

CLACKAMAS COUNTY SHERIFF
18 JAN 24 PM 12:02

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS INDENTURE TRUSTEE FOR
MORTGAGEIT TRUST 2005-2, NO. CV15090180

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

v.

JILL SPENCER, TODD SPENCER,
KEYBANK, NATIONAL ASSOCIATION,
RENX GROUP, LLC, BANK OF LAS
VEGAS, AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

TO: CLACKAMAS COUNTY SHERIFF

1. WHEREAS, on July 28, 2017, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as

Exhibit "A" and made a part hereof;

1
2 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

3 Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust
4 2005-2
5 c/o Specialized Loan Servicing LLC
6 8742 Lucent Blvd, Ste 300
7 Highlands Ranch, CO 80129

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

9 Specialized Loan Servicing LLC
10 c/o Robinson Tait, P.S.
11 901 Fifth Avenue, Suite 400
12 Seattle, Washington 98164

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

15 SEE LEGAL DESCRIPTION ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.

16 and commonly known as 1701 SE Oak Shore Lane, Milwaukie, OR 97267.

17 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
18 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
19 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
20 had on February 22, 2005, the date of the Deed of Trust, and also all of the interest which the
21 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
22 which as of August 23, 2017,

23
24 **Lenders Principal Judgment:**

25 1. Unpaid Principal Balance	\$ <u>791,961.85</u>
26 2. Pre-Judgment Interest from June 1, 2010 to August 5, 2016, the date calculated by the Declarant in the Declaration in Support of Judgment	\$ <u>144,330.99</u>
27 3. Lenders Fees and Costs	\$ <u>125,242.60</u>
28 4. Attorney's Fees and Costs	\$ <u>9,344.15</u>

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Total Judgment Award Entered \$1,070,879.59

Additional Pre Judgment Interest

1. Accrued Interest from August 6, 2016
to July 28, 2017 the date of entry
of Judgment \$26,143.11

Total Judgment Award \$1,097,022.70

Post Judgment Interest

1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$270.50, from July 29,
2017, the day after the entry of judgment, through August 23, 2017,
the date the writ is being requested \$7,033.00

Current Total Amount Owing \$1,104,055.70

In addition to the above, interest continues to accrue on the total of the amounts listed above
at the rate of 9% per annum or at \$270.50 per diem, in accordance with the General Judgment of
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 30 day of August, 2017.



Wendy Watson

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

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

Kimberly Hood

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 Jaimie Fender, OSB #120832
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 Kimberly Hood, OSB #123008
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Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
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EXHIBIT A

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS INDENTURE TRUSTEE
FOR MORTGAGEIT TRUST 2005-2,

Plaintiff,

v.

JILL SPENCER; TODD SPENCER;
KEYBANK, NATIONAL ASSOCIATION;
RENX GROUP, LLC; BANK OF LAS
VEGAS; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. CV15090180

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, DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE FOR
MORTGAGEIT TRUST 2005-2, appearing and being represented by CRAIG PETERSON, Attorney
of Robinson Tait, defendant Bank of Las Vegas being represented by Paul S. Cosgrove, and having
stipulated to foreclosure, defendant Key Bank National Association, having been represented by
Marisa Bender, and having stipulated to foreclosure, defendant Renx Group, LLC, being represented

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60500-00658-JU D-OR1731326

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle, WA 98101
(206) 476-9010

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2 by Andrew D. Glasscock, and plaintiff's Motion for Summary Judgment having been granted, the
3 remaining defendants having either been defaulted or dismissed, and that the judgment should be
4 entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

5 IT IS HEREBY ORDERED AND ADJUDGED THAT:

6 1. Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE
7 TRUSTEE FOR MORTGAGEIT TRUST 2005-2 be awarded judgment in the sum of \$791,961.85.
8 together with interest at a rate as provided in the Note from June 1, 2010 through December 5, 2016 in
9 the amount of \$144,330.99 with additional pre-judgment interest at the per diem rate of \$73.2293 as
10 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
11 \$5,446.00, plus other recoverable amounts of \$125,242.60 which includes the amounts itemized in the
12 declaration of the lender in support of motion for judgment plus allowable costs of \$3,898.15 as itemized
13 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
14 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and
15

