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LINN COUNTY
SHERIFF'S OFFICE

Verified Correct Copy of Original 12/5/2017.

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2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
7 Seattle, WA 98164
8 Phone: (206) 676-9640
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CIRCUIT COURT OF OREGON FOR LINN COUNTY

11 THE BANK OF NEW YORK MELLON,
12 F/K/A THE BANK OF NEW YORK AS
13 SUCCESSOR TO JPMORGAN CHASE NO. 17CV35987
14 BANK, N.A. AS TRUSTEE FOR ASSET WRIT OF EXECUTION IN FORECLOSURE
15 BACKED FUNDING CORPORATION, SERIES
16 ASSET-BACKED CERTIFICATES, SERIES
17 2005-HE1,

18 Plaintiff,

19 v.

20 CHESTER BECKER, JR., ETHEL JEAN
21 SLECHTA, AND PERSONS OR PARTIES
22 UNKNOWN CLAIMING ANY RIGHT,
23 TITLE, LIEN, OR INTEREST IN THE
24 PROPERTY DESCRIBED IN THE
25 COMPLAINT HEREIN,

26 Defendants.

27 TO: LINN COUNTY SHERIFF

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1. WHEREAS, on November 8, 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;

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

The Bank of New York Mellon, f/k/a The Bank of New York as successor to JPMorgan Chase Bank, N.A. as Trustee for Asset Backed Funding Corporation, Asset-Backed Certificates, Series 2005-HE1
c/o Ocwen Loan Servicing
1661 Worthington Rd., #100
West Palm Beach, FL 33409

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

Ocwen Loan Servicing
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, Washington 98164

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

SEE LEGAL DESCRIPTION ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.
and commonly known as 31294 Berlin Rd, Lebanon, OR 97355-9735.

4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell the above referenced real property, in the manner prescribed by law for the sale of real property upon execution (subject to redemption), all of the interest which the defendant(s) had on October 22, 2004, the date of the Deed of Trust, and also all of the interest which the defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of November 28, 2017,

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Lenders Principal Judgment:

- 1. Unpaid Principal Balance \$122,742.00
- 2. Pre-Judgment Interest from October 1, 2016 to September 21, 2017, the date calculated by the Declarant in the Declaration in Support of Judgment \$4,345.43
- 3. Lenders Fees and Costs \$4,238.21
- 4. Attorney's Fees and Costs \$3,784.00

Total Judgment Award Entered \$135,109.64

Additional Pre Judgment Interest

- 1. Accrued Interest from September 22, 2017 to November 8, 2017 the date of entry of Judgment \$734.40

Total Judgment Award \$135,844.04

Post Judgment Interest

- 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$33.50, from November 9, 2017, the day after the entry of judgment, through November 28, 2017, the date the writ is being requested \$670.00

Current Total Amount Owing \$136,514.04

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 \$33.50 per diem, in accordance with the General Judgment of Foreclosure and continues to accrue until the date of sale.

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5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize and sell the above described Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment and Money Award, interest, fees and costs.

MAKE RETURN HEREOF within 60 days after you receive this writ.

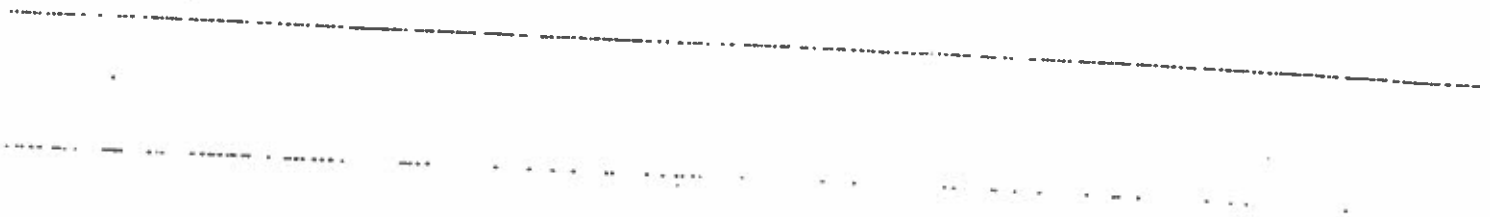


Signed: 12/5/2017 02:56 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

EXHIBIT A



LEGAL DESCRIPTION

A tract of land situated in the County of Linn and State of Oregon, more particularly described as follows:

TRACT I:

Beginning at a 5/8 inch iron rod on the South line of and 1100.22 feet South 89°24' East from the most Southerly Southwest corner of the Joseph Hardman Donation Land Claim No. 46 in Section 27, Township 12 South, Range 1 West, of the Willamette Meridian, in the County of Linn and State of Oregon; thence North 15°39'30" East, (North 16°15' East by prior deed) 351.0 feet; thence South 89°52'45" East by County Survey 14729 (South 89°24' East by prior deed) parallel to the South line of said Donation Land Claim 620.32 feet; thence South 15°39'30" West, (South 16°15" West by prior deed) 351.0 feet to a point on the South line of said Donation Land Claim; thence North 89°24' West, 620.32 feet to a point of beginning.

EXCEPT THEREFROM:

Beginning at a point on the South line of the J.H. Hardman Donation Land Claim No. 46, in Township 12 South, Range 1 West, of the Willamette Meridian, in the County of Linn and State of Oregon, said point being the Southwest corner of MF 75, Page 817, Linn County Deed Records, said point also being South 89°45'00" East, 1,101.54 feet from the South-Southwest corner of said Donation Land Claim No. 46; thence continuing on said South line, South 89°45'00" East, 620.26 feet to the Easterly line and Southerly projection of that property described in MF 75, Page 817, Linn County Deed Records; thence on said Easterly line North 15°46'07" East, 64.62 feet to the centerline of an existing fence; thence on the centerline of said fence the following courses and distances: South 89°56'35" West, 124.70 feet, South 89°33'08" West, 108.16 feet, South 87°16'30" West, 94.48 feet, South 89°25'24" West, 270.77 feet, and South 89°03'28" West, 25.63 feet to the West line of said MF 75, Page 817; thence on said West line and the Southerly projection South 15°37'07" West, 52.82 feet to the point of beginning.

