

2017 DEC 29 PM 12:38

Craig Peterson, OSB #120365
Jaimie Fender, OSB #120832
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Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney, or company. Debtor may contest this writ by filing a claim of exception.

CIRCUIT COURT OF OREGON FOR MULTNOMAH COUNTY

<p>GREEN TREE SERVICING LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>THERESA A COCHRAN, AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,</p> <p>Defendants.</p>	<p>NO. 14CV07075</p> <p>WRIT OF EXECUTION IN FORECLOSURE</p>
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TO: MULTNOMAH COUNTY SHERIFF

1. WHEREAS, on March 27, 2015, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

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

Green Tree Servicing LLC
c/o Ditech Financial LLC

1
2 3000 Bayport Drive, Suite 880
3 Tampa, FL 33607

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

5 Ditech Financial LLC
6 c/o Robinson Tait, P.S.
7 901 Fifth Avenue, Suite 400
8 Seattle, Washington 98164

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

11 LOT 4, BLOCK 5, ASPEN HIGHLANDS, IN THE CITY OF GRESHAM, COUNTY OF
12 MULTNOMAH AND STATE OF OREGON.

13 and commonly known as 30 NE 23rd Street, Gresham, OR 97030.

14 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
15 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
16 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
17 had on March 4, 2008, the date of the Deed of Trust, and also all of the interest which the
18 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
19 which as of October 30, 2017,
20

21 **Lenders Principal Judgment:**

22	1. Unpaid Principal Balance	<u>\$175,473.62</u>
23	2. Pre-Judgment Interest from December 17, 2014	
24	to the date calculated by the Declarant	
25	in the Declaration in Support of Judgment	<u>\$36,051.56</u>
26	3. Lenders Fees and Costs	<u>\$12,802.85</u>
27	4. Attorney's Fees and Costs	<u>\$3,446.00</u>
28	<i>Total Judgment Award Entered</i>	<u>\$227,774.03</u>

1 **Additional Pre Judgment Interest**

2
3 1. Accrued Interest from December 18, 2014
4 to March 27, 2015 the date of entry
5 of Judgment \$3,245.00

6 ***Total Judgment Award*** \$231,019.03

7
8 **Post Judgment Interest**

9
10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$56.96, from March 28,
11 2015, the day after the entry of judgment, through November 8, 2017,
the date the writ is being requested \$54,510.72

12 ***Current Total Amount Owing*** \$285,529.75

13
14 In addition to the above, interest continues to accrue on the total of the amounts listed above
15 at the rate of 9% per annum or at \$56.96 per diem, in accordance with the General Judgment of
16 Foreclosure and continues to accrue until the date of sale.

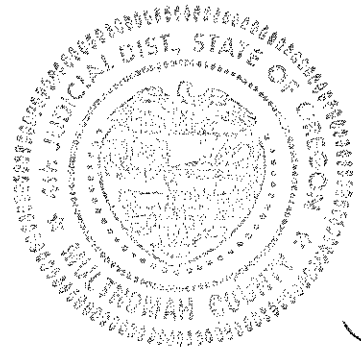
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5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize and sell the above described Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment and Money Award, interest, fees and costs.

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

DATED this 21 day of November, 2017.



[Handwritten signature]

EXHIBIT A

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

GREEN TREE SERVICING LLC,

Plaintiff,

v.

THERESA A. COCHRAN; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No. 14CV07075

AMENDED STIPULATED GENERAL
JUDGEMENT DETERMINING AMOUNT
OWED AND FORECLOSURE

JUDGMENT OF FORECLOSURE AS TO:

1) THERESA A. COCHRAN

DISMISSAL AS TO:

1) PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN,
OR INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN

Specially Assigned to Judge Litzenberger

Based on the stipulation of the parties below, it is hereby

ORDERED AND ADJUDGED as follows:

FORECLOSURE

1. The court awards plaintiff, Green Tree Servicing ("Green Tree"), judgment of
foreclosure of the real property and improvements located in Multnomah County, Oregon, legally
described as:

AMENDED
STIPULATED GENERAL JUDGEMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60183-00203-JUD-OR

