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7 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
8 COUNTY OF CLACKAMAS

9 HOMESTREET BANK, a Washington state
10 chartered savings bank,

11 Plaintiff,

12 v.

13 RAYMOND R. MILLER, an individual; ALL
14 OCCUPANTS of the real property located at
15 4706 SE King Road, Milwaukie, Oregon; and
E*TRADE BANK, a federal savings bank,

16 Defendants.

No. 16CV39734

WRIT OF EXECUTION

17
18 To: The Sheriff of Clackamas County, Oregon

19 WHEREAS, on October 16, 2017, in this court, a General Judgment of Foreclosure
20 and Amount Due (the "**Judgment**") was enrolled and docketed in this cause, a copy of which
21 is attached and expressly incorporated and made a part hereof;

22 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
23 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
24 execution (subject to redemption), and pursuant to the terms of the attached Judgment, all of
25 the interest that defendants have at 4706 SE King Road, Milwaukie, Oregon, and legally
26 described as:

27 LOTS 21, 22, 23 AND 24, BLOCK 10, MINTHORN ADDITION TO THE
28 CITY OF PORTLAND, OREGON, IN THE CITY OF MILWAUKIE,

Writ of Execution- 1

HILLIS CLARK MARTIN & PETERSON P.S.
999 Third Avenue, Suite 4600
Seattle, Washington 98104
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

1 COUNTY OF CLACKAMAS AND STATE OF OREGON. EXCEPTING
2 THEREFROM THE SOUTH 20.0 FEET OF EVEN WIDTH THEREOF,
3 CONVEYED TO PERRY E. HELLER, ET UX, BY DEED RECORDED
4 JULY 17, 1971 IN BOOK 581, PAGE 805.

5 to satisfy the sum of \$118,831.31, together with \$24.44 in interest on that sum from
6 October 16, 2017 the date after the entry of the Judgment through October 18, 2017, the date
7 the Writ was requested @ legal rate of interest of 5.950% per annum (\$12.22 per diem),
8 currently totaling \$118,855.75.

9 The mailing address for the judgment creditor is:

10 HomeStreet Bank
11 c/o Joseph A.G. Sakay
12 Hillis Clark Martin & Peterson P.S.
13 999 Third Avenue, Suite 4600
14 Seattle, WA 98104



15 *Wendy Peterson October 23 2017*

16 Submitted by:

17 HILLIS CLARK MARTIN & PETERSON P.S.

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

23 By _____

24 *Joseph A.G. Sakay, OSB #021734*
25 Hillis Clark Martin & Peterson P.S.
26 999 Third Avenue, Suite 4600
27 Seattle, Washington 98104
28 Telephone: (206) 623-1745
E-Mail: joe.sakay@hcmp.com

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

Attorneys for Plaintiff

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

HOMESTREET BANK, a Washington state
chartered commercial bank,

Plaintiff,

v.

RAYMOND R. MILLER, an individual; ALL
OCCUPANTS of the real property located at
4706 SE King Road, Milwaukie, Oregon; and
E*TRADE BANK, a federal savings bank,

Defendants.

No. 16CV39734

GENERAL JUDGMENT OF
FORECLOSURE AND AMOUNT DUE
PURSUANT TO SB 368, THIS IS A
JUDGMENT OF FORECLOSURE AND
DOES NOT CONSTITUTE A MONEY
AWARD AGAINST ANY DEFENDANT

THIS MATTER came before the Court on Plaintiff's Ex Parte Motion for Order of Default and General Judgment of Foreclosure and Amount Due (the "*Motion*") originally filed on March 20, 2017, which is hereby renewed. Previously on April 13, 2017, the Court entered and order of default against all defendants with the exception of Defendant E*trade Bank. By separate motion filed on June 30, 2017, Plaintiff has again moved for default against Defendant E*Trade Bank based on additional, alternate service. The Court has reviewed the Motions and all documents filed in connection with the Motions. Based on the foregoing, HomeStreet Bank shall have judgment against the defendants in this action as follows:

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I. GENERAL JUDGMENT

1. The lien created by the deed of trust dated March 27, 2001, recorded in the official records of Clackamas County, under Recording No. 2001-021870 (the "*Deed of Trust*") is a valid and subsisting lien for the amounts of the foregoing amount due against the real property legally described in the attached Exhibit A, which is incorporated herein by reference as though fully set forth herein (the "*Property*"), and the lien of the Deed of Trust is superior to any interest, lien, or claim of the defendants in the Property.

2. The Deed of Trust shall be foreclosed as a mortgage, and the Clackamas County Sheriff shall sell the Property in the manner prescribed by law.

3. To the extent that the Sheriff collects money from the sale of the Property and deposits those funds into the registry of the Court, the funds shall be first applied towards the costs of sale and then towards the amount of the judgment with the surplus, if any, paid to any parties who establish their rights thereto.