TRACT II:

Beginning at the Northeast corner of Tract I, described above; thence North 89°24' West, 20.8 feet along the North line of said Tract I; thence North 15°39'30" East by County Survey 14729 (North 16°30' East by prior deed) 450 feet, more or less, to Southerly right-of-way line, Linn County, Market Road No. 20-B; thence Easterly along said right-of-way line 20.0 feet, more or less, to a point which bears North 15°39'30" East (North 16°30' East by prior deed) from the point of beginning of this Tract II; thence South 15°39'30" West, 450.0 feet, more or less, to the point of beginning.

TOGETHER WITH a roadway easement for ingress and egress being 26.0 feet of even width described as follows:

Beginning at a 5/8 inch iron rod on the South 89° 52' East, 1100.22 feet and South 89°52'45" East, 620.32 feet from the most Southerly Southwest corner of the Joseph Hardman Donation Land Claim No. 46 in Section 27, Township 12 South, Range 1 West, of the Willamette Meridian, in the County of Linn and State of Oregon; thence North 15°39'30" East, 828.44 feet to a 5/8 inch iron rod on the Southerly right-of-way line of Market Road No. 20-B; thence South 74°01'30" East along said right-of-way line 26.0 feet; thence South 15°39'30" West, 820.0 feet, more or less, to a point on the South line of said Donation Land Claim No. 46, said point also being South 89°52'45" East, 26.0 feet from the point of beginning; thence North 89°52'45" West, 26.00 feet to the point of beginning.

EXHIBIT
A

Verified Correct Copy of Original 12/5/2017

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CIRCUIT COURT OF OREGON FOR LINN COUNTY

THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK AS
SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE FOR ASSET
BACKED FUNDING CORPORATION,
ASSET-BACKED CERTIFICATES, SERIES
2005-HE1,

NO. 17CV35987

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

Plaintiff,

(Clerk's Action Required)

vs.

CHESTER BECKER, JR; ETHEL JEAN
SLECHTA; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants

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, THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS
SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE FOR ASSET BACKED
FUNDING CORPORATION, ASSET-BACKED CERTIFICATES, SERIES 2005-HE1. appearing
and being represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
00128-31983-JUD-CR1824677

Law Office
ROBINSON TAIT, P.S.
301 170th Avenue, Suite 100
Seattle WA 98161
C O R B A T A W A S H

1 pleadings and affidavits on file herein, findings of fact and conclusion of law being unnecessary
2 under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are
3 true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of
4 law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly
5 hereafter set forth. Therefore,
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8 **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

9 1. Plaintiff, THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW
10 YORK AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE FOR ASSET
11 BACKED FUNDING CORPORATION, ASSET-BACKED CERTIFICATES, SERIES 2005-HE1 be
12 awarded judgment in the sum of \$122,742.00, together with interest at a rate as provided in the Note
13 from October 1, 2016 through September 21, 2017 in the amount of \$4,345.43 with additional pre-
14 judgment interest at the per diem rate of \$15.30 as provided in the Note to the date of entry of judgment;
15 plus reasonable attorneys' fees in the amount of \$2,600.00, plus other recoverable amounts of \$4,238.21
16 which includes the amounts itemized in the declaration of the lender in support of motion for judgment
17 plus allowable costs of \$1,184.00 as itemized in the bill of disbursements and an additional amount for
18 post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the
19 contract rate, whichever is greater; and
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22 2. Plaintiff's Deed of Trust on real property in Linn County, Oregon, legally described as
23 follows:
24

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

26 which was recorded on November 10, 2004, under Auditor's File No. VOL. 1644 PAGE 860, records
27 of Linn County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
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described real estate and the whole thereof as security for the payment of the judgment herein set forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff of Linn County in the manner provided for by law, and the proceeds therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the defendant and of any one claiming by, through or under them; and

3. Any and all persons acquiring any right, title, estate, lien or interest in or to the property described above or any part thereof subsequent to October 22, 2004, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save and except for the right of redemption as allowed by law; and

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

5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall pay the remaining proceeds as directed by the court in the order of distribution.

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6. The Deed of Trust, recorded on November 10, 2004, under Linn County recording number Vol. 1644 Page 860, is reformed to include the legal description of the subject property as set out in Exhibit A to this General Judgment.

DECLARATION DETERMINING AMOUNT OF DEBT
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

Judgment Creditor: THE BANK OF NEW YORK MELLON,
FK/A THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK,
N.A. AS TRUSTEE FOR ASSET BACKED FUNDING CORPORATION, ASSET-
BACKED CERTIFICATES, SERIES 2005-HE1
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson
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: \$122,742.00

Simple Interest on the Principal Balance
from October 1, 2016
to September 21, 2017: \$4,345.43

Other Amounts Due Under Terms of Loan: \$4,238.21

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,600.00
Total Costs: \$1,184.00

Total Attorney Fees and Costs: \$3,784.00

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TOTAL DEBT OWED

\$135,109.64

Pre-Judgment: Additional pre-judgment interest accrues from October 22, 2017, to the date of entry of judgment at the per diem rate of \$15.30, 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: 11/7/2017 02:49 PM



Circuit Court Judge, Thomas A. McHill

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
Email: KHood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
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Exhibit A