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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF CLACKAMAS

6 DEUTSCHE BANK NATIONAL TRUST
7 COMPANY, AS TRUSTEE FOR WAMU
8 MORTGAGE PASS-THROUGH
9 CERTIFICATES, WAMU 2005-AR2,

Plaintiff,

10 vs.

11 JAMES P. KRAMER; US BANK,
12 NATIONAL ASSOCIATION, OTHER
13 PERSONS OR PARTIES, INCLUDING
14 OCCUPANTS, UNKNOWN CLAIMING
15 ANY RIGHT, TITLE, LIEN, OR INTEREST
16 IN THE PROPERTY DESCRIBED IN THE
17 COMPLAINT HEREIN,

Defendants.

Case No.: CV13010642

WRIT OF EXECUTION IN
FORECLOSURE

18 **TO THE CLACKAMAS COUNTY SHERIFF:**

19 A Stipulated Judgment of Foreclosure was entered and docketed in this case on
20 11/30/2016. A true copy of the Judgment is attached hereto. The Judgment was entered in favor
21 of the Judgment Creditor:

22 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, ON BEHALF
23 OF THE HOLDERS OF THE WAMU MORTGAGE PASS-THROUGH
24 CERTIFICATES, SERIES 2005-AR2
25 c/o Robert Hakari, Attorney for Plaintiff
26 McCarthy & Holthus, LLP
27 920 SW 3rd Ave, 1st Floor
28 Portland, OR 97204

With the adjudicated amount due of \$732,800.32, plus post judgment interest at the statutory rate
of 9.0% per annum from 11/30/2016 to 12/22/2017 in the amount of \$69,927.22, and continuing
with a per diem of \$180.69, currently totaling \$802,727.54.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about October 8, 2004, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property shown in *Exhibit 1*, having APN/Parcel #: 00801591 and
6 commonly known as 12885 SW Morgan Rd, Sherwood, OR 97140.


7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
10 You are to make the return within 60 days after you receive this Writ. Should the sale be
11 continued, the writ may be automatically extended for 30 days.



14 **DATED:** 27th day of December, 2017.

Wendy Watson

17 **McCarthy & Holthus, LLP**

18 
19 Robert Hakari OSB No. 114082
20 920 SW 3rd Ave, 1st Floor
21 Portland, OR 97204
22 Phone: (971) 201-3200
23 Fax: (971) 201-3202
24 rhakari@mccarthyholthus.com
25 Of Attorneys for Plaintiff

12/13/17

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.

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

EXHIBIT 1

PARCEL 5, PARTITION PLAT NO. 2001-080, IN THE COUNTY OF
CLACKAMAS AND STATE OF OREGON

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR WAMU
MORTGAGE PASS THROUGH
CERTIFICATES, WAMU 2005-AR2,

Plaintiff,

v.

JAMES P. KRAMER; U.S. BANK
NATIONAL ASSOCIATION; OTHER
PERSONS OR PARTIES, INCLUDING
OCCUPANTS, UNKNOWN CLAIMING
ANY RIGHT, TITLE LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

No. CV13010642

GENERAL JUDGMENT OF
FORECLOSURE

This matter having come before the Court on the request of Plaintiff Deutsche Bank National Trust Company As Trustee for WAMU Mortgage Pass Through Certificates, WAMU 2005-AR2 (“Plaintiff”), seeking entry of a general judgment of foreclosure of real property. A Limited Judgment of Foreclosure was entered against Defendant U.S. Bank National Association (“U.S. Bank”) on June 8, 2015. A Limited Judgment of Dismissal was entered against Defendant Other Persons or Parties, including Occupants, Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the Complaint Herein (“Occupants”), on January 10, 2014. A Stipulated Limited Judgment of Foreclosure Against James P. Kramer was entered on September 28, 2016. Defendants Kramer, U.S. Bank, and Occupants are collectively referred to herein as “Defendants.”

