

1
2 Craig Peterson, OSB #120365
3 Lisa McMahon-Myhran, OSB #000849
4 Jaimie Fender, OSB #120832
5 Kimberly Hood, OSB #123008
6 Robinson Tait, P.S.
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11 CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

12
13 THE BANK OF NEW YORK MELLON FKA
14 THE BANK OF NEW YORK, AS TRUSTEE
15 FOR THE CERTIFICATEHOLDERS CWABS, NO. 15CV20286
16 INC., ASSET-BACKED CERTIFICATES,
17 SERIES 2005-AB3, WRIT OF EXECUTION IN FORECLOSURE

18 Plaintiff,

19 v.

20 SANDRA JONCEK; CATHERINE MURPHY;
21 MORTGAGEIT, INC.; MORTGAGE
22 ELECTRONIC REGISTRATION SYSTEMS,
23 INC.; GENERAL CREDIT SERVICE, INC.;
24 RIVERWALK HOLDINGS, LTD; U.S. BANK,
25 NATIONAL ASSOCIATION, AS TRUSTEE
26 FOR THE HOLDER OF THE STRUCTURED
27 ASSET INVESTMENT LOAN TRUST 2006-
28 3, ITS SUCCESSORS AND ASSIGNS;
DEBRA WARREN; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

1 TO: JOSEPHINE COUNTY SHERIFF

2
3 1. WHEREAS, on November 19, 2016, in the above-entitled court, a judgment of
4 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
5 hereto as **Exhibit "A"** and made a part hereof;

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

7
8 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
9 TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC., ASSET-BACKED
10 CERTIFICATES, SERIES 2005-AB3
11 c/o New Penn Financial, LLC dba Shellpoint Mortgage Servicing
12 55 Beattie Place, Suite 110, MS501
13 Greenville, SC 29601

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

15 New Penn Financial, LLC dba Shellpoint Mortgage Servicing
16 c/o Robinson Tait, P.S.
17 901 Fifth Avenue, Suite 400
18 Seattle, Washington 98164

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

21 LOT 2, BLOCK 2, WOODLAND TERRACE SUBDIVISION, JOSEPHINE COUNTY,
22 OREGON. ALSO THE SOUTHEASTERLY ONE-HALF OF ROSEANA DRIVE,
23 ADJOINING THE NORTHWESTERLY LINE OF SAID LOT 2, AS VACATED BY THE
24 CITY OF GRANTS PASS, OREGON, WHICH INURES TO THE PROPERTY BY
25 OPERATION OF LAW.

26 and commonly known as 1700 NE Hillcrest Lane, Grants Pass, OR 97526.

27 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
28 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 July 29, 2005, the date of the Deed of Trust, and also all of the interest which the defendant(s)

1 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
2 February 27, 2018,
3

4 **Lenders Principal Judgment:**

| | | |
|----|---|---------------------|
| 5 | 1. Unpaid Principal Balance | <u>\$195,197.18</u> |
| 6 | 2. Pre-Judgment Interest from January 1, 2008 | |
| 7 | to November 1, 2016, the date calculated by the Declarant | |
| 8 | in the Declaration in Support of Judgment | <u>\$106,850.34</u> |
| 9 | 3. Lenders Fees and Costs | <u>\$29,021.17</u> |
| 10 | 4. Attorney's Fees and Costs | <u>\$4,627.10</u> |

11 ***Total Judgment Award Entered*** \$335,695.79

12 **Additional Pre Judgment Interest**

| | | |
|----|--|--------------------|
| 13 | 1. Accrued Interest from November 2, 2016 to December 19, 2017, the date of entry of Judgment | <u>\$17,560.76</u> |
|----|--|--------------------|

14 ***Total Judgment Award*** \$353,256.55

15 **Post Judgment Interest**

| | | |
|----|---|-------------------|
| 16 | 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$87.10, from December 17 20, 2017, the day after the entry of judgment, through February 27, 2018, 18 the date the writ is being requested | <u>\$6,097.00</u> |
|----|---|-------------------|

19 ***Current Total Amount Owing on the Judgment Award*** \$359,353.55

20
21 In addition to the above, interest continues to accrue on the total of the amounts listed above
22 at the rate of 9% per annum or at \$87.10 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
24

25 //

26
27 //
28

1
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

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

6
7 DATED this 8th day of March, 2018.

8
9
10
11 B. Chapman
12 Court Clerk



13 Submitted By:

14
15 [Signature]
16 [] Craig Peterson, OSB #120365
17 Email: cpeterson@robinsontait.com
18 [x] Lisa McMahon-Myhran, OSB #000849
19 Email: lmcmahon@robinsontait.com
20 [] Jaimie Fender, OSB #120832
21 Email: jfender@robinsontait.com
22 [] Kimberly Hood, OSB #123008
23 Email: KHood@robinsontait.com
24 Robinson Tait, P.S.
25 Attorneys for Plaintiff
26 Tel: (206) 676-9640
27 Fax: (206) 676-9659
28

EXHIBIT A

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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2005-AB3,

Plaintiff,

v.

SANDRA JONCEK; CATHERINE MURPHY;
MORTGAGEIT, INC.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; GENERAL CREDIT SERVICE, INC.;
RIVERWALK HOLDINGS, LTD; U.S. BANK,
NATIONAL ASSOCIATION, AS TRUSTEE
FOR THE HOLDER OF THE STRUCTURED
ASSET INVESTMENT LOAN TRUST 2006-3,
ITS SUCCESSORS AND ASSIGNS; DEBRA
WARREN; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 15CV20286

CORRECTED GENERAL JUDGMENT
DETERMINING AMOUNT OWED AND
FORECLOSURE

(Clerk's Action Required)

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 FKA THE BANK OF NEW YORK, AS

CORRECTED GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1

60435-00021-RUD-ORJoncek Amended Judgment 12/11/17

in Office
ROBINSON TAIT, P.S.

