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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF UMATILLA

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE, SUCCESSOR IN  
INTEREST TO BANK OF AMERICA,  
NATIONAL ASSOCIATION, AS  
TRUSTEE, SUCCESSOR BY MERGER  
TO LASALLE BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
MERRILL LYNCH MORTGAGE  
INVESTORS TRUST, MORTGAGE  
LOAN ASSET-BACKED CERTIFICATES,  
SERIES 2006-HE6

Case No. 17CV21994

Plaintiff,

WRIT OF EXECUTION

vs.

CAROLYN RAE MCCALL; PARTIES IN  
POSSESSION

Defendants.

TO: UMATILLA COUNTY SHERIFF

WHEREAS, on October 10, 2017, in the above-entitled court, a General Judgment of  
Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and  
was duly entered and docketed in the above-entitled cause

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
commanded to sell, in the manner prescribed by law for the sale of real property upon execution

1- WRIT OF EXECUTION  
S&S No. 17-120317

SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 (subject to redemption) all of the interest which the defendants had on August 23, 2006, the date  
2 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the  
3 real property described in the judgment:  
4

5 LOT 8 AND THE WEST HALF OF LOT 7, BLOCK "B" SAND BUR RANCHO ADDITION  
6 TO THE CITY OF UMATILLA, COUNTY OF UMATILLA AND STATE OF OREGON;  
7 ALSO ALL THAT PORTION OF THE EAST HALF OF DIVISION STREET, ADJOINING  
8 SAID LOT 8 ON THE WEST, VACATED BY ORDINANCE FILED JUNE 8, 1982 IN REEL  
9 4, PAGE 868, COUNTY COURT JOURNAL.

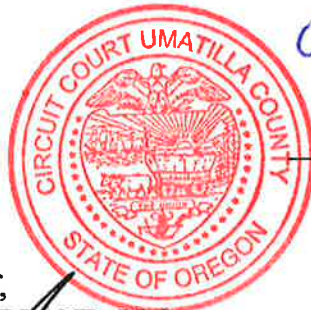
10 and commonly known as 1913 Cherry Street, Umatilla, OR 97882 to satisfy the sum of  
11 \$176,506.39, as of October 17, 2017, together with additional post judgment interest of 9.00%  
12 from that date (\$43.45 per day), and costs of this execution, making due return within 60 days  
13 after you receive this writ.

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25 2- WRIT OF EXECUTION  
26 S&S No. 17-120317

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1 U.S. Bank National Association, as Trustee, successor in interest to Bank of America,  
2 National Association, as Trustee, successor by merger to LaSalle Bank National Association, as  
3 Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates,  
4 Series 2006-HE6 is the Judgment Creditor, and its address for purpose of this writ only is: C/O  
5 Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
6  
7 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.  
8  
9  
10  
11



dated: Oct. 24th, 2017

*Johnson*  
\_\_\_\_\_  
court clerk

12  
13  
14 Submitted by:  
15 Attorneys for Plaintiff,  
16 SHAPIRO & SUTHERLAND, LLC

17 By: \_\_\_\_\_

- 18 [ ] James A. Craft #090146 [jcraft@logs.com]  
19 [ ] Kelly D. Sutherland #87357 [ksutherland@logs.com]  
20 [ ] Cara J. Richter #094855 [crichter@logs.com]  
21 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
22 [x] Joshua R. Orem # 116872 [jorem@logs.com]\*  
23 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
24 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
25 (360)260-2253; Fax (360)260-2285

26 3- WRIT OF EXECUTION  
S&S No. 17-120317

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF UMATILLA

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE, SUCCESSOR IN INTEREST TO  
BANK OF AMERICA, NATIONAL  
ASSOCIATION, AS TRUSTEE, SUCCESSOR BY  
MERGER TO LASALLE BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR MERRILL  
LYNCH MORTGAGE INVESTORS TRUST,  
MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2006-HE6,

Plaintiff,

vs.

CAROLYN RAE MCCALL; PARTIES IN  
POSSESSION,

Defendants.

Case No. 17CV21994

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Carolyn Rae McCall  
and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120317

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Umatilla County, Oregon is commonly known as 1913 Cherry Street, Umatilla, OR 97882  
3 and is legally described as follows:

4 LOT 8 AND THE WEST HALF OF LOT 7, BLOCK "B" SAND BUR RANCHO  
5 ADDITION TO THE CITY OF UMATILLA, COUNTY OF UMATILLA AND  
6 STATE OF OREGON;  
7 ALSO ALL THAT PORTION OF THE EAST HALF OF DIVISION STREET,  
8 ADJOINING SAID LOT 8 ON THE WEST, VACATED BY ORDINANCE FILED  
9 JUNE 8, 1982 IN REEL 4, PAGE 868, COUNTY COURT JOURNAL.