16 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
17 described as follows:
18

19 SEE LEGAL DESCRIPTION ATTACHED HERETO AS **EXHIBIT A**.

20 which was recorded on February 28, 2005, under Auditor's File No. 2005-016915, records of
21 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
22 described real estate and the whole thereof as security for the payment of the judgment herein set
23 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
24 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
25 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
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1 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
2 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
3 interest of Jill Spencer and Todd Spencer and of any one claiming by, through or under them; and
4

5 3. Jill Spencer and Todd Spencer subsequent to February 22, 2005, the date of the Deed
6 of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any
7 right, title, lien or interest in or to said property or any part thereof, save and except for the right of
8 redemption as allowed by law; and
9

10 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
11 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
12 law, and to all right, title and interest in any rents and profits generated or arising from the property
13 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
14 secure possession, including writ of assistance, if defendants or any of them or any other party or person
15 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
16 possession; and
17

18 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
19 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
20 pay the remaining proceeds as directed by the court in the order of distribution.
21
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24 **DECLARATION DETERMINING AMOUNT OF DEBT**
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

25 Judgment Creditor:

26 DEUTSCHE BANK NATIONAL TRUST
27 COMPANY AS INDENTURE TRUSTEE
28 FOR MORTGAGEIT TRUST 2005-2
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400

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Attorney for Judgment Creditor: Jaimie Fender
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: \$791,961.85

Simple Interest on the Principal Balance
from June 1, 2010 to August 5, 2016: \$144,330.99

Other Amounts Due Under Terms of Loan: \$125,242.60

Attorneys' Fees and Costs:
Attorneys' Fee: \$5,446.00
Total Costs: \$3,898.15

Total Attorney Fees and Costs: \$9,344.15

TOTAL DEBT OWED \$1,070,879.59

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Pre-Judgment: Additional pre-judgment interest accrues from August 6, 2016, to the date of entry of judgment at the per diem rate of \$73.2293, 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.

Signed: 7/28/2017 12:47 PM


Circuit Court Judge Michael C. Wetzel

Submitted by:



Craig Peterson, OSB #120365
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 Jaimie Fender, OSB #120832
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 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



First American

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5007941-2377412

Exhibit A

File No.: 7019-2377412

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Clackamas, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN SOUTHEAST ONE-QUARTER OF SECTION 11 IN THE JACOB S. RISLEY CLAIM NO. 51, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE THAT IS LOCATED ON THE RIGHT BANK OF THE WILLAMETTE RIVER, NORTH 13°00' WEST 213.43 FEET DISTANT AND NORTH 18°41' WEST 233.94 FEET DISTANT FROM THE MOST SOUTHERLY CORNER OF THE SAID RISLEY CLAIM; FROM SAID BEGINNING POINT; THENCE CONTINUING ALONG SAID RIGHT BANK NORTH 18°41' WEST 51.18 FEET TO AN IRON PIPE; THENCE NORTH 53°51' WEST 17.12 FEET TO AN IRON PIPE; THENCE LEAVING SAID RIGHT BANK, NORTH 47°29' EAST 444.27 FEET TO 3/8 INCH IRON PIN; THENCE SOUTH 53°51' EAST 11.30 FEET TO A POINT OF CURVE, THE RADIAL POINT OF WHICH BEARS SOUTH 36°09' WEST 18.82 FEET DISTANT; THENCE SOUTHERLY, ALONG AN 18.82 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 75°24', A DISTANCE OF 24.76 FEET TO A POINT OF TANGENT, MARKED BY AN IRON PIPE; THENCE SOUTH 21°33' WEST 89.35 FEET TO AN IRON PIPE MARKING A POINT OF CURVE, THE RADIAL POINT OF WHICH BEARS SOUTH 68°27' EAST 163.25 FEET DISTANT; THENCE SOUTHERLY, ALONG A 163.25 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 45°00', A DISTANCE OF 128.21 FEET TO AN IRON PIPE MARKING THE END OF CURVE; THENCE SOUTH 66°33' WEST 307.47 FEET TO THE PLACE OF BEGINNING.


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:

6-5-17



Attorney, OSB

120365