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LINN COUNTY
SHERIFFS OFFICE

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

BRAD J. EDGERTON; THE BANK OF NEW
YORK MELLON FKA THE BANK OF NEW
YORK, AS SUCCESSOR TRUSTEE TO
JPMORGAN CHASE BANK, N.A., AS
TRUSTEE ON BEHALF OF THE
CERTIFICATEHOLDERS OF THE CWHEQ
INC., CWHEQ REVOLVING HOME
EQUITY LOAN TRUST SERIES 2006-D;
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4337 MACKINAW AVENUE SOUTHEAST,
ALBANY, OR 97322,
Defendant.

Case No. 17CV21900

WRIT OF EXECUTION

TO THE LINN COUNTY SHERIFF:

On November 16, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN 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: U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST 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 4337 MACKINAW

1 AVENUE SOUTHEAST, ALBANY, OR 97322 ("Subject Property"), and legally described as:
2 LOT.73, COASTAL CROSSING SUBDIVISION, IN THE CITY OF ALBANY, LINN
3 COUNTY, OREGON.

4 The total amount due and owing on the Judgment as of December 20, 2017;

5 Judgment:	Principal	\$194,913.31
6 Pre-Judgment:	Interest(4.00%, \$19.43/day)	\$116.58 (11/11/17 through 11/16/17)
7	Attorney Fees	\$3,745.00
8	Costs	\$2,744.01
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(4.00%, \$19.43/day)	\$660.62 (11/17/17 through 12/20/17)
11	Attorney Fees	\$305.00

12 **TOTAL: \$202,784.52**

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.

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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.

Signed: 12/22/2017 08:46 AM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

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7
8 Presented by:
9 ALDRIDGE PITE, LLP

10 *Christina M. Andreoni*

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12 CHRISTINA M. ANDREONI, OSB # 160875
13 Tel: (858) 750-7600
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15 CANDREONI@ALDRIDGEPITE.COM



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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

v.

BRAD J. EDGERTON; THE BANK OF NEW
YORK MELLON FKA THE BANK OF NEW
YORK, AS SUCCESSOR TRUSTEE TO
JPMORGAN CHASE BANK, N.A., AS
TRUSTEE ON BEHALF OF THE
CERTIFICATEHOLDERS OF THE CWHEQ
INC., CWHEQ REVOLVING HOME
EQUITY LOAN TRUST SERIES 2006-D;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4337 MACKINAW AVENUE SOUTHEAST,
ALBANY, OR 97322,

Defendants.

Case No. 17CV21900

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

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

Based upon the stipulation of Defendants THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK,
N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ
INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST SERIES 2006-D ("Stipulating
Defendant"), the Court's Order of Default against Defendants BRAD J. EDGERTON and ALL
OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4337 MACNKINAW
AVENUE SOUTHEAST ALBANY, OR 97322 ("Defendants"), the records on file herein, and

Page 1 - GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

1 pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
2 Plaintiff U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
3 TRUST ("Plaintiff"),

4 **IT IS HEREBY ADJUDGED:**

5
6 1. Plaintiff's security interest in the real property located at 4337 Mackinaw Avenue
7 Southeast, Albany, OR 97322 ("Subject Property"), as evidenced by the Deed of Trust recorded
8 in the official records of County as instrument number 2006-04736 ("Deed of Trust"), is a viable
9 first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships,
10 liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the
11 Note and Deed of Trust.
12

13 2. Stipulating Defendants have a valid and subsisting lien junior to that of Plaintiff.

14 3. The Subject Property is legally described as follows:

15 LOT 73, COASTAL CROSSING SUBDIVISION, IN THE CITY OF ALBANY,
16 LINN COUNTY, OREGON.

17 4. The Deed of Trust is foreclosed and upon entry of this Judgment the court
18 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the
19 Sheriff, in the manner provided by law;
20

21 5. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
22 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
23 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
24 This amount is to be satisfied by the sale of the Subject Property as directed under this Judgment.
25

26 6. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an

1 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
2 68(C), which amount may be added to the outstanding obligation due and owing under the Note
3 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
4 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
5 by sale of the Subject Property as directed under this Judgment;

6
7 7. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
8 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
9 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
10 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This amount
11 to be satisfied by sale of the Subject Property as directed under this Judgment;

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

14
15 9. The Sheriff shall make a return on the writ of execution to the court administrator
16 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
17 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
18 awarded herein; then to Stipulating Defendant, and the surplus, if any, to the clerk of the court to
19 be distributed to such party or parties as may establish their right thereto. The Defendants and all
20 persons claiming through or under Defendants, whether lien claimants, judgment creditors,
21 claimants arising under junior mortgages or deeds of trust, purchasers, encumbrances or
22 otherwise, shall be barred and foreclosed from all rights, claims, interest or equity of redemption
23 in the Subject Property and every part of the Subject Property when the time for redemption has
24 elapsed;
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1 10. Plaintiff or any other party to this action may become a purchaser at the
2 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
3 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
4 successor in interest may apply to this Court for a writ of assistance to gain possession of the
5 subject property if Defendants or any other party or person refuses to surrender possession;
6

7 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 10 1. The amount of the judgment is \$194,913.31,
11 2. Simple interest at the variable rate currently at 4.00% (\$19.43 *per diem*) after
12 November 10th, 2017, through the date of sale.
13 3. Attorney fees of \$3,745.00, plus \$305.00, through the date of sale.
14 4. Costs of \$2,744.01, plus costs accrued through the date of sale.
15 5. Prevailing party fee: \$300.00.
16

17 **IT IS SO ADJUDGED**

18 Dated: Nov. 16, 2017.

Signed: 11/16/2017 11:16 AM



David E. Delsman, Circuit Court Judge

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 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.

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1 Presented By:
ALDRIDGE PITE, LLP.

2 *Christina Andreoni*

3 Date: 11/10/2017

4 Christina Andreoni, OSB #160875
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10 *A Smith, OSB#131330 Date 11/13/2017*

11 Of Attorneys for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
12 AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON
13 BEHALF OF THE CERTIFICATEHOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING
14 HOME EQUITY LOAN TRUST SERIES 2006-D

15 By signing above the Parties hereby acknowledge the following: (1) that they were provided a
16 reasonable period of time to review and consider this Stipulated Judgment; (2) that they were
17 advised to and have sought and received the advice of their attorney prior to signing this
18 Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so;
19 (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment;
20 (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a
21 manner that is understandable to them, and that they indeed understand the entirety of this
22 Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign
23 this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that
24 they hereby release the rights and claims set forth above in exchange for the consideration set
25 forth in this Stipulated Judgment.
26