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CLACKAMAS COUNTY SHERIFF

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3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON

4 IN AND FOR THE COUNTY OF CLACKAMAS

5
6 WILMINGTON TRUST, NATIONAL
7 ASSOCIATION, NOT IN ITS INDIVIDUAL
8 CAPACITY BUT SOLELY AS TRUSTEE
9 FOR VM TRUST SERIES 2, A DELAWARE
STATUTORY TRUST, its successors in
interest and/or assigns,

10 Plaintiff,

11 vs.

12 MARCUS A. RICHMOND; AND
13 OCCUPANTS OF THE PREMISES

14 Defendants.

CASE NO.: 16CV05486

WRIT OF EXECUTION

15
16 STATE OF OREGON)
17 County of Clackamas) ss.
18)

19 TO THE SHERIFF OF CLACKAMAS COUNTY OREGON:

20 WHEREAS, on June 30, 2016 by consideration of the Clackamas County Circuit Court,
21 there was entered a General Judgment of Foreclosure as to Defendants. Said General Judgment
22 of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's Office in said
23 County on June 30, 2016; a true copy of the General Judgment of Foreclosure is attached hereto
and made a part hereof.

24 ///
25 ///

26 WRIT OF EXECUTION -1-

27 **ZIEVE, BRODNAX & STEELE, LLP**
Amy Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
aharrington@zbslaw.com

1 Judgment Creditor: WILMINTON TRUST, NATIONAL ASSOCIATION,
2 NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY
3 AS TRUSTEE FOR VM TRUST SERIES 2, A
4 DELAWARE STATUTORY TRUST, its successors in
5 interest and/or assigns
6 c/o Zieve, Brodnax & Steele, LLP
7 Judgment Creditor Address: 121 Southwest Salmon St., 11th Floor
8 Portland, OR 97204

9 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
10 commanded to sell the real property as by said General Judgment of Foreclosure according to
11 law (subject to redemption) all of the interest that the Defendant Marcus A. Richmond had on the
12 15th day of September 2009, the date of the Mortgage, and also all of the interest that Defendants
13 had thereafter, in the real property described in the Judgment as:

14 THE SOUTH 69.6 FEET OF THE EAST 78 FEET OF LOT 1, BLOCK 13,
15 METZLER AND HART'S ADDITION TO MOLALLA, IN THE CITY OF
16 MOLALLA, COUNTY OF CLACKAMAS AND STATE OF OREGON, TO BE
17 CUT OFF FROM THE EAST 78 FEET OF SAID LOT 1, BY A LINE DRAWN
18 PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 1, AND THE SAID
19 EAST 78 FEET OF LOT 1, BEING CUT OFF BY A LINE PARALLEL WITH
20 THE LINE BETWEEN LOTS 1 AND 10 OF SAID BLOCK 13.

21 Tax Parcel Number: R21275

22 The street address of the real property to be levied upon is 508 Metzler Avenue, Molalla,
23 OR 97038.

24 The above referenced property shall be sold to satisfy the following sums: the principal
25 balance amount of \$145,348.29, plus prejudgment interest in the amount of \$27,351.63; plus
26 additional prejudgment interest in the amount of \$896.06; plus postjudgment interest in the
27 amount of \$24,802.20; plus Plaintiff's costs and reasonable attorney fees in the amount of

28 WRIT OF EXECUTION -2-

ZIEVE, BRODNAX & STEELE, LLP
Amy Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
aharrington@zbslaw.com

1 \$12,689.61; for a total of \$211,088.01, with interest to accrue at 9.0% (\$45.93 per diem) until the
2 date of sale; Thus,

3 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
4 THE DATE OF SUBMISSION (December 13, 2017) IS AS FOLLOWS:

5	Principal Balance	\$145,348.29
6	Prejudgment Interest:	\$27,351.63
7	Additional Pre-judgment Interest	
8	5/5/16 – 6/20/16 at 5.250%	
9	(\$19.48 per diem)	\$896.08
10	Post-judgment interest 6/21/16 – 12/	
11	13/17 at 9.0 % (\$45.93 per diem)	\$24,802.20
12	Plaintiff's Costs and Attorney Fees	\$12,689.61
13	Total due as of December 13, 2017	\$211,088.01 plus \$45.93 per diem thereafter until

14 paid.

