and Money Award, interest, fees and costs.

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

DATED this 6 day of October, 2017.


Sarah Myrick


EXHIBIT A

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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE UNDER THE POOLING AND
SERVICING AGREEMENT DATED AS OF
MARCH 1, 2002, MORGAN STANLEY
DEAN WITTER CAPITAL I INC. TRUST
2002-NC1,

Plaintiff,

v.

LESTER G. MONK; MARY LORENE
MONK; GENERAL CREDIT SERVICES;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN.

Defendants.

NO. 17CV13032

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, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND
SERVICING AGREEMENT DATED AS OF MARCH 1, 2002. MORGAN STANLEY DEAN
WITTER CAPITAL I INC. TRUST 2002-NC1, 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 unnecessary under Civil Rule 69D. the court

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-30469-JU D-OR1771326

Law Offices
ROBINSON TAIT, P.C.

901 Fifth Avenue, Suite 100
Seattle, WA 98101
206 461 6700

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2 finds that the allegations contained in the plaintiff's Complaint are true, that there are no material
3 issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment
4 should be entered in 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, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE
9 POOLING AND SERVICING AGREEMENT DATED AS OF MARCH 1, 2002, MORGAN
10 STANLEY DEAN WITTER CAPITAL I INC. TRUST 2002-NC1 be awarded judgment in the sum of
11 \$112,442.12, together with interest at a rate as provided in the Note from June 1, 2009 through June 28,
12 2017 in the amount of \$72,637.21 with additional pre-judgment interest at the per diem rate of \$24.98 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 \$26,260.21 which includes the amounts itemized in the
15 declaration of the lender in support of motion for judgment plus allowable costs of \$1,269.50 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 Josephine County, Oregon, legally
20 described as follows:

21 LEGAL DESCRIPTION IS ATTACHED HERETO AS **EXHIBIT A**.

22 which was recorded on December 27, 2001, under Auditor's File No. 01-25443, records of Josephine
23 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
24 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
25 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
26 Sheriff of Josephine County in the manner provided for by law, and the proceeds therefrom shall be
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2 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
3 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
4 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
5 defendant and of any one claiming by, through or under them; and

6
7 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
8 property described above or any part thereof subsequent to December 21, 2001, the date of the Deed
9 of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any
10 right, title, lien or interest in or to said property or any part thereof, save and except for the right of
11 redemption as allowed by law; and

12
13 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
14 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
15 law, and to all right, title and interest in any rents and profits generated or arising from the property
16 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
17 secure possession, including writ of assistance, if defendants or any of them or any other party or person
18 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
19 possession; and

20
21 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
22 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
23 pay the remaining proceeds as directed by the court in the order of distribution.
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26 **DECLARATION DETERMINING AMOUNT OF DEBT**
27 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*
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Judgment Creditor: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF MARCH 1, 2002, MORGAN STANLEY DEAN WITTER CAPITAL I INC. TRUST 2002-NC1
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(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: \$112,442.12

Simple Interest on the Principal Balance from June 1, 2009 to June 28, 2017: \$72,637.21

Other Amounts Due Under Terms of Loan: \$26,260.21

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Total Costs: \$1,269.50

Total Attorney Fees and Costs: \$3,319.50

TOTAL DEBT OWED \$214,659.04

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Pre-Judgment: Additional pre-judgment interest accrues from June 29, 2017, to the date of entry of judgment at the per diem rate of \$24.98, 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.

Signed: 8/3/2017 04:08 PM



Circuit Court Judge Thomas M. Hull

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
Email: KHood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

Exhibit A

CHICAGO TITLE INSURANCE COMPANY

GUARANTEE NO. 470316050521 /
TSG1612-OR-3155055
AMENDMENT 1 / Correct Legal

EXHIBIT "A"
LEGAL DESCRIPTION

Commencing at the Southeast corner of Section 11, Township 38 South, Range 8 West of the Willamette Meridian, Josephine County, Oregon; thence West, along the South line of said Section, a distance of 1872.00 feet to the true point of beginning; thence North 1320.00 feet, more or less, to the North line of the South Half of the Southeast Quarter of said Section; thence West, along said North line, 410.00 feet; thence Southeasterly, in a straight line, to a point on the South line of said Section, said point being 330.00 feet West of the true point of beginning; thence East, 330.00 feet to the true point of beginning. Excepting therefrom any portion lying within Deer Creek Road.


CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting 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.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

8-2-17



Attorney, OSB

120365