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

1 The Court being fully advised, it is hereby ORDERED AND ADJUDGED that
2 judgment is entered as follows:

3 1. That the deed of trust dated October 8, 2004 granted by defendant James P.
4 Kramer recorded in the real property records of Clackamas County, Oregon on October 15,
5 2004 as Instrument No. 2004-095704 (“Deed of Trust”), and assigned to Plaintiff by way of
6 an assignment of Deed of Trust dated June 9, 2010, and recorded in the real property records
7 of Clackamas County, Oregon on July 9, 2010, as Instrument No. 2010-041003
8 (“Assignment”) is a valid first lien on the real property in Clackamas County, Oregon that is
9 the subject of this action described as:

10 PARCEL 5, PARTITION PLAT NO. 2001-080, IN THE COUNTY OF
11 CLACKAMAS AND STATE OF OREGON
12 and more commonly described as 12885 SW Morgan Road, Sherwood, Oregon 97140
13 (“Property”) and is superior to the interest of Defendants for the amount set forth in the
14 Stipulated Limited Judgment of Foreclosure Against James P. Kramer, entered on September
15 28, 2016;

16 2. That Plaintiff’s Deed of Trust be foreclosed on the Property and sold by the
17 Sheriff of Clackamas County, Oregon, in the manner provided by law for the sale of real
18 property on execution;

19 3. That any party to this action be allowed to bid at the foreclosure sale; that the
20 purchaser at the foreclosure sale be placed in immediate possession of the Property; that if
21 possession thereof is refused the purchaser, that a Writ of Assistance issue forthwith out of
22 this Court to place the purchaser in immediate possession; that the Sheriff give to the
23 purchaser of the Real Property a Certificate of Sale and, after the time allowed by law for
24 redemption, unless the Real Property be redeemed, a Sheriff’s Deed;

25 4. That the proceeds of sale be applied as follows:

26 a. In payment of the costs and expenses of the sale;

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Main 503.224.3380 Fax 503.220.2480

1 b. In satisfaction of the judgment awarded in paragraph 1 above; and
2 c. The balance, if any, to be paid to the Clerk of the Court to be disbursed
3 in the manner provided by law;
4 5. That Defendants and all persons claiming by, through or under them as
5 purchasers, encumbrancers, or otherwise are forever foreclosed of all interest, lien or claim in
6 the real property and every portion thereof, excepting only any statutory right of redemption
7 as Defendants may have therein;
8 6. None of the Defendants are entitled to a homestead exemption as against the
9 Deed of Trust; and
10 7. That upon sale of the Real Property, all of Plaintiff's judgment remedies for
11 collection of any unsatisfied amounts shall expire.

Signed: 12/27/2016 01:48 PM



Circuit Court Judge Michael C. Wetzel

16 SUBMITTED BY:
17 STOEL RIVES LLP
18
19
20 s/ Amy Edwards
AMY EDWARDS, OSB No. 012492
amy.edwards@stoel.com

21 Attorneys for Plaintiff
22 DATED: November 30, 2016.
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760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

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CERTIFICATE OF READINESS – UTCR 5.100

I hereby certify that the foregoing GENERAL JUDGMENT OF FORECLOSURE is ready for judicial signature because:

- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party’s signature on the document being submitted.
- 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 or approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
 - a. All parties have indicated they do not object to the form of the proposed order.
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed 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.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Service is not required pursuant to subsection (3) of this rule, or by statute, rule or otherwise.
- 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.

DATED: November 30, 2016.

s/ Amy Edwards
AMY EDWARDS, OSB No. 012492
amy.edwards@stoel.com
Attorneys for Plaintiff

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600, Portland, OR 97204
Main (503) 224-3380 Fax (503) 220-2480

CERTIFICATE OF SERVICE

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I hereby certify that I served the foregoing **GENERAL JUDGMENT OF FORECLOSURE** on the following named person(s) on the date indicated below by

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- email

to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to said person(s) at his or her last-known address(es) indicated below.

Benjamin D Knaupp
Garland Griffiths Attorneys
254 N 1st Ave
Hillsboro OR 97124
Email: bknaupp@gmail.com
Attorney for Defendant James P. Kramer

DATED: November 30, 2016.

