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

STRUCTURED ASSET SECURITIES
CORPORATION MORTGAGE PASS-
THROUGH CERTIFICATES SERIES 2004-
20, U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN INTEREST
TO WILMINGTON TRUST COMPANY, AS
TRUSTEE, SUCCESSOR IN INTEREST TO
BANK OF AMERICA, N.A., AS TRUSTEE,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES
OF GARY L. ROBINSON; COLIN M.
ROBINSON; CORY M. ROBINSON;
ANDREW ROBINSON; STATE OF
OREGON; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 16CV26141

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 20, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Judgment Creditor:

STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-
THROUGH CERTIFICATES SERIES 2004-20, U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR IN INTEREST TO WILMINGTON TRUST COMPANY, AS
TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, N.A., AS TRUSTEE,
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$213,550.71, plus post judgment interest at the statutory rate
2 of 9.0% per annum from December 20, 2017 to 2/7/2018 in the amount of \$2,580.16, and
3 continuing with a per diem of \$52.66, currently totaling \$216,130.87.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about August 3, 2004, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as shown in *Exhibit 1*, APN/Parcel #: R00185347 and
9 commonly known as: 14223 SE Arista Drive, Milwaukie, OR 97267.

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

15 **DATED:** 15th day of February, 2018.

16
17 **Court Administrator relies on the information**
18 **provided by the person seeking issuance of**
19 **this writ of execution and is not liable for any**
20 **errors or omissions in the information**

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Title

By: Wendy Watson



21 **COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.**
22 **IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,**
23 **PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING**
24 **ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST**
25 **THIS WRIT BY FILING A CLAIM OF EXEMPTION.**

1 Dated: 2/7/18 and submitted by:

2 **McCarthy & Holthus, LLP**

- 3 _____
4 John Thomas OSB No. 024691
5 Robert Hakari OSB No. 114082
6 Andreanna Smith OSB No. 131336
7 Brady Godbout OSB No. 132708
8 Samuel Burton OSB No. 136522
9 Bryan Kidder OSB No. 140459
10 Jeremy Clifford OSB No. 142987
11 Michael Scott OSB No. 973947

12 920 SW 3rd Ave, 1st Floor

13 Portland, OR 97204

14 Phone: (971) 201-3200

15 Fax: (971) 201-3202

16 rhakari@mccarthyholthus.com

17 Of Attorneys for Plaintiff

A PART OF LOTS 9 AND 10, BLOCK 93, FIRST SUBDIVISION OF A PORTION OF OAK GROVE, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, BLOCK 93; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 106.65 FEET TO A POINT; THENCE SOUTHEASTERLY TO A POINT WHICH IS WEST 82.65 FEET FROM THE EAST LINE OF LOT 10, BLOCK 93, AND NORTH 80.00 FEET FROM THE SOUTH LINE OF LOT 11; THENCE EAST PARALLEL WITH THE NORTH LINE OF LOT 9, BLOCK 93, A DISTANCE OF 82.65 FEET TO A POINT ON THE EAST LINE OF LOT 10, BLOCK 93, OF SAID SUBDIVISION; THENCE NORTH ALONG THE EAST LINE OF LOT 10, BLOCK 93 AND ITS EXTENSION THEREOF, A DISTANCE OF 70.00 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 93, AND THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT.

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

STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2004-20, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WILMINGTON TRUST COMPANY, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, N.A., AS TRUSTEE,,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES OF GARY L. ROBINSON; COLIN M. ROBINSON; CORY M. ROBINSON; ANDREW ROBINSON; STATE OF OREGON; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV26141

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Clackamas County, Oregon, and is commonly known as 14223 SE Arista Drive, Milwaukie, OR 97267 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having

1 APN/Parcel No. R00185347.

2 b. Plaintiff is entitled to enforce the note dated August 3, 2004 and made, delivered, and
3 executed by Gary Robinson to GN Mortgage, LLC in the amount of \$127,200.00 (the
4 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
5 set forth on the Note.

6 c. A deed of trust was made, executed, and delivered by Defendant Gary L. Robinson on or
7 about August 4, 2004 (the "Deed of Trust"). The Deed of Trust was recorded on August 6,
8 2004 as Instrument No. 2004-072449 in the official records of Clackamas County, Oregon.
9 The Deed of Trust is a valid and perfected lien against all of the Property for and securing the
10 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
11 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

12 d. The Borrower failed to make the payment that was due for March 1, 2011 and has not cured
13 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 15 | a) Unpaid principal balance: | \$124,574.38 |
| 16 | b) Prejudgment interest accruing from | \$52,451.33 |
| 17 | 2/1/2011 through 10/27/2017 and | |
| 18 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 6.25%: | |
| 19 | c) Additional amounts due under the | \$29,705.48 |
| 20 | terms of the loan: | |
| 21 | d) Attorney fees and costs: | \$6,984.52 |
| 22 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(b)): | |
| 23 | Total: | \$213,550.71 |

24 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
25 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
26 per annum.

27 e. The interest of the Defendants and any successor in interest in the Subject Property is
28

1 foreclosed and terminated excepting only any statutory right of redemption as provided by
2 Oregon law.

3 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

4 g. All right, title and interest in the Subject Property that Defendant Gary L. Robinson had as of
5 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
6 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,
7 and the proceeds of sale shall be applied:

8 1) First, to the costs of sale not incurred by Plaintiff;

9 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
10 entry of judgment through the date of the sale and any incurred costs of sale;

11 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
12 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
13 such party or parties as they may establish their right thereto.

14 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
15 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
16 the date of entry of judgment through the date of the sale and any incurred costs of sale.

17 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
18 Property from and after the date of the sale and is entitled to such remedies as are available at
19 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
20 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
21 possession to the purchaser immediately upon the purchaser's demand for possession.

22 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
23 entitled to any further or other judgment, including a judgment for the deficiency.

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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 12/19/2017 04:00 PM

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10 **Circuit Court Judge Michael C. Wetzel**

11 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

12 This proposed Judgment of Foreclosure is ready for judicial signature because:

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

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

17 I have served a copy of this order or judgment on all parties entitled to service and:

18 No objection has been served on me.

19 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.

20 After conferring about objections, _____ agreed to independently file
any remaining objection.

21 The relief sought is against an opposing party who has been found in default.

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

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

25 This is a proposed judgment that includes an award of punitive damages and notice
26 has been served on the Director of the Crime Victims' Assistance Section as required
by subsection (4) of this rule.

27 Other: _____

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McCarthy & Holthus, LLP

s/ Robert B. Hakari 10/27/2017

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920 SW 3rd Ave, 1st Floor
Portland, OR 97204
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Of Attorneys for Plaintiff

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