

pd 50 75
ec

2018 JAN 9 PM 12:41

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.

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

BAYVIEW LOAN SERVICING, LLC,
Plaintiff,
v.
PIOTR ORLOFF AKA PIOTR RICHARD
ORLOFF MOES; BROWNSTONE HOMES
CONDOMINIUM ASSOCIATION; SASKIA
HANNE MOES; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 2677 NW
PRESTON CT #98, PORTLAND, OR 97229,
Defendant.

Case No. 16CV09550

WRIT OF EXECUTION

TO THE MULTNOMAH COUNTY SHERIFF:

On November 13, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MULTNOMAH County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: BAYVIEW LOAN SERVICING, LLC c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 2677 NW PRESTON CT #98, PORTLAND, OR 97229-8157 ("Subject Property"), and legally described as: UNIT 98, BROWNSTONE HOMES, A CONDOMINIUM, STAGE 12, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON;

TOGETHER WITH AN UNDIVIDED INTEREST IN THE GENERAL AND LIMITED

1 COMMON ELEMENTS APPERTAINING THERETO, AS SET FORTH IN DECLARATION
2 OF UNIT OWNERSHIP RECORDED JUNE 25, 2001, FEE NO. 2001-095029, AS AMENDED
3 BY SUPPLEMENTAL DECLARATION SUBMITTING BROWNSTONE HOMES, A
4 CONDOMINIUM, STAGE 12, TO CONDOMINIUM OWNERSHIP, RECORDED OCTOBER
5 16, 2003, FEE NO. 2003-247822. APN # R541736

6 The total amount due and owing on the Judgment as of December 14, 2017;

7 Judgment:	Principal	\$265,550.72
8 Pre-Judgment:	Interest(5.12500%, \$29.34/day)	\$13,995.18 (7/25/16 through 11/13/17)
9	Attorney Fees	\$2,500.00
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(5.12500%, \$29.34/day)	\$909.54 (11/14/17 through 12/14/17)

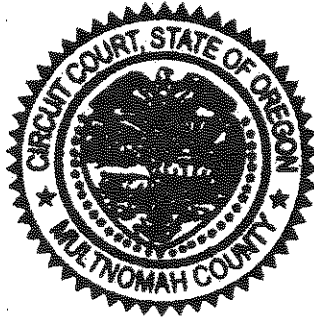
12 **TOTAL: \$283,255.44**

13 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
14 and sell the Subject Property.

15 //
16 //
17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //

1 After the sale, you are directed to issue a certificate of sale to the purchaser and file a
2 return on the writ of execution, depositing the sale proceeds with the Court. Further, you are
3 directed to execute, after the time for redemption has elapsed, a deed to the holder of the
4 certificate of sale.

5 DATED December 27, 2017



COURT ADMINISTRATOR FOR
MULTNOMAH COUNTY CIRCUIT
COURT

By: [Signature]

6
7
8
9
10 Presented by:
ALDRIDGE PITE, LLP

11 [Signature]

12
13 CHRISTINA M. ANDREONI, OSB # 160875
14 Tel: (858) 750-7600
15 Fax: (503) 222-2260
16 CANDREONI@ALDRIDGEPITE.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

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

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

v.

PIOTR ORLOFF AKA PIOTR RICHARD
ORLOFF MOES; BROWNSTONE HOMES
CONDOMINIUM ASSOCIATION; SASKIA
HANNE MOES; and ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 2677 NW PRESTON CT #98,
PORTLAND, OR 97229,

Defendants.

