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CLACKAMAS COUNTY SHERIFF

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
6 FOR THE COUNTY OF CLACKAMAS

7 U.S. BANK NATIONAL ASSOCIATION, AS  
8 TRUSTEE FOR OWNIT MORTGAGE LOAN  
9 TRUST, MORTGAGE LOAN ASSET-  
10 BACKED CERTIFICATES, SERIES 2006-5,

11 Plaintiff,

12 v.

13 VANESSA BOROVICKA; JAMES R.  
14 BOROVICKA; MORTGAGE ELECTRONIC  
15 REGISTRATION SYSTEMS, INC.; OWNIT  
16 MORTGAGE SOLUTIONS, INC.;  
17 GREENRIDGE PROPERTY OWNERS  
18 ASSOCIATION; MOUNTAIN PARK  
19 HOMEOWNERS ASSOCIATION; RAY  
20 KLEIN, INC.; THE UNKNOWN HEIRS AND  
21 DEVISEES OF DONALD W. BRYANT;  
22 MAXINE BRYANT; STATE OF OREGON  
23 DEPARTMENT OF REVENUE; UNITED  
24 STATES OF AMERICA; OCCUPANTS OF  
25 THE PROPERTY,

26 Defendants.

Case No.: CV15040692

WRIT OF EXECUTION IN  
FORECLOSURE

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28  
29 **TO THE CLACKAMAS COUNTY SHERIFF:**

30 A Judgment of Foreclosure was entered and docketed in this case on July 14, 2017. A  
31 true copy of the Judgment is attached hereto. The Judgment was entered in favor of the  
32 Judgment Creditor:

33 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR OWNIT MORTGAGE  
34 LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-5  
35 c/o Bryan Kidder  
36 Attorney for Plaintiff  
37 McCarthy & Holthus, LLP  
38 920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$341,737.04, plus post-judgment interest at the statutory rate  
2 of 9.0% per annum from July 14, 2017 to November 14, 2017 in the amount of \$10,364.46, and  
3 accruing at \$84.26 *per diem*, currently totaling \$352,101.50.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about March 15, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00205584 and  
9 commonly known as: 57 Greenridge Ct, Lake Oswego, OR 97035.

10 Sale of the property is to satisfy the sum listed above, plus the costs incurred in  
11 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under  
12 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.  
13 You are to make the return within 60 days after you receive this Writ. Should the sale be  
14 continued, the writ may be automatically extended for 30 days.

15 **DATED:** 21 day of November, 2017.

16 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.  
17 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,  
18 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING  
19 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST  
20 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

21 Judicial Assistant

22 Title

23 By: Wendy Dalton



24 Dated: November 14, 2017 and submitted by:

25 **McCarthy & Holthus, LLP**

26 Bryan Kidder

27 Bryan Kidder, OSB No. 140459  
28 920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
bkidder@mccarthyholthus.com  
Of Attorneys for Plaintiff

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR OWNIT MORTGAGE  
LOAN TRUST, MORTGAGE LOAN  
ASSET-BACKED CERTIFICATES, SERIES  
2006-5,

Plaintiff,

v.

VANESSA BOROVIKA; JAMES R.  
BOROVICKA; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; OWNIT  
MORTGAGE SOLUTIONS, INC.;  
GREENRIDGE PROPERTY OWNERS  
ASSOCIATION; MOUNTAIN PARK  
HOMEOWNERS ASSOCIATION; RAY  
KLEIN, INC.; THE UNKNOWN HEIRS  
AND DEVISEES OF DONALD W.  
BRYANT; MAXINE BRYANT; STATE OF  
OREGON DEPARTMENT OF REVENUE;  
UNITED STATES OF AMERICA;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15040692