15 The proceeds of sale shall be applied, delivered, and distributed according to ORS
16 18.950.

17 The Sheriff is hereby authorized to continue execution under the writ and delay making a
18 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the

19 //
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1 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
2 18.872.



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7 Wendy Watson
8 Dated - December 27, 2017

9 Submitted by:

10 
11 _____
12 Amy F. Harrington, OSB No. 123363

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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

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.

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

WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS TRUSTEE FOR
VM TRUST SERIES 2, A DELAWARE
STATUTORY TRUST, its successors in interest
and/or assigns,

Plaintiff,

v.

MARCUS A. RICHMOND; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 16CV05486

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

(1) MARCUS A. RICHMOND; AND
(2) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Wilmington Trust, National Association, not in its individual capacity but solely as trustee for VM Trust Series 2, a Delaware statutory trust, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendants Marcus A. Richmond; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Marcus A. Richmond and Occupants of the Premises failed to appear; and that an Order of Default has been filed concurrently with this Judgment and, consequently this General Judgment of foreclosure is submitted in accordance with UTCR 5.100 (3)(c).

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2.

Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the Court's register to accomplish the following: to foreclose any and all interest of defendants Marcus A. Richmond and Occupants of the Premises in the real property subject to this foreclosure action, located at 508 Metzler Avenue, Molalla, Oregon 97038 (the "Property").

3.

The court being fully advised in the Premise, finding good cause exists so this general judgment of foreclosure and sale may be entered in favor of Plaintiff and against Marcus A. Richmond and Occupants of the Premises, all of them, it is hereby

ORDERED AND ADJUDGED:

4.

That the Deed of Trust dated September 15, 2009, executed by Marcus A. Richmond for the benefit of Mortgage Electronic Registration Systems, Inc., solely as nominee for Sunset Mortgage Co., its successors and assigns ("Deed of Trust"), recorded on September 18, 2009 as Instrument No. 2009-066162 in the official records of Clackamas County, Oregon, and subsequently assigned to Plaintiff by way of an assignment recorded on July 21, 2015 as Instrument No.2015-047631, is a valid lien for the amount due and owing as set forth in Paragraph 11 herein, against the Property situated in Clackamas County, Oregon, and described as follows

THE SOUTH 69.6 FEET OF THE EAST 78 FEET OF LOT 1, BLOCK 13, METZLER AND HART'S ADDITION TO MOLALLA, IN THE CITY OF MOLALLA, COUNTY OF CLACKAMAS AND STATE OF OREGON, TO BE CUT OFF FROM THE EAST 78 FEET OF SAID LOT 1, BY A LINE DRAWN PARALLEL TO THE SOUTH BOUNDARY OF SAID LOT 1, AND THE SAID EAST 78 FEET OF LOT 1, BEING CUT OFF BY A LINE PARALLEL WITH THE LINE BETWEEN LOTS 1 AND 10 OF SAID BLOCK 13.

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5.

That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants Marcus A. Richmond and Occupants of the Premises in the Property, and that said Deed of Trust is hereby foreclosed by this Court on the Property.

6.

That defendants Marcus A. Richmond and Occupants of the Premises, all of them, are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

7.

That all of the right, title and interest which Marcus A. Richmond had on September 15, 2009, the date of the Deed of Trust, and all of the right, title and interest defendants Marcus A. Richmond and Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 11 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

8.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 11 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

9.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the

1 issuance and enforcement of a writ of assistance, should defendants Marcus A. Richmond and
2 Occupants of the Premises refuse to surrender possession of the Property immediately upon the
3 purchaser's demand for possession.

4 10.

5 That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this
6 action, and that Plaintiff's attorney fees in the amount of \$2,600.00 and its litigation costs in the amount
7 of \$828.00, shall be, and is hereby declared additional amounts secured by and hereinafter shall be
8 made part of the amount of the debt secured by Plaintiff's Deed of Trust.
9

10 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

11 (Pursuant to Senate Bill 368)

12 11.