STOEL RIVES LLP

s/ Amy Edwards

AMY EDWARDS, OSB No. 012492
amy.edwards@stoel.com
CRYSTAL S. CHASE, OSB No. 093104
crystal.chase@stoel.com

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

FOR THE COUNTY OF CLACKAMAS

6 DEUTSCHE BANK NATIONAL TRUST
7 COMPANY AS TRUSTEE FOR WAMU
8 MORTGAGE PASS THROUGH
9 CERTIFICATES, WAMU 2005-AR2,

Plaintiff,

9

v.

10

11 JAMES P. KRAMER; U.S. BANK
12 NATIONAL ASSOCIATION; OTHER
13 PERSONS OR PARTIES, INCLUDING
14 OCCUPANTS, UNKNOWN CLAIMING
15 ANY RIGHT, TITLE LIEN, OR
16 INTEREST IN THE PROPERTY
17 DESCRIBED IN THE COMPLAINT
18 HEREIN,

Defendants.

15

No. CV13010642

STIPULATED LIMITED JUDGMENT OF
FORECLOSURE AGAINST
DEFENDANT JAMES P. KRAMER

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This matter having come before the Court on the stipulation of Plaintiff Deutsche

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Bank National Trust Company As Trustee for WAMU Mortgage Pass Through Certificates,
WAMU 2005-AR2 ("Plaintiff") and Defendant James P. Kramer seeking entry of a
stipulated limited judgment of foreclosure and money award against Defendant James P.
Kramer.

The Court being fully advised and finding no just reason for delay of entry of a
Limited Judgment as to Defendant James P. Kramer, it is hereby ORDERED AND
ADJUDGED that judgment is entered as follows:

1. That Plaintiff is awarded judgment against James P. Kramer on the Note in the
principal sum of \$612,319.73, plus accrued and unpaid interest through and including
October 1, 2014 in the sum of \$69,764.24, plus interest from and after October 2, 2014 until

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600, Portland, OR 97204
Main (503) 224-3380 Fax (503) 220-2480

1 paid at the rate of 2.831% per annum until entry of judgment, plus an escrow/impound
2 advance in the sum of \$42,895.55, plus loan level advances of \$7,072.24, plus late fees in the
3 sum of \$748.56, for a total amount due as of October 1, 2014 in the amount of \$732,800.32,
4 plus Plaintiff's attorneys' fees and costs incurred herein, plus post-judgment interest at the
5 statutory rate of nine percent per annum until paid.

6 2. That the deed of trust dated October 8, 2004 granted by defendant James P.
7 Kramer recorded in the real property records of Clackamas County, Oregon on October 15,
8 2004 as Instrument No. 2004-095704 ("Deed of Trust"), and assigned to Plaintiff by way of
9 an assignment of Deed of Trust dated June 9, 2010 and recorded in the real property records
10 of Clackamas County, Oregon on July 9, 2010 as Instrument No. 2010-041003
11 ("Assignment") is a valid first lien on the real property in Clackamas County, Oregon that is
12 the subject of this action described as:

13 PARCEL 5, PARTITION PLAT NO. 2001-080, IN THE COUNTY OF
14 CLACKAMAS AND STATE OF OREGON

15 More commonly described as 12885 SW Morgan Road, Sherwood, Oregon 97140
16 ("Property") is superior to the interest of Defendant James P. Kramer for the amount of the
17 judgment awarded in paragraph 1 above;

18 3. That Defendant James P. Kramer and all persons claiming by, through or
19 under him as purchasers, encumbrancers, or otherwise are forever foreclosed of all interest,
20 lien or claim in the real property and every portion thereof, excepting only any statutory right
21 of redemption that Defendant Kramer may have therein;

22 4. Defendant James P. Kramer is not entitled to a homestead exemption as
23 against the Deed of Trust;

24 5. That upon sale of the Property, all of Plaintiff's judgment remedies for
25 collection of any unsatisfied amounts shall expire.

