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2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
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LANE COUNTY S.O. CIVIL
12-11-17 BJS YH

CIRCUIT COURT OF OREGON FOR LANE COUNTY

11 THE BANK OF NEW YORK MELLON FKA
12 THE BANK OF NEW YORK AS TRUSTEE
13 FOR THE CERTIFICATEHOLDERS OF NO. 15CV19850
14 CWMBMS, INC., CHL MORTGAGE PASS- WRIT OF EXECUTION IN FORECLOSURE
15 THROUGH TRUST 2007-14 MORTGAGE
16 PASS-THROUGH CERTIFICATES, SERIES
17 2007-14,

16 Plaintiff,

17 v.

18
19 TY R. MAKS, BANK OF AMERICA, N.A.,
20 ERIKA R. MAKS, UNITED STATES OF
21 AMERICA, INTERNAL REVENUE
22 SERVICE, AND PERSONS OR PARTIES
23 UNKNOWN CLAIMING ANY RIGHT,
24 TITLE, LIEN, OR INTEREST IN THE
25 PROPERTY DESCRIBED IN THE
26 COMPLAINT HEREIN,

25 Defendants.

27 TO: LANE COUNTY SHERIFF
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1
2 1. WHEREAS, on October 30, 2017, in the above-entitled court, a judgment of
3 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
4 hereto as **Exhibit "A"** and made a part hereof;

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

6 The Bank of New York Mellon FKA The Bank of New York as Trustee for the
7 Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2007-14
8 Mortgage Pass-Through Certificates, Series 2007-14
9 c/o Bayview Loan Servicing, LLC
4425 Ponce De Leon Blvd 4th Blvd
10 Coral Gables, FL 33146

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

12 Bayview Loan Servicing, LLC
13 c/o Robinson Tait, P.S.
14 901 Fifth Avenue, Suite 400
15 Seattle, Washington 98164

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

18 LEGAL DESCRIPTION IS ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.
19 and commonly known as 3714 MARCELLA DRIVE, EUGENE, OR 97408.

20 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
21 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
22 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
23 had on June 27, 2007, the date of the Deed of Trust, and also all of the interest which the defendant(s)
24 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
25 November 6, 2017,
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2 **Lenders Principal Judgment:**

3	1. Unpaid Principal Balance	<u>\$488,102.02</u>
4	2. Pre-Judgment Interest from February 1, 2014	
5	to July 25, 2017, the date calculated by the Declarant	
6	in the Declaration in Support of Judgment	<u>\$39,518.91</u>
7	3. Lenders Fees and Costs	<u>\$29,790.84</u>
8	4. Attorney's Fees and Costs	<u>\$4,713.50</u>

9
10 *Total Judgment Award Entered* \$562,125.27

11 **Additional Pre Judgment Interest**

12	1. Accrued Interest from July 26, 2017	
13	to October 30, 2017 the date of entry	
14	of Judgment	<u>\$5,189.50</u>

15 *Total Judgment Award* \$567,314.77

16 **Post Judgment Interest**

17	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$139.89, from October 31,	
18	2017, the day after the entry of judgment, through November 6, 2017,	
19	the date the writ is being requested	<u>\$979.23</u>

20 *Current Total Amount Owing* \$568,294.00

21 In addition to the above, interest continues to accrue on the total of the amounts listed above
22 at the rate of 9% per annum or at \$139.89 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
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2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

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

6
7 DATED this _____ day of _____, 2017.
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Signed: 11/15/2017 05:10 PM

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15 **Karrie K. McIntyre, Circuit Court Judge**



EXHIBIT A

Lot 43, HIDDEN CREEK ESTATES, PHASE III, recorded February 14, 2002, Reception No. 2002-012407, Official Records of Lane County, Oregon.

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CIRCUIT COURT OF OREGON FOR LANE COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWMBS, INC., CHL MORTGAGE PASS-
THROUGH TRUST 2007-14 MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2007-14,

Plaintiff,

v.

TY R. MAKS; BANK OF AMERICA, N.A.;
ERIKA R. MAKS; UNITED STATES OF
AMERICA. INTERNAL REVENUE
SERVICE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT.
TITLE. LIEN. OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 15CV19850

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein. the
plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-
THROUGH TRUST 2007-14 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-14,
appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, defendant Ty R.

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60380-00674-010-011504007

Robinson Tait, P.C.
ROBINSON TAIT, P.C.

