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LINN COUNTY
SHERIFFS OFFICE

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAA
HOME EQUITY TRUST 2006-17,
ASSET-BACKED CERTIFICATES SERIES
2006-17,

Plaintiff,

v.

PEGGY S. RICE; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. ACTING SOLELY AS NOMINEE FOR
GREENPOINT MORTGAGE FUNDING,
INC.; GREENPOINT MORTGAGE
FUNDING, INC.; AMERICAN EXPRESS
CENTURION BANK; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; CREDITORS
COLLECTION SERVICE, INC. AND ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1105 24TH AVE SE, ALBANY, OR 97322-
5531,

Defendant.

Case No. 17CV25832

WRIT OF EXECUTION

TO THE LINN COUNTY SHERIFF:

On January 31, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GSAA HOME EQUITY TRUST 2006-17,

1 ASSET-BACKED CERTIFICATES SERIES 2006-17 c/o Aldridge Pite, LLP, 111 SW
2 Columbia St., Ste. 950, Portland, OR 97201.

3 The real property to be sold at public auction is commonly known as 1105 24TH AVE
4 SE, ALBANY, OR 97322-5531 ("Subject Property"), and legally described as:

5 THE WEST 80 FEET OR EVEN WIDTH OF TRACT 7, MORNINGSIDE TRACTS, IN
6 THE CITY OF ALBANY, COUNTY OF LINN AND STATE OF OREGON.

7 EXCEPTION THERE FROM ALL MINERALS AND MINERAL RIGHTS AS
8 RESERVED IN DEED FROM THE STATE OF OREGON, BY AND THROUGH IT'S
9 DIRECTOR OF VETERAN'S AFFAIRS, RECORDED JULY 15, 1991 IN VOLUME 578,
10 PAGE 989, LINN COUNTY DEED RECORDS.

11 The total amount due and owing on the Judgment as of February 7, 2018;

12	Judgment:	Principal	\$185,159.66
13	Pre-Judgment:	Interest(4.000%, \$14.14)	\$608.02 (12/20/17 through 1/31/18)
14		Attorney Fees	\$3,472.50
15		Costs	\$1,691.00
16		Prevailing Party Fee	\$300.00
17	Post-Judgment:	Interest(9.00%, \$47.22/day)	\$330.54 (2/1/18 through 2/7/18)
18		Attorney Fees	\$305.00

19 **TOTAL: \$191,866.72**

20 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
21 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
22 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
23 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
24 holder of the certificate of sale.

25 By the signature of the attorney for the judgment creditor, the person that requested

26 Page 2 – WRIT OF EXECUTION

1 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
2 making a return on the writ to a date up to 150 days after receipt.

Signed: 2/8/2018 03:52 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

6 Presented by:
7 ALDRIDGE PITE, LLP

8 By: *Christina Andreoni*

- 9 { } Hunter Zook, OSB #095578
- 10 { } Katie Riggs, OSB #095861
- 11 {x} Sarah Mathenia, OSB #120681
- 12 { } Shannon K. Calt, OSB #121855
- 13 {✓} Christina Andreoni, OSB #160875

of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com



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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAA
HOME EQUITY TRUST 2006-17,
ASSET-BACKED CERTIFICATES SERIES
2006-17,

Plaintiff,

v.

PEGGY S. RICE; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. ACTING SOLELY AS NOMINEE FOR
GREENPOINT MORTGAGE FUNDING,
INC.; GREENPOINT MORTGAGE
FUNDING, INC.; AMERICAN EXPRESS
CENTURION BANK: OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; CREDITORS
COLLECTION SERVICE, INC. and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1105 24TH AVE SE, ALBANY, OR 97322-
5531,

Defendants.

