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

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A., AS  
SUCCESSOR-IN-INTEREST TO ALL  
PERMITTED SUCCESSORS AND  
ASSIGNS OF JPMORGAN CHASE  
BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE FOR SPECIALTY  
UNDERWRITING AND RESIDENTIAL  
FINANCE TRUST MORTGAGE LOAN  
ASSET-BACKED CERTIFICATES,  
SERIES 2005-BC4

Case No. 16CV24934

Plaintiff,

WRIT OF EXECUTION

vs.

STEPHANIE DIAZ-CATANA; CARLOS  
DIAZ-CATANA; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS INC.; 123 LOAN, LLC; HSBC  
MORTGAGE SERVICES, INC.;  
MARIBEL PEREZ SALTOS; STATE OF  
OREGON; FIRESIDE BANK; APPROVED  
FINANCE, INC. D/B/A APPROVED  
LOAN; RAY KLEIN, INC., DBA  
PROFESSIONAL CREDIT SERVICE;  
PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

1- WRIT OF EXECUTION  
S&S No. 15-116258

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 WHEREAS, on June 19, 2017, in the above-entitled court, a General Judgment of  
2 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and  
3 was duly entered and docketed in the above-entitled cause

4 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
5 commanded to sell, in the manner prescribed by law for the sale of real property upon execution  
6 (subject to redemption) all of the interest which the defendants had on May 11, 2005, the date of  
7 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real  
8 property described in the judgment:

9 LOT 6, BLOCK 1, COLLEGE PARK ESTATES, MARION COUNTY, OREGON.

10 and commonly known as 4755 Satter Drive NE, Salem, OR 97305 to satisfy the sum of  
11 \$195,499.26, as of June 29, 2017, together with additional post judgment interest of 9.00% from  
12 that date (\$48.09 per day), and costs of this execution, making due return within 60 days after  
13 you receive this writ.

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25 2- WRIT OF EXECUTION  
26 S&S No. 15-116258

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1 The Bank of New York Mellon Trust Company, N.A., as successor-in-interest to all  
2 permitted successors and assigns of JPMorgan Chase Bank, National Association, as Trustee for  
3 Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates,  
4 Series 2005-BC4 is the Judgment Creditor, and its address for purpose of this writ only is: C/O  
5 Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
6 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.  
7

Signed: 7/3/2017 09:55 AM



Circuit Court Judge Donald D. Abar

14 Submitted by:  
15 Attorneys for Plaintiff,  
16 SHAPIRO & SUTHERLAND, LLC

17 By:  \_\_\_\_\_

18 [ ] James A. Craft #090146 [jcraft@logs.com]  
19 [ ] Kelly D. Sutherland #873575 [ksutherland@logs.com]  
20 [ ] Cara J. Richter #094855 [crichter@logs.com]  
21 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
22 [x] Joshua R. Orem # 116872 [jorem@logs.com]\*  
23 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
24 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
25 (360)260-2253; Fax (360)260-2285

26 3- WRIT OF EXECUTION  
27 S&S No. 15-116258

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

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO ALL PERMITTED SUCCESSORS AND ASSIGNS OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2005-BC4,

Plaintiff,

vs.

STEPHANIE DIAZ-CATANA; CARLOS DIAZ-CATANA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.; 123 LOAN, LLC; HSBC MORTGAGE SERVICES, INC.; MARIBEL PEREZ SALTOS; STATE OF OREGON; FIRESIDE BANK; APPROVED FINANCE, INC. D/B/A APPROVED LOAN; RAY KLEIN, INC., DBA PROFESSIONAL CREDIT SERVICE; PARTIES IN POSSESSION,

Defendants.

Case No. 16CV24934

GENERAL JUDGMENT OF FORECLOSURE AND SALE

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1 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
S&S No. 15-116258

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 Defaults being granted contemporaneously against Defendant(s), Stephanie Diaz-Catana,  
2 Carlos Diaz-Catana, Mortgage Electronic Registration Systems, Inc., 123 Loan, LLC, Maribel  
3 Perez Saltos, State of Oregon, Fireside Bank, Parties in Possession, HSBC Mortgage Services,  
4 Inc., Ray Klein, Inc., dba Professional Credit Service and Approved Finance, Inc. d/b/a