Law Office
ROBINSON TAIT, P.S.
801 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 476-9640

1 LOT 4, BLOCK 5, ASPEN HIGHLANDS, IN THE CITY OF GRESHAM, COUNTY
2 OF MULTNOMAH AND STATE OF OREGON

3 and with a street address of 30 N.E. 23rd Avenue, Gresham, Oregon, 97030 (the "Property") in the
4 principal amount of \$175,473.62, plus accrued interest through December 17, 2014, in the amount of
5 \$36,051.56, plus interest accruing thereafter at the rate of 6.750 percent per annum until fully paid or
6 the date judgment is entered (whichever occurs first), plus escrow advances of \$10,182.40, plus post-
7 judgment simple interest on the sum of all the foregoing amounts at the rate of 9.00 percent per year
8 from the date judgment is entered until fully paid;
9

10 2. Green Trce's deed of trust, dated March 4, 2008, and recorded on March 17,
11 2008, as Instrument No. 2008-040694 in the official real property records of Multnomah County,
12 Oregon, is a valid lien against the Property and is prior and superior to any right, title, interest, lien,
13 or claim of defendants;
14

15 3. Green Tree's lien on the Property is foreclosed and the sheriff of Multnomah
16 County, Oregon, may sell the Property in the manner prescribed by law;

17 4. The proceeds derived from the sale of the Property shall be applied first to the
18 cost of sale and expenses incurred, then to satisfy the obligation owed to Green Tree described in
19 paragraph 1 of this judgment, and the balance, if any, shall be paid to the clerk of this court and
20 distributed to such party or parties as may establish their rights thereto;

21 5. Defendant Theresa A. Cochran and all persons claiming by, through, or under
22 her, whether as purchasers, owners, encumbrancers, or otherwise, are barred and foreclosed of any
23 and all right, title, interest, lien, or claim of any kind and nature in and to the Property and every part
24 and parcel thereof, including the tenements, hereditaments, appurtenances, and fixtures, if any,
25 thereunto belonging or appertaining to the Property, except for any statutory right of redemption that
26 the defendants, or any of them, may have in the Property;
27
28

AMENDED
STIPULATED GENERAL JUDGEMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
G0183-00203-JUD-OR

Law Office
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901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 626-9640

1 6. Green Tree or any other party to this action may purchase the Property at any
2 sale, and Green Tree may credit bid up to the aggregate amount of its judgment without advancing
3 any cash; and

4 7. Defendant Cochran ("Stipulating Defendant") is subject to an applicable
5 Bankruptcy discharge and, thus, any money judgment entered herein is done strictly for the purposes
6 of complying with ORS Chapter 18 and Chapter 88 concerning the form of residential real property
7 foreclosure judgments. Accordingly, any money judgment entered herein is not an attempt to collect
8 a debt against Stipulating Defendant personally but rather is only for the purposes of enforcing the
9 security agreement at issue herein. Except for the foreclosure sale contemplated herein, no further
10 action to execute upon the money judgment shall be available to Green Tree and the money judgment
11 shall be deemed satisfied upon successful foreclosure sale. Green Tree shall not be entitled to further
12 execute upon any amounts of the money judgment remaining unsatisfied by the proceeds of the
13 foreclosure sale nor be entitled to any deficiency judgment against Defendant Cochran for such
14 deficient amounts; and

15 8. Upon sale, the purchaser of the Property will be let into possession, and if any
16 person or persons in possession refuses to surrender possession to the purchaser, the purchaser shall
17 have the benefit of all remedies that the law may afford to secure such possession, including
18 extraordinary writ of assistance; and

19 9. This Judgment shall inure to the benefit of Green Tree and Stipulating
20 Defendant, their successors and/or assigns; and

21 10. Defendant PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT,
22 TITLE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN
23 shall be dismissed from this action.
24
25

26
27 **DECLARATION DETERMINING AMOUNT OF DEBT**
28 **(Not a Money Award, see ORS 18.862, 86.797, and 88.010);**

AMENDED
STIPULATED GENERAL JUDGEMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 3
60183-00203-JUD-OR

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Seattle, WA 98164
(206) 676-6640

1 NOTHING IN THIS JUDGMENT IS INTENDED TO VIOLATE ORS 86.797 OR 11 USC §524.
2 JUDGMENT CREDITOR ACKNOWLEDGES THAT IT HAS NO PERSONAL CLAIM
3 AGAINST JUDGMENT DEBTOR AND THAT THIS JUDGMENT SHALL NOT
4 CONSTITUTE A LIEN AGAINST ANY PROPERTY OF JUDGMENT DEBTOR OTHER
5 THAN THE SPECIFIC PARCEL OF REAL PROPERTY IDENTIFIED HEREIN.