13 Under the terms of the Deed of Trust and the promissory note dated September 15, 2009, in the
14 principal amount of \$152,192.00, there is now due and owing the following amounts, to be hereinafter
15 described as the Amount Due:
16

17 **Attorneys' Fees and Costs**

Attorneys' Fees		\$2,600.00
Filing Fee - Complaint	\$531.00	
Recording Fee - Lis Pendens	\$67.00	
Process Service Fees	\$230.00	
	Total Costs	\$828.00
	Total Attorneys' Fees and Costs	\$3,428.00

22 **Lenders' Principal and Interest**

Principal Balance	\$145,348.29	
Accrued Interest through May 15, 2016, the date calculated by the declarant in the plaintiff's declaration @ 5.250% per annum	\$27,351.63	
	Total Principal & Interest	\$172,699.92

1 **Lenders' Fees and Costs**

2 Accumulated Late Charges \$405.92
3 Escrow Balance Due \$8,235.69
4 BPO / Appraisal Fees \$315.00
5 Recording Fee \$125.00
6 Property Inspection \$180.00

6 *Total Lenders' Fees and Costs:* **\$9,261.61**

6 *Total Lenders' Principal, Interest, Fees, and Costs:* **\$181,961.53**

7 Additional pre-judgment interest pursuant to ORS
8 18.042 from May 15, 2016 to the date entry of
9 judgment at the contract rate of interest 5.250 %
9 (\$19.48 per diem)

10 Post-Judgment interest thereafter on the Total
11 Amount Due at the contract rate of interest or 9.000%
11 per annum, whichever is greater.

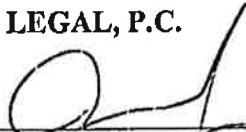
12 *Total Amount Due* **\$185,389.53**

15 Signed: 6/30/2016 03:40 PM

16 
17
18 **Circuit Court Judge Michael C. Wetzel**

19 Presented by:

20 **RCO LEGAL, P.C.**

21 By  DATED 5/20/16
22 Randall Szabo, OSB # 115304
23 Attorneys for Plaintiff
24 511 SW 10th Ave., Ste. 400
25 Portland, OR 97205
26 Telephone (503) 977-7840 Facsimile (503) 977-7963
rszabo@rcolegal.com

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and/or assigns,

Plaintiff,

v.

MARCUS A. RICHMOND; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 16CV05486

**CERTIFICATE OF UTCR 5.100
COMPLIANCE**

[EX PARTE]

This Proposed order or judgment is ready for judicial signature because:

- A. The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B. The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C. The judgment or order is exempt from UTCR 5.100(1) because:
 - a. The judgment or order is a proposed order or judgment presented in open court with the parties present.
 - b. The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.

1 c. The judgment is a proposed judgment after an order for default has already been
2 entered or is being simultaneously requested against the opposing party.

3 d. The proposed judgment is subject to UTCR 10.0099

4 e. The proposed judgment or order is an uncontested probate and protective
5 proceeding.

6 f. This matter is certified to the court under ORS 416.422, 416.430, 416.435, or
7 416.448.

8 D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to
9 why the proposed judgment or order is ready for a judicial signature:

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

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

15 3. I have served a copy of this order or judgment on all parties entitled to service and:
16 a. No objection has been served on me.
17 b. I received objections that I could not resolve with the opposing party despite
18 reasonable efforts to do so. I have filed a copy of the objections I received and
19 indicated which objections remain unresolved.
20 c. After conferring about objections, [role and name of opposing party] agreed to
21 independently file any remaining objection.

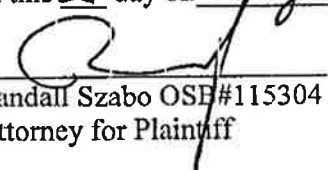
22 4. The relief sought is against an opposing party who has been found to be in default.

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

24 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
25 otherwise noted.

26 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.

Dated this 26 day of May, 2016

By, 
Randall Szabo OSE#115304
Attorney for Plaintiff