Case No. 17CV25832

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

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Based upon the Court's Order of Default against defendants Peggy S. Rice; Mortgage
Electronic Registration Systems, Inc. Acting Solely as Nominee for Greenpoint Mortgage
Funding, Inc.; Greenpoint Mortgage Funding, Inc.; American Express Centurion Bank: Oregon
Affordable Housing Assistance Corporation; Creditors Collection Service, Inc. and All Other
Persons Or Parties Unknown Claiming Any Right, Title, Lien, Or Interest In The Real Property

1 Commonly Known as 1105 24th Ave SE, Albany, OR 97322-5531, the records on file herein,
2 and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by
3 Plaintiff Deutsche Bank National Trust Company, As Trustee For GSAA Home Equity Trust
4 2006-17,

5 ASSET-BACKED CERTIFICATES SERIES 2006-17 ("Plaintiff"),

6 **IT IS HEREBY ADJUDGED:**

7 1. Plaintiff's security interest in the real property located at 1105 24TH AVE SE,
8 ALBANY, OR 97322-5531 ("Subject Property"), as evidenced by the Deed of Trust recorded
9 June 15, 2006 in the official records of LINN County as instrument number 2006-14328 ("Deed
10 of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
11 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
12 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

13 THE WEST 80 FEET OR EVEN WIDTH OF TRACT 7, MORNINGSIDE TRACTS, IN
14 THE CITY OF ALBANY, COUNTY OF LINN AND STATE OF OREGON.

15 EXCEPTION THEREFROM ALL MINERALS AND MINERAL RIGHTS AS
16 RESERVED IN DEED FROM THE STATE OF OREGON, BY AND THROUGH IT'S
17 DIRECTOR OF VETERAN'S AFFAIRS, RECORDED JULY 15, 1991 IN VOLUME
18 578, PAGE 989, LINN COUNTY DEED RECORDS.

19 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
20 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
21 in the manner provided by law;

22 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
23 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
24 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
25 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

26 Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
2 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
3 68(C), which amount may be added to the outstanding obligation due and owing under the Note
4 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
5 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
6 by sale of the Subject Property as directed under this Judgment;

7 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
8 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
9 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
10 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
11 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

12 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
13 sale of the Subject Property as directed under this Judgment.

14 7. The Sheriff shall make a return on the writ of execution to the court administrator
15 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
16 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
17 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
18 parties as may establish their right thereto. The Defendants and all persons claiming through or
19 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
20 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
21 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
22 every part of the Subject Property when the time for redemption has elapsed;

23 8. Plaintiff or any other party to this action may become a purchaser at the
24 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
25 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
26 successor in interest may apply to this Court for a writ of assistance to gain possession of the

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 subject property if Defendants or any other party or person refuses to surrender possession;

2 DECLARATION OF AMOUNT DUE BY DEFAULT

3 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
4 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 5
- 6 1. The total amount of the unpaid principal balance, interest, and other amounts
owed is \$185,159.66.
- 7
- 8 2. Simple interest at the variable rate currently at 4.000% (\$14.149 *per diem*) after
December 19, 2017, through the date of judgment.
- 9
- 10 3. Attorney fees of \$3,472.50, plus \$305.00, through the date of sale.
- 11 4. Costs of \$1,691.00, plus costs accrued through the date of sale.
- 12 5. Prevailing party fee: \$300.00.
- 13 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
of interest or 9.000% per annum, whichever is greater, through the date of sale.

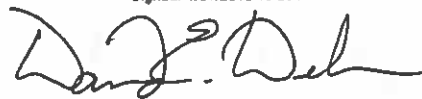
14 **IT IS SO ADJUDGED**

15

16 Dated: Jan. 31, 2018.

17

18 Signed: 1/31/2018 10:25 AM

19 

20 David E. Delsman, Circuit Court Judge

21 CERTIFICATE OF READINESS

22

23 This proposed Order or Judgment is ready for judicial signature because:

- 24 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
25 or Judgment, as shown by each opposing party's signature on the document being
submitted.

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Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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- 2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing 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;
 - c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP

Sarah Mathenia
 {} Hunter Zook, OSB #095578
 {} Katie Riggs, OSB #095861
 {} Sarah Mathenia, OSB #120681
 {} Shannon K. Calt, OSB #121855
 {} Christina Andreoni, OSB #160875

Date: 1/23/18

of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com