- 6 a. Judgment Creditor: Green Tree Servicing LLC
7 b. Judgment Creditor's Address: c/o Robinson Tait, P.S. (see (e.))
8 c. Judgment Creditor's Date of Birth: N/A
9 d. Attorney for Judgment Creditor: Brandon Smith, OSB# 124584
10 e. Attorney for Judgment Creditor's Address and Phone No.: 901 Fifth Avenue, Suite 400
11 Seattle, WA 98164
12 (206) 676-9640
13 f. Other Persons Entitled to Payment: None.
14 Address: N/A
15 g. Judgment Principal Amount: \$175,473.62
16 h. Pre-Judgment Interest Accrued \$36,051.56
17 interest through December 17, 2014,
18 plus interest accruing thereafter at
19 the rate of 6.750 percent per annum
20 until fully paid or the date judgment
21 is entered (whichever occurs first)
(per diem of \$32.45):
22 i. Post-Judgment Interest shall accrue
23 at 9.0% (per ORS 82.010) per
24 annum, from the date of the
25 judgment:
26 j. Other Amounts Due Under Terms of
27 Loan:
+ Property preservation charges: \$2,620.45
+ Escrow advances \$10,182.40
28 + Total recoverable costs: \$12,802.85

AMENDED
STIPULATED GENERAL JUDGEMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 4
60183-00203-JUD-OR

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Litigation Expenses, Costs and
 k. Disbursements:

+ Filing fees awarded:	\$531.00
+ Service fees awarded:	\$225.00
+ Title fees awarded:	\$640.00
+ Total Costs	<u>\$1,396.00</u>

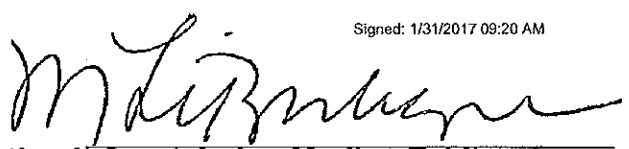
l. Attorney fees awarded:	\$2,050.00
Total attorney fees	<u>\$2,050.00</u>

Total Debt Owed: \$227,774.03

IT IS SO STIPULATED:

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///
///

Signed: 1/31/2017 09:20 AM

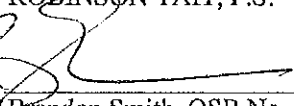


Circuit Court Judge Marilyn B. Hiltzenberger

IT IS SO STIPULATED:

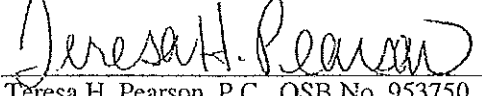
ROBINSON TAIT, P.S.

Dated: December 6, 2016



 Brandon Smith, OSB No. 124584
 bsmith@robinsontait.com
 901 Fifth Avenue, Suite 400
 Seattle, WA 98164
 Telephone: (206) 876-3293
 Attorneys for Plaintiff

GARHAM & DUNN, LLP
MILLER NASH ~~LLP~~



 Teresa H. Pearson, P.C., OSB No. 953750
 teresa.pearson@millernash.com
 3400 U.S. Bancorp Tower

Dated: December 6, 2016

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111 S.W. Fifth Avenue
Portland, OR 97204
Telephone: (503) 224-5858
Attorneys for Defendant; Theresa A. Cochran

Submitted by:
Brandon Smith, OSB No. 124584
ROBINSON TAIT, P.S.
Attorney for Plaintiff

AMENDED
STIPULATED GENERAL JUDGEMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 6
60183-00203-JUD-OR

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