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

All defendants ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 1 a. The real property to which this judgment relates is located and situated in Clackamas County,  
 2 Oregon, and is commonly known as 57 Greenridge Ct, Lake Oswego, OR 97035 (the  
 3 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having  
 4 APN/Parcel No. 00205584.
- 5 b. Plaintiff is entitled to enforce the note dated 3/15/2006 and made, delivered, and executed by  
 6 VANESSA BOROVIKA to OWNIT MORTGAGE SOLUTIONS, INC. in the amount of  
 7 \$196,500.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession  
 8 and by indorsement set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Defendant VANESSA BOROVIKA  
 10 on or about 3/17/2006 (the “Deed of Trust”). The Deed of Trust was recorded on 3/21/2006  
 11 as Instrument No. 2006-025020 in the official records of Clackamas County, Oregon. The  
 12 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
 13 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
 14 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.
- 15 d. The Borrower failed to make the payment that was due for 9/1/2009 and has not cured the  
 16 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
 17 comprised of the following amounts (the “Amount Due”):

18	a) Unpaid principal balance:	\$194,043.46
19	b) Prejudgment interest accruing from	
20	8/1/2009 through 4/24/2017 and	
21	continuing until the entry of judgment	
	at the current Note rate of 7.5%:	\$102,260.52
22	c) Additional amounts due under the	\$36,806.83
23	terms of the loan:	
24	d) Attorney fees and costs:	\$8,541.23
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(2)(a)):	
26	<b>Total:</b>	<b>\$341,737.04</b>

1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
2 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant VANESSA BOROVICKA  
9 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by  
10 the Clackamas County Sheriff's Office in accordance with the process for sale upon  
11 execution, and the proceeds of sale shall be applied:

- 12 1) First, to the costs of sale not incurred by Plaintiff;
- 13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
14 entry of judgment through the date of the sale and any incurred costs of sale;
- 15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
22 Property from and after the date of the sale and is entitled to such remedies as are available at  
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
25 possession to the purchaser immediately upon the purchaser's demand for possession.  
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1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
2 entitled to any further or other judgment, including a judgment for the deficiency.

3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
5 terminated.

6 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
7 Trust are as follows:

8 1) Defendant RAY KLEIN, INC may claim an interest in Subject Property by virtue of a  
9 judgment entered on January 11, 2005 in the Circuit Court of Clackamas County,  
10 Case No. LV04030869, in the amount of \$4,153.86 plus \$2,409.34 interest plus  
11 \$179.00 against James Borovicka.

12 2) Defendant STATE OF OREGON DEPARTMENT OF REVENUE may claim an  
13 interest in Subject Property by virtue of a lien recorded November 15, 2005 as  
14 Instrument No. 2005-114380 in the official records in this county in the amount of  
15 \$5,318.23.

16 3) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and  
17 OWNIT MORTGAGE SOLUTIONS, INC may claim an interest in Subject Property  
18 by virtue of a deed of trust recorded March 21, 2006 as Instrument No. 2006-025021  
19 in the official records of Clackamas County, Oregon, securing a promissory note in  
20 the amount of \$65,500.00.

- 1 4) Defendants THE UNKNOWN HEIRS AND DEVISEES OF DONALD W.  
2 BRYANT and MAXINE BRYANT may claim a junior interest in Subject Property  
3 by virtue of a deed of trust recorded January 9, 2008 as Instrument No. 2008-001483  
4 in the official records of Clackamas County, Oregon, securing a promissory note in  
5 the amount of \$25,029.50.
- 6 5) Defendant GREENRIDGE PROPERTY OWNERS ASSOCIATION may claim an  
7 interest in Subject Property by virtue of a lien recorded March 5, 2008 as Instrument  
8 No. 2008-015581 in the official records in this county in the amount of \$869.44.
- 9 6) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject  
10 Property by virtue of a federal tax lien, notice of which was filed as follows:  
11 Notice of federal tax lien in the amount of \$15,525.97, recorded May 19, 2008, Office  
12 of County Record, Clackamas County, Recording Number 2008-036145 wherein  
13 JAMES R. BOROVICKA of 57 Greenridge Ct, Lake Oswego, OR 97035 is named as  
14 taxpayer. The notice was filed by the Internal Revenue Service and bears serial  
15 number 443960608.
- 16 7) Defendant STATE OF OREGON DEPARTMENT OF REVENUE may claim an  
17 interest in Subject Property by virtue of a lien recorded July 18, 2008 as Instrument  
18 No. 2008-051207 in the official records in this county in the amount of \$3,243.15.
- 19 8) Defendant MOUNTAIN PARK HOMEOWNERS ASSOCIATION may claim an  
20 interest in Subject Property by virtue of a lien recorded May 28, 2009 as Instrument  
21 No. 2009-037049 in the official records in this county in the amount of \$860.98.
- 22 9) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject  
23 Property by virtue of a federal tax lien, notice of which was filed as follows:  
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1 Notice of federal tax lien in the amount of \$7,971.82, recorded October 5, 2010,  
2 Office of County Record, Clackamas County, Instrument Number 2010-062786  
3 wherein JAMES R BOROVIKA of 57 Greenridge Ct, Lake Oswego, OR 97035 is  
4 named as taxpayer. The notice was filed by the Internal Revenue Service and bears  
5 serial number 703542510.