26 ///

DECLARATION OF DEBT AMOUNT SECURED¹

- 1
2 1. Judgment Creditor: Deutsche Bank National Trust Company
3 As Trustee for WAMU Mortgage Pass
4 Through Certificates, WAMU 2005-
5 AR2, c/o Select Portfolio Servicing, Inc.
6 3815 South West Temple, Suite 1
7 Salt Lake City, UT 84115
8 Phone: (801) 293-1883
9 Fax: (801) 293-2555
- 10 2. Judgment Creditor's Attorney: Amy Edwards, OSB No. 012492
11 Crystal S. Chase, OSB No. 093104
12 Stoel Rives LLP
13 900 SW Fifth Avenue, Suite 2600
14 Portland, OR 97204
15 Telephone: (503) 294-9586
16 Email: aedwards@stoel.com
- 17 3. Judgment Debtor: James P. Kramer
18 12885 SW Morgan Road
19 Portland, OR 97140
- 20 Date of Birth: xx/xx/1945
21 Drivers License No./State: Unknown
22 SSN/EIN: xxx-xx-6509
- 23 4. Judgment Debtor's Attorney: Benjamin D. Knaupp, OSB No. 973051
24 Garland Griffiths Knaupp Attorneys
25 254 N. First Ave
26 Hillsboro, OR 97124
Telephone: (503) 419-4912
Email: bknaupp@gmail.com
5. Other persons or public bodies who are entitled to any portion of a payment made on this judgment: None
6. Principal Amount of Judgment: \$732,800.32

(unpaid principal balance in the amount of \$612,319.73, plus accrued and unpaid interest through and including October 1, 2014, in the sum of \$69,794.24, plus interest from and after October 2, 2014, at the rate of 2.831% per annum, plus

¹ Pursuant to amendments to ORS 88.010 made by Section 4 of Senate Bill 368 (2015), assigned to Or Laws 2015 Ch 291.

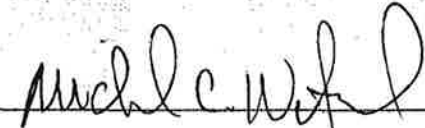
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900 SW Fifth Avenue, Suite 2600, Portland, OR 97204
Main (503) 224-3380 Fax (503) 220-2480

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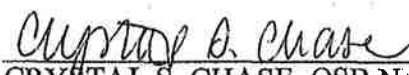
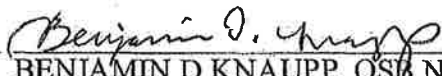
escrow/impound advance in the sum of \$42,895.55, plus loan level advances of \$7,072.24, plus fees and late fees in the sum of \$748.56)

- 7. Prejudgment Interest: N/A
- 8. Attorneys' Fees Awarded To be determined pursuant to ORCP 68
- 9. Costs Awarded: To be determined pursuant to ORCP 68
- 10. Post-judgment interest: Post-judgment interest at the rate of 9 percent per annum as to items 6-9 above from the date of entry of judgment until fully paid.

Signed: 9/28/2016 02:28 PM


Circuit Court Judge Michael C. Wetzel

IT IS SO STIPULATED:

STOEL RIVES LLP	GARLAND GRIFFITHS KNAUPP
	
CRYSTAL S. CHASE, OSB No. 093104 crystal.chase@stoel.com	BENJAMIN D KNAUPP, OSB No. 973051, bknaupp@gmail.com

Attorneys for Plaintiff Attorneys for James P. Kramer

DATED: Sept 20, 2016 DATED: Sept. 15, 2016

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205-2584
Main (503) 224-3380 Fax (503) 220-2480

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing STIPULATED LIMITED JUDGMENT
3 OF FORECLOSURE AGAINST JAMES P. KRAMER on the following named person(s) on
4 the date indicated below by

- 5 mailing with postage prepaid
6 hand delivery
7 facsimile transmission
8 overnight delivery
9 email

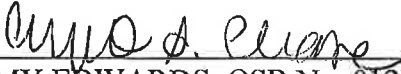
10 to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to
11 said person(s) at his or her last-known address(es) indicated below.

12
13 Benjamin D Knaupp
14 Garland Griffiths Attorneys
15 254 N 1st Ave
16 Hillsboro OR 97124
17 Email: bknaupp@gmail.com

18 Attorney for Defendant James P. Kramer

19 DATED: September 20, 2016.

20 STOEL RIVES LLP

21 
22 AMY EDWARDS, OSB No. 012492
23 amy.edwards@stoel.com
24 CRYSTAL S. CHASE, OSB No. 093104
25 crystal.chase@stoel.com
26