5 Approved Loan:

6 It is hereby

7 ORDERED AND ADJUDGED:

- 8
- 9 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
10 Marion County, Oregon is commonly known as 4755 Satter Drive NE, Salem, OR 97305  
11 and is legally described as follows:

12 Lot 6, Block 1, COLLEGE PARK ESTATES, Marion County, Oregon.

- 13
- 14 2. The Deed of Trust executed and delivered by Defendant, Stephanie Diaz-Catana, Carlos  
15 Diaz-Catana, wife and husband ("Borrower") on or about May 11, 2005 and recorded on  
16 May 17, 2005 as Reel 2478, Page 418 in the official records of Marion County, Oregon, is a  
17 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as  
18 provided herein.
- 19 3. The Plaintiff is the holder of the original note dated May 11, 2005 and made by Stephanie  
20 Diaz-Catana and Carlos Diaz-Catana in the amount of \$111,200.00. A copy of the Note was  
21 attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial  
22 interest in the Deed of Trust (together the "Loan").  
23

- 1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
2 interest in the Property is foreclosed and terminated excepting only any statutory right of  
3 redemption as provided by Oregon law.
- 4 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
5 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
6 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
7 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
8 interests and priorities.
- 9 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 10 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
11 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion  
12 County Sheriff's Office in accordance with the process for sale upon execution, and the  
13 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
14 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
15 as their interest may appear or to the clerk of the court to be distributed to such party of  
16 parties as may establish their right thereto.
- 17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 18 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
19 from and after the date of the sale and is entitled to such remedies as are available at law or  
20 in equity to secure possession.  
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1 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
 2 any person holding possession under or through such Defendant(s) shall refuse to surrender  
 3 possession to the purchaser immediately on the purchaser's demand for possession.

4 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$153,780.83	
Prejudgment interest at 4% through February 2, 2017 (accruing thereafter until entry of judgment at \$16.85 per diem)			\$15,907.45
Late Charges		\$0.00	
Other Costs and fees (recoverable)		12,793.63	
	Property Tax	\$2,546.65	
	Appraisal/BPO	\$89.00	
	Property Inspections	\$793.00	
	Property Preservation	\$633.50	
	Streamline Mods	\$8,731.48	
	Subtotal		\$166,574.46
	Total plus Prejudgment Interest		\$182,481.91

15 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$6,478.00
	Title Search Cost	\$585.00	
	Skip Trace Costs	\$50.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$51.00	
	Service by Publication	\$4,056.00	
	Service Costs	\$930.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,750.00
Total			\$10,228.00

1 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from  
2 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

3 14. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no  
4 general execution shall be issued and Plaintiff shall not be entitled to any further judgment,  
5 including a judgment for deficiency.  
6

7 15. Execution may issue against the subject property for the aggregate amount found due  
8 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
9 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
10 ORS 18.936 or other applicable law.

11 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
12 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
13 judgment as to the amounts due shall be terminated.  
14

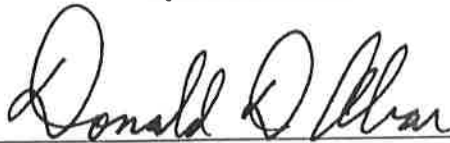
15 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
16 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
17 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
18 18.936.

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
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Signed: 6/19/2017 07:24 AM

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8 

9 Circuit Court Judge Donald D. Abar

10 **Certificate of Readiness under UTCR 5 100**

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

- 12 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
13 shown by each party's signature on the document being submitted.  
14 2.  Each party affected by this order or judgment has approved the order or judgment, as  
15 shown by each party's signature on the document being submitted or by written confirmation of  
16 approval sent to me.  
17 3.  I have served a copy of this order or judgment on each party entitled to service and:  
18 a.  No objection has been served on me.  
19 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
20 so. I have filed a copy of the objections I received and indicated which objections remain  
21 unresolved.  
22 c.  After conferring about objections, [role and name of objecting party] agreed to  
23 independently file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 15-116258

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- 1 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
3 5.  This is a proposed judgment that includes an award of punitive damages and notice has  
4 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
5 (5) of this rule.  
6 6.  Other: \_\_\_\_\_

7  
8  
9 Dated: June 16, 2017

10 Submitted by:

11 Attorneys for Plaintiff,  
12 SHAPIRO & SUTHERLAND, LLC

13 By: 

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