501 East Avenue, Suite 900
Seattle, WA 98101
206.461.0200

1
2 Maks being represented by Maura Roberts, defendant Maks having stipulated to foreclosure, and
3 after considering the pleadings and affidavits on file herein, findings of fact and conclusion of law
4 being unnecessary under Civil Rule 69D, the court finds that the allegations contained in the
5 plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to
6 judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff
7 forthwith as more particularly hereafter set forth. Therefore,
8

9 IT IS HEREBY ORDERED AND ADJUDGED THAT:

10 1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK
11 AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-
12 THROUGH TRUST 2007-14 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-14 be
13 awarded judgment in the sum of \$488,102.02, together with interest at a rate as provided in the Note
14 from February 1, 2014 through July 25, 2017 in the amount of \$39,518.91 with additional pre-judgment
15 interest at the per diem rate of \$53.50 as provided in the Note to the date of entry of judgment; plus
16 reasonable attorneys' fees in the amount of \$2,050.00, together with additional attorneys' fees for
17 contested work in the amount of \$1,505.00, totaling \$3,555.00 plus other recoverable amounts of
18 \$29,790.84 which includes the amounts itemized in the declaration of the lender in support of motion for
19 judgment plus allowable costs of \$1,158.50 as itemized in the bill of disbursements and an additional
20 amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or
21 at the contract rate, whichever is greater; and.
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25 2. Plaintiff's Deed of Trust on real property in Lane County, Oregon, legally described as
26 follows:

27 LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT A.
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2 which was recorded on July 5, 2007, under Auditor's File No. 2007-046048, records of Lane County,
3 Oregon, be adjudged and decreed to be a first and paramount lien upon the above described real
4 estate and the whole thereof as security for the payment of the judgment herein set forth, and that said
5 Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff
6 of Lane County in the manner provided for by law, and the proceeds therefrom shall be applied to the
7 payment of the judgment, interest, attorneys' fees and costs, and such other sums as plaintiff has
8 advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge
9 upon said real estate, prior and superior to any right, title, estate, lien or interest of the defendant and
10 of any one claiming by, through or under them; and
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13 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
14 property described above or any part thereof subsequent to June 27, 2007, the date of the Deed of
15 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
16 title, lien or interest in or to said property or any part thereof, save and except for the right of
17 redemption as allowed by law; and
18

19 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
20 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
21 law, and to all right, title and interest in any rents and profits generated or arising from the property
22 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
23 secure possession, including writ of assistance, if defendants or any of them or any other party or person
24 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
25 possession; and
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5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall pay the remaining proceeds as directed by the court in the order of distribution.

DECLARATION DETERMINING AMOUNT OF DEBT
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

Judgment Creditor: THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWMBS, INC., CHL MORTGAGE PASS-
THROUGH TRUST 2007-14 MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2007-14
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

The name of any person or public body,
other than the Judgment Creditor's
Attorney, who is entitled to any
portion of the judgment: None

Principal Balance: \$488,102.02

Simple Interest on the Principal Balance
from February 1, 2014 to July 25, 2017: \$39,518.91

Other Amounts Due Under Terms of Loan: \$29,790.84

Attorneys' Fees and Costs:
Attorneys' Fee: \$3,555.00
Total Costs: \$1,158.50

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Total Attorney Fees and Costs: \$4,713.50

TOTAL DEBT OWED \$562,125.27

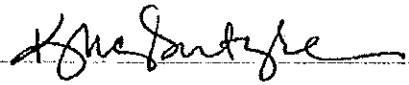
Pre-Judgment: Additional pre-judgment interest accrues from July 26, 2017, to the date of entry of judgment at the per diem rate of \$53.50, in accordance with the Note.

Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Allowed. _____

Denied. _____

Signed: 10/26/2017 03:06 PM



Karrie K. McIntyre, Circuit Court Judge

Submitted by:

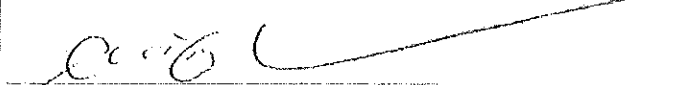

 Craig Peterson. OSB #120365
Email: cpeterson@robinsontait.com
 Jaimie Fender. OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood. OSB #123008
Email: KHood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

Exhibit A

Lot 43, HIDDEN CREEK ESTATES, PHASE III, recorded February 14, 2002, Reception No. 2002-012407, Official Records of Lane County, Oregon.


CERTIFICATE OF READINESS- UTCR 5.100

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

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting 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.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

10-11-17



Attorney, OSB

120365