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Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

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

MTGLQ INVESTORS, L.P.,

Case No.: 15CV28987

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

HANH THI KIU NGUYEN; THE
UNKNOWN HEIRS AND DEVISEES OF
TAN VAN DINH; TONY TAN DINH; KEN
T. DINH; HIEN THI DINH; CITIBANK
FEDERAL SAVINGS BANK; THE
EQUITABLE FINANCE COMPANY;
OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 6, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

MTGLQ INVESTORS, L.P.
c/o Jeremy Clifford
Attorney for Plaintiff

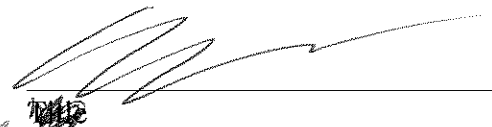
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$256,849.57, plus post judgment interest at the statutory rate
2 of 9.0% per annum from October 6, 2017 to December 12, 2017 in the amount of \$4,243.30, and
3 continuing with a per diem of \$63.33, currently totaling \$261,092.87.

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 September 27, 2005, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R517997
9 and commonly known as: 5045 NorthEast Jarrett Street, Portland, OR 97218.

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:** 19 day of Dec, 2017.

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20 Dated: 12/8/17 and submitted by:

21 **McCarthy & Holthus, LLP**

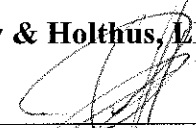
22 
23 Jeremy Clifford OSB No. 142987
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
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Of Attorneys for Plaintiff

EXHIBIT "1"

PARCEL 2, PARTITION PLAT NO. 2001-152, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

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

MTGLQ INVESTORS, L.P.,

Plaintiff,

vs.

HANH THI KIU NGUYEN; THE
UNKNOWN HEIRS AND DEVISEES OF
TAN VAN DINH; TONY TAN DINH; KEN
T. DINH; HIEN THI DINH; CITIBANK
FEDERAL SAVINGS BANK; THE
EQUITABLE FINANCE COMPANY;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV28987

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants HANH THI KIU NGUYEN; THE UNKNOWN HEIRS AND DEVISEES OF TAN VAN DINH; TONY TAN DINH; KEN T. DINH; HIEN THI DINH; CITIBANK FEDERAL SAVINGS BANK; THE EQUITABLE FINANCE COMPANY; OCCUPANTS OF THE PROPERTY, ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that 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:

a. The real property to which this judgment relates is located and situated in Multnomah County, Oregon, and is commonly known as 5045 NorthEast Jarrett Street, Portland, OR

1 97218 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and
2 having APN/Parcel No. R517997.

3 b. Plaintiff is entitled to enforce the note dated September 27, 2005 and made, delivered, and
4 executed by Hanh Nguyen and Tan Dinh to GreenPoint Mortgage Funding, Inc. in the
5 amount of \$200,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
6 possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants Hanh Thi Kiu Nguyen and
8 Tan Van Dinh on or about September 27, 2005 (the "Deed of Trust"). The Deed of Trust
9 was recorded on October 11, 2005 as Instrument No. 2005-195538 in the official records of
10 Multnomah County, Oregon. The Deed of Trust is a valid and perfected lien against all of
11 the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
12 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
13 Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for April 1, 2013 and has not cured
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
16 comprised of the following amounts (the "Amount Due") On Plaintiff's Declaratory Relief
17 claim, the Court declares the Amount Due as follows :

18	a) Unpaid principal balance:	\$178,323.71
19	b) Prejudgment interest accruing from	\$48,544.54
20	3/1/2013 through 10/2/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	6.25%:	
22	c) Additional amounts due under the	\$21,036.49
23	terms of the loan:	
24	d) Attorney fees and costs:	\$8,859.83
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	Total:	\$256,849.57

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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 Defendants Hanh Thi Kiu Nguyen,
9 Tan Van Dinh had as of the date of the Deed of Trust or thereafter acquired is hereby ordered
10 to be sold by the Multnomah County Sheriff's Office in accordance with the process for sale
11 upon 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.

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.

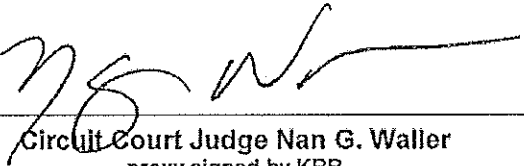
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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

4 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
5 Deed of Trust are as follows:

- 6 1) Defendant CITIBANK FEDERAL SAVINGS BANK may claim a junior interest in
7 Subject Property by virtue of a deed of trust recorded December 21, 2005, as
8 Instrument No. 2005-24805 in the official records of Multnomah County, Oregon;
9 and
10 2) Defendant THE EQUITABLE FINANCE COMPANY may claim an interest in
11 Subject Property by virtue of a judgment entered on March 3, 2015, in the Circuit
12 Court of Multnomah County, Case No. 14SC25869.

Signed: 10/6/2017 03:30 PM

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Circuit Court Judge Nan G. Waller
proxy signed by KRR

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

20 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

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

26 No objection has been served on me.
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1 I received objections that I could not resolve with the opposing party despite
2 reasonable efforts to do so. I have filed a copy of the objections I received and
3 indicated which objections remain unresolved.

4 After conferring about objections, _____ agreed to independently file
5 any remaining objection.

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

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

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

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

13 Other: _____

14 Dated: October 2, 2017 and submitted by:

15 **McCarthy & Holthus, LLP**

16 s/ Jeremy Clifford

17 Jeremy Clifford OSB No. 142987

18 920 SW 3rd Ave, 1st Floor

19 Portland, OR 97204

20 Phone: (971) 201-3200

21 Fax: (971) 201-3202

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