Case No. 16CV09550

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Specifically Assigned to Judge Roberts

16
17
18
19
20
21
22
23
24
25
26

Based upon the Court's Order of Default against Defendants PIOTR ORLOFF AKA
PIOTR RICHARD ORLOFF MOES; BROWNSTONE HOMES CONDOMINIUM
ASSOCIATION; SASKIA HANNE MOES; and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 2677 NW PRESTON CT #98, PORTLAND, OR
97229, the records on file herein, and pursuant to the Motion for General Judgment and
Declaration of Amount Due by Default by Plaintiff BAYVIEW LOAN SERVICING, LLC
("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 2677 NW PRESTON CT
#98, PORTLAND, OR 97229-8157 ("Subject Property"), as evidenced by the Deed of Trust

1 recorded July 16, 2010 in the official records of MULTNOMAH County as Instrument Number
2 2010-087910 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
3 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
4 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
5 legally described as follows:

6 UNIT 98, BROWNSTONE HOMES, A CONDOMINIUM, STAGE 12, IN THE CITY
7 OF PORTLAND, MULTNOMAH COUNTY, OREGON; TOGETHER WITH AN
8 UNDIVIDED INTEREST IN THE GENERAL AND LIMITED COMMON
9 ELEMENTS APPERTAINING THERETO, AS SET FORTH IN DECLARATION OF
10 UNIT OWNERSHIP RECORDED JUNE 25, 2001, FEE NO. 2001-095029, AS
11 AMENDED BY SUPPLEMENTAL DECLARATION SUBMITTING BROWNSTONE
12 HOMES, A CONDOMINIUM, STAGE 12, TO CONDOMINIUM OWNERSHIP,
13 RECORDED OCTOBER 16, 2003, FEE NO. 2003-247822.

14 APN # R541736

15 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
16 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
17 in the manner provided by law;

18 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
19 due under the Note and Deed of Trust ^{as provided in this judgment} ~~and any future advances and/or fees that may be made or~~
20 ~~incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.~~
21 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

22 4. Plaintiff is owed reasonable attorney fees ~~plus the remaining flat rate fees for an~~
23 ~~uncontested execution on the Judgment,~~ pursuant to the Note and Deed of Trust and ORCP Rule
24 68(C), which amount may be added to the outstanding obligation due and owing under the Note
25 and Deed of Trust and recovered from the proceeds of the sheriff's sale. ~~Pursuant to the Deed of~~
26 ~~Trust, these fees continue to accrue to the date of the execution sale.~~ This amount to be satisfied

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 by sale of the Subject Property as directed under this Judgment;

2 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
3 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
4 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
5 ~~to the Deed of Trust, these costs continue to accrue to the date of the execution sale.~~ This
6 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

7 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
8 sale of the Subject Property as directed under this Judgment.

9 7. The Sheriff shall make a return on the writ of execution to the court administrator
10 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
11 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
12 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
13 parties as may establish their right thereto. The Defendants and all persons claiming through or
14 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
15 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
16 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
17 every part of the Subject Property when the time for redemption has elapsed;

18 8. Plaintiff or any other party to this action may become a purchaser at the
19 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
20 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
21 successor in interest may apply to this Court for a writ of assistance to gain possession of the
22 subject property if Defendants or any other party or person refuses to surrender possession;

23 /././

24 /././

25 /././

26 /././

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The amount of the judgment is \$265,550.72.
2. Simple interest at the variable rate currently at 5.12500% (\$29.34 *per diem*) after July 24, 2016, through the date of sale.
3. Attorney fees of \$4,180.00, ^{\$2500 *} plus \$295.00, through the date of sale.
- ~~4. Costs of \$3,127.00, plus costs accrued through the date of sale.~~
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

* reasonable attorney fees reflected in work to date.

CERTIFICATE OF READINESS

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 objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

received and indicated which objections remain unresolved;

c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.

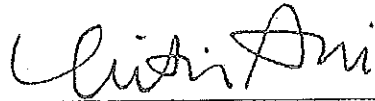
4. The relief sought is against an opposing party who has been found in default.

5. An order of default is being requested with this proposed judgment.

6. Service is not required pursuant to subsection (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 10/3/2017

Christina M. Andreoni, OSB #160875
(858) 750-7600
(503) 222-2260 (Facsimile)
candreoni@aldridgepite.com
Of Attorneys for Plaintiff