10 2. The Deed of Trust executed and delivered by Defendant, James Emerson McCall and  
11 Carolyn Rae McCall, as tenants by the entirety ("Borrower") on or about August 23, 2006  
12 and recorded on August 29, 2006 as Instrument No. 2006-5060747 in the official records of  
13 Umatilla County, Oregon, is a valid and perfected lien against all of the Property for the  
14 amount of Plaintiff's judgment as provided herein.

15 3. The Plaintiff is the holder of the original note dated August 23, 2006 and made by James  
16 Emerson McCall and Carolyn Rae McCall in the amount of \$135,000.00. A copy of the  
17 Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the  
18 beneficial interest in the Deed of Trust (together the "Loan").

19 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
20 interest in the Property is foreclosed and terminated excepting only any statutory right of  
21 redemption as provided by Oregon law.

22 //

23 //

24 //

25 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 17-120317

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
5 interests and priorities.
- 6
- 7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 8 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
9 thereafter acquired in the subject Property, is hereby ordered to be sold by the Umatilla  
10 County Sheriff's Office in accordance with the process for sale upon execution, and the  
11 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
12 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
13 as their interest may appear or to the clerk of the court to be distributed to such party of  
14 parties as may establish their right thereto.
- 15
- 16 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 17 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
18 from and after the date of the sale and is entitled to such remedies as are available at law or  
19 in equity to secure possession.
- 20
- 21 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
22 any person holding possession under or through such Defendant(s) shall refuse to surrender  
23 possession to the purchaser immediately on the purchaser's demand for possession.

24 //

11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$168,406.44	
Prejudgment interest at 2% through July 28, 2017 (accruing thereafter until entry of judgment at \$9.23 per diem)			\$2,494.59
Late Charges		\$0.00	
Other Costs and fees (recoverable)		405.27	
	Property Tax	\$300.27	
	Property Inspections	\$105.00	
	Subtotal		\$168,811.71
	Total plus Prejudgment Interest		\$171,306.30

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$1,612.92
	Title Search Cost	\$623.00	
	Skip Trace Costs	\$10.92	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$59.00	
	Service Costs	\$114.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$2,600.00
Total			\$4,212.92

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is  
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no  
3 event should it be construed as establishing personal liability for any persons whose debt has  
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay  
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be  
7 entitled to any further judgment, including a judgment for deficiency.  
8

9 15. Execution may issue against the subject property for the aggregate amount found due  
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
12 ORS 18.936 or other applicable law.  
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
20 18.936.  
21

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
4

Signed: 10/10/2017 11:49 AM



5 CERTIFIED TO BE A TRUE AND  
6 CORRECT COPY OF THE ORIGINAL

7 Dated Oct. 24th, 2017

8 TRIAL COURT ADMINISTRATOR

9 By J. Johnson  
10 Court Clerk

11   
12 **Christopher R. Brauer, Circuit Court Judge**

13 **Certificate of Readiness under UTCR 5 100**

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

- 15 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
16 shown by each party's signature on the document being submitted.  
17 2.  Each party affected by this order or judgment has approved the order or judgment, as  
18 shown by each party's signature on the document being submitted or by written confirmation of  
19 approval sent to me.  
20 3.  I have served a copy of this order or judgment on each party entitled to service and:  
21 a.  No objection has been served on me.  
22 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
23 so. I have filed a copy of the objections I received and indicated which objections remain  
24 unresolved.  
25 c.  After conferring about objections, [role and name of objecting party] agreed to  
26 independently file any remaining objection.

27 //

28 //

6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120317

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- 1 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
3 5.  This is a proposed judgment that includes an award of punitive damages and notice has  
4 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
5 (5) of this rule.  
6 6.  Other: \_\_\_\_\_

7  
8 Dated: October 9, 2017

9 Submitted by:

10 Attorneys for Plaintiff,  
11 SHAPIRO & SUTHERLAND, LLC

12 By: \_\_\_\_\_

- 13  James A. Craft #090146 [jcraft@logs.com]  
14  Kelly D. Sutherland #873575  
15 [ksutherland@logs.com]  
16  Cara J. Richter #094855 [crichter@logs.com]  
17  Holger Uhl #950143 [huhl@logs.com]\*  
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20 WA 98683  
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22 97224\*  
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25 7 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
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