1 TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC., ASSET-BACKED
2 CERTIFICATES, SERIES 2005-AB3, appearing and being represented by BRANDON SMITH,
3 Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings
4 of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the
5 allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact,
6 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
7 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
8

9
10 IT IS HEREBY ORDERED AND ADJUDGED THAT:

11 1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
12 AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC., ASSET-BACKED
13 CERTIFICATES, SERIES 2005-AB3 be awarded judgment in the sum of \$195,197.18, together with
14 interest at a rate as provided in the Note from January 1, 2008 through November 1, 2016 in the amount
15 of \$106,850.34 with additional pre-judgment interest at the per diem rate of \$42.52 as provided in the
16 Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,050.00, plus
17 other recoverable amounts of \$29,021.17 which includes the amounts itemized in the declaration of the
18 lender in support of motion for judgment plus allowable costs of \$2,577.10 as itemized in the bill of
19 disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest
20 until paid at the statutory rate or at the contract rate, whichever is greater; and
21

22
23 2. Plaintiff's Deed of Trust on real property in Josephine County, Oregon, legally
24 described as follows:
25

26 SEE LEGAL DESCRIPTION ATTACHED HERETO AS **EXHIBIT A**.
27
28

CORRECTED GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2

60435-00021-1110-OR Ioneck Amended Judgment 12/11/17

Page 921624
ROBINSON TAIT, P.L.S.

501 Third Avenue, Suite 400
Seattle, WA 98101
1 2 0 6 1 8 7 0 0 0 0 0 0

1 which was recorded on August 3, 2005, under Auditor's File No. 2005-017479. records of Josephine
2 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
3 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
4 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
5 Sheriff of Josephine County in the manner provided for by law, and the proceeds therefrom shall be
6 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
7 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
8 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
9 defendant and of any one claiming by, through or under them; and
10
11

12 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
13 property described above or any part thereof subsequent to July 29, 2005, the date of the Deed of
14 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
15 title, lien or interest in or to said property or any part thereof, save and except for the right of
16 redemption as allowed by law; and
17

18 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
19 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
20 law, and to all right, title and interest in any rents and profits generated or arising from the property
21 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
22 secure possession, including writ of assistance, if defendants or any of them or any other party or person
23 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
24 possession; and
25
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CORRECTED GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 3

69435-00021-JUD-ORJoneck Amended Judgment 12/14/17

Robinson Tait, P.S.
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 806
Seattle, WA 98104
P O B O 1 3 1 3 9 0 1 3

1
2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
4 pay the remaining proceeds as directed by the court in the order of distribution.
5

6
7 **DECLARATION DETERMINING AMOUNT OF DEBT**
8 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

9 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA
10 THE BANK OF NEW YORK, AS TRUSTEE
11 FOR THE CERTIFICATEHOLDERS CWABS,
12 INC., ASSET-BACKED CERTIFICATES,
13 SERIES 2005-AB3
14 c/o Robinson Tait, P.S.
15 901 Fifth Avenue, Suite 400
16 Seattle, WA 98164
17 (206) 676-9640

18 Attorney for Judgment Creditor: Craig Peterson
19 Robinson Tait, P.S.
20 901 Fifth Avenue, Suite 400
21 Seattle, WA 98164
22 (206) 676-9640

23 The name of any person or public body,
24 other than the Judgment Creditor's
25 Attorney, who is entitled to any
26 portion of the judgment: None

27 Principal Balance: \$195,197.18

28 Simple Interest on the Principal Balance
from January 1, 2008
to November 1, 2016: \$106,850.34

Other Amounts Due Under Terms of Loan: \$29,021.17

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Total Costs: \$2,577.10

CORRECTED GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 4

60435-00021-JUD-OR Inceck Amended Judgment 12/14/17

Law Office
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

1
2 Total Attorney Fees and Costs: \$4,627.10

3 *TOTAL DEBT OWED* \$335,695.79

4 Pre-Judgment: Additional pre-judgment interest accrues from November 2, 2016, to the date
5 of entry of judgment at the per diem rate of \$42.52, in accordance with the Note

6 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
7 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
8
9
10
11

12 Signed: 12/15/2017 04:15 PM

13 

14
15 **Circuit Court Judge Thomas M. Hull**

16
17 Submitted by:

18 

19
20 Craig Peterson, OSB #120365
21 Email: cpeterson@robinsontait.com
22 Jaimie Fender, OSB #120832
23 Email: jfender@robinsontait.com
24 Kimberly Hood, OSB #123008
25 Email: KHood@robinsontait.com
26 Robinson Tait, P.S.
27 Attorneys for Plaintiff
28 Tel: (206) 676-9640
Fax: (206) 676-9659

CORRECTED GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5

60435-00021-JUD-ORJonck Amended Judgment 12/14/17

Robinson Tait, P.S.
ROBINSON TAIT, P.S.

501 Fifth Avenue, Suite 800
Seattle, WA 98101
206.461.6766

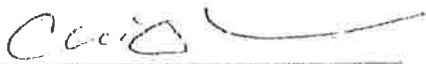
CERTIFICATE OF READINESS- UTCR 5.100

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

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting 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.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

12-14-17



Attorney, OSB

120361