4. Defendants Raymond R. Miller, All Occupants of the Property, E*Trade Bank, and all persons claiming through them are forever foreclosed of all interest or claim in the Property except any statutory right of redemption they may have in the Property

5. HomeStreet may become a bidder and purchaser at the sale by the Sheriff. The purchaser shall have exclusive possession of the Property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including but not limited to a writ of assistance, if any party refuses to immediately surrender possession of the Property to the winning purchaser at the sheriff's sale.

6. HomeStreet waives any right to a deficiency following the sheriff's sale of the Property.

1 7. Plaintiff has submitted a Declaration of Amount Due and is owed the total
2 amount due under the Note and Deed of Trust, which as of June 1, 2017, is \$112,239.14
3 (excluding attorney fees and costs), together with interest at the rate of 5.950% (\$12.22 per
4 diem) and any future advances and/or fees that may be made or incurred pursuant to the terms
5 of the Note and Deed of Trust up to the date of the execution sale. This amount is to be
6 satisfied by sale of the Property as directed under this Judgment.
7

8 8. Plaintiff is owed reasonable attorney fees in the amount of \$5,371.50, plus
9 \$2,050.00 for post-judgment collection fees, pursuant to the Note and Deed of Trust and ORCP
10 Rule 68(C), which amount may be added to the outstanding obligation due and owing under the
11 Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the
12 Deed of Trust, these fees continue to accrue to the date of the execution sale. This amount to
13 be satisfied by sale of the Property as directed under this Judgment.
14

15 9. Plaintiff is owed costs of suit in the amount of \$2,183.33, pursuant to the Note
16 and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the
17 outstanding obligation due and owing under the Note and Deed of Trust and recovered from the
18 proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to
19 the date of the execution sale. This amount to be satisfied by sale of the Property as directed
20 under this Judgment.
21

22 10. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied
23 by sale of the Property as directed under this Judgment.
24

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1 **II. JUDGMENT SUMMARY**

- 2 1. Principal Judgment Amount: \$75,006.17
3 2. Pre-judgment interest: \$13,388.76
4 3. Post-judgment interest: \$12.22 per diem until paid
5 4. Late charges and fees: \$20,531.55
6 5. Attorneys' fees: \$5,371.50
7 6. Costs: \$2,183.33
8 7. Prevailing party fee: \$300.00
9 8. Post judgment collection fees and costs: \$2,050.00
10 9. Total Amount Due: \$118,831.31

11
12
13 Signed: 10/9/2017 03:17 PM

14 Presented by:
15 HILLIS CLARK MARTIN & PETERSON P.S.


16 Circuit Court Judge Michael C. Wetzel

17 By /s/Joseph A.G. Sakay
18 Joseph A.G. Sakay, OSB #021734
19 Hillis Clark Martin & Peterson P.S.
20 999 Third Avenue, Suite 4600
21 Seattle, Washington 98104
22 Tel.: (206) 623-1745 Fax: (206) 623-7789
23 E-Mail: joe.sakay@hcmp.com
24 Attorneys for Plaintiff HomeStreet Bank

25 ND: 40005.175 4852-3138-4133v1
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EXHIBIT A

LOTS 21, 22, 23 AND 24, BLOCK 10, MINTHORN ADDITION TO THE CITY OF PORTLAND, OREGON, IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS AND STATE OF OREGON. EXCEPTING THEREFROM THE SOUTH 20.0 FEET OF EVEN WIDTH THEREOF, CONVEYED TO PERRY E. HELLER, ET UX, BY DEED RECORDED JULY 17, 1971 IN BOOK 581, PAGE 805.

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

HOMESTREET BANK, a Washington state
chartered savings bank,

No. 16CV39734

Plaintiff,

CERTIFICATE OF READINESS
(UTCR 5.100)

v.

RAYMOND R. MILLER, an individual; ALL
OCCUPANTS of the real property located at
4706 SE King Road, Milwaukie, Oregon; and
E*TRADE BANK, a federal savings bank,
Defendants.

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 objection has been served on me.

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

4
5 c. [] After conferring about objections, [role and name of opposing party] agreed to
6 independently file any remaining objection.

7 4. [] The relief sought is against an opposing party who has been found in default.

8 5. [X] An order of default is being requested with this proposed judgment.

9
10 6. [X] Service is not required pursuant to subsection (3) of this rule, or by statute,
11 rule, or otherwise.

12 7. [] This is a proposed judgment that includes an award of punitive damages and
13 notice has been served on the Director of the Crime Victims' Assistance Section as required
14 by subsection (4) of this rule.
15

16 DATED this 30th day of June, 2017.

17 HILLIS CLARK MARTIN & PETERSON P.S.

18 By s/ Joseph A.G. Sakay

19 Joseph A.G. Sakay, OSB #021734

20 999 Third Avenue, Suite 4600

21 Seattle, Washington 98104

22 Tel: (206) 623-1745; Fax: (206) 623-7789

23 E-Mail: joe.sakay@hcmp.com

24 Attorneys for Plaintiff HomeStreet Bank

25 ND: 40005.175 4841-3697-5161v1