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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-
QS16,

Plaintiff,

v.

MARK A. GENOVESE; MCKENZIE-
WILLAMETTE MEDICAL CENTER;
OREGON DEPARTMENT OF REVENUE
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 476
ARCHIE STREET, EUGENE, OR 97402,

Defendant.

Case No. 17CV19808

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On December 19, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE 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: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-QS16 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 476 ARCHIE STREET, EUGENE, OR 97402 ("Subject Property"), and legally described as:

1 LOT 3, BLOCK 29, FAIRFIELD SEVENTH ADDITION, AS PLATTED AND
2 RECORDED IN BOOK 24, PAGE 22, LANE COUNTY OREGON PLAT RECORDS, IN
3 LANE COUNTY, OREGON.

4 The total amount due and owing on the Judgment as of December 28, 2017;

5 Judgment:	Principal	\$154,177.26
6 Pre-Judgment:	Interest(3.870%, \$14.97/day)	\$883.23 (10/22/17 through 12/19/17)
7	Attorney Fees	\$5,176.25
8	Costs	\$4,145.00
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(3.870%, \$14.97/day)	\$134.73 (12/20/17 through 12/28/17)
11	Attorney Fees	\$305.00

12 **TOTAL: \$165,121.47**

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.

5 DATED JAN 09 2018.



COURT ADMINISTRATOR FOR LANE
COUNTY CIRCUIT COURT

By: *[Signature]*

9 Presented by:
10 ALDRIDGE PITE, LLP

11
12 x *S Mathenia*
13 SARAH M. MATHENIA, OSB # 120681
14 Tel: (858) 750-7600
15 Fax: (503) 222-2260
16 SMATHENIA@ALDRIDGEPITE.COM

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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-
QS16,

Plaintiff,

v.

MARK A. GENOVESE; MCKENZIE-
WILLAMETTE MEDICAL CENTER;
OREGON DEPARTMENT OF REVENUE
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 476
ARCHIE STREET, EUGENE, OR 97402,

Defendants.

Case No. 17CV19808

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

ORCP Rule 69

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

Based upon the stipulation of Defendant Oregon Department of Revenue ("Stipulating Defendant"), the Court's Order of Default against defendants Mark A. Genovese; McKenzie-Willamette Medical Center; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 476 Archie Street, Eugene, OR 97402, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default and Stipulation by Plaintiff Deutsche Bank Trust Company Americas, as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS16 ("Plaintiff"),

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

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 476 Archie Street,
3 Eugene, OR 97402 ("Subject Property"), as evidenced by the Deed of Trust recorded October
4 28, 2004 in the official records of Lane County as instrument number 2004-083358 ("Deed of
5 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
6 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
7 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

8
9 LOT 3, BLOCK 29, FAIRFIELD SEVENTH ADDITION, AS PLATTED AND
10 RECORDED IN BOOK 24, PAGE 22, LANE COUNTY OREGON PLAT RECORDS,
11 IN LANE COUNTY, OREGON.

12
13 2. Stipulating Defendant Oregon Department of Revenue has two, valid subsisting liens
14 junior to that of Plaintiff: 1) state tax lien R075934291 in the amount of \$49,438.36, recorded in
15 Lane County on September 18, 2014 as instrument number 2014-036860 and 2) state tax lien
16 R077380620 in the amount of \$72,570.90, recorded in Lane County on January 29, 2015 as
17 instrument number 2015-003568.

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

21 4. 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 sale of the Subject Property as directed under this Judgment;

25 5. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
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Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

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111 SW Columbia Street, Suite 950
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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 6. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
7 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
8 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
9 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
10 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

22 9. Plaintiff or any other party to this action may become a purchaser at the
23 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
24 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
25 successor in interest may apply to this Court for a writ of assistance to gain possession of the
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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

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1 subject property if Defendants or any other party or person refuses to surrender possession;

2 DECLARATION OF AMOUNT DUE BY DEFAULT

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

5 1. The total amount of the unpaid principal balance, interest, and other amounts
6 owed is \$154,177.26.

7 2. Simple interest at the variable rate currently at 3.870% (\$14.97 *per diem*) from
8 October 21, 2017, through the date of sale.

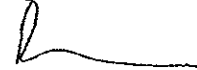
9 3. Attorney fees of \$5,176.25 plus \$305.00 through the date of sale.

10 4. Costs of \$4,145.00 plus costs accrued through the date of sale.

11 5. Prevailing party fee: \$300.00.

12
13 IT IS SO ADJUDGED
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Signed: 12/18/2017 03:45 PM



19
20 R. Curtis Conover, Circuit Court Judge

21 CERTIFICATE OF READINESS

22 This proposed Order or Judgment is ready for judicial signature because:

23 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
24 or Judgment, as shown by each opposing party's signature on the document being
submitted.

25 2. Each opposing party affected by this Order or Judgment has approved the Order or
26

Page 4 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

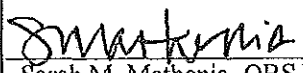
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Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

- 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.

Presented By:
ALDRIDGE PITE, LLP



Date: 12/12/17

Sarah M. Mathenia, OBS No. 120681
of Attorneys for Plaintiff
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(503) 222-2260 (facsimile)
smathenia@aldridgepite.com

<Stipulations on next page.>

Page 5 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

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(858) 750-7600

1 IT IS SO STIPULATED:

2 Submitted and Stipulated to by:

3

4 ALDRIDGE PITE, LLP

5

6

Smathenia

Date: 12/12/17

7

Sarah M. Mathenia, OBS No. 120681

8

of Attorneys for Plaintiff

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(858) 750-7600

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13

Byron D. Hadley

Date: 12/12/17

14

Byron D. Hadley, OSB #040653

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Assistant Attorney General,

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Department of Justice

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Of Attorneys for Defendant State of Oregon

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Department of Revenue

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Page 6 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

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