6 10) Defendants JAMES R. BOROVIKA may claim some interest or lien in the Subject  
7 Property by virtue of a Quitclaim Deed recorded May 27, 2011 in Clackamas County  
8 as Instrument Number 2011-031151.

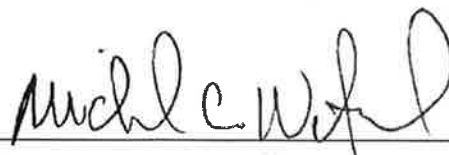
9 11) Defendant GREENRIDGE PROPERTY OWNERS ASSOCIATION may claim an  
10 interest in Subject Property by virtue of a lien recorded April 10, 2012 as Instrument  
11 No. 2012-021621 in the official records in this county in the amount of \$6,022.91.

12 12) STATE OF OREGON DEPARTMENT OF REVENUE may claim an interest in  
13 Subject Property by virtue of a lien recorded April 13, 2016 as Instrument No. 2016-  
14 023684 in the official records in this county in the amount of \$6,137.14

15 13) Defendant MOUNTAIN PARK HOMEOWNERS ASSOCIATION may claim an  
16 interest in Subject Property by virtue of a judgment entered on July 7, 2016 in the  
17 Circuit Court of Clackamas County, Case No. 16CV21407, in the amount of  
18 \$6,447.59 plus interest against James Borovicka..

19 14) STATE OF OREGON DEPARTMENT OF REVENUE may claim an interest in  
20 Subject Property by virtue of a lien recorded April 13, 2016 as Instrument No. 2016-  
21 023684 in the official records in this county in the amount of \$6,137.14

22  
23  
24 Signed: 7/12/2017 04:18 PM

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26  
27 **Circuit Court Judge Michael C. Wetzel**



1 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

2 This proposed General Judgment of Foreclosure is ready for judicial signature because:

3  Each opposing party affected by this order or judgment has stipulated to the order or  
4 judgment, as shown by each opposing party's signature on the document being  
submitted.

5  Each opposing party affected by this order or judgment has approved the order or  
6 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

7  I have served a copy of this order or judgment on all parties entitled to service and:

8  No objection has been served on me.

9  I received objections that I could not resolve with the opposing party despite  
reasonable efforts to do so. I have filed a copy of the objections I received and  
10 indicated which objections remain unresolved.

11  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

14  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
otherwise.

15  This is a proposed judgment that includes an award of punitive damages and notice  
16 has been served on the Director of the Crime Victims' Assistance Section as required  
by subsection (4) of this rule.

17  Other: \_\_\_\_\_

18 Presented by:

19 **McCarthy & Holthus, LLP**

20 s/ Bryan Kidder 4/24/2017

21 Bryan Kidder, OSB No. 140459

22 920 SW 3rd Ave, 1st Floor

23 Portland, OR 97204

24 Phone: (971) 201-3200

25 Fax: (971) 201-3202

26 bkidder@mccarthyholthus.com

27 Of Attorneys for Plaintiff

# Exhibit 1

## LEGAL DESCRIPTION

Lot 50, GREENRIDGE COURT TOWNHOUSES NO. 4, in the City of Lake Oswego, County of Clackamas and State of Oregon.

# Exhibit 1

## LEGAL DESCRIPTION

Lot 50, GREENRIDGE COURT TOWNHOUSES NO. 4, in the City of Lake Oswego, County of Clackamas and State of Oregon.