

1 Craig Peterson, OSB #120365  
 2 Jaimie Fender, OSB #120832  
 3 Kimberly Hood, OSB #123008  
 4 Robinson Tait, P.S.  
 5 901 Fifth Avenue, Suite 400  
 6 Seattle, WA 98164  
 7 Phone: (206) 676-9640  
 8 Fax: (206) 676-9659  
 9 Email: [cpeterson@robinsontait.com](mailto:cpeterson@robinsontait.com)  
 10 Email: [jfender@robinsontait.com](mailto:jfender@robinsontait.com)  
 11 Email: [khoo@robinsontait.com](mailto:khoo@robinsontait.com)

CIRCUIT COURT OF OREGON FOR MARION COUNTY

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4,	NO. 15CV21611 WRIT OF EXECUTION IN FORECLOSURE
<p style="text-align: center;">Plaintiff,</p>	
<p style="text-align: center;">v.</p>	
JANETTE E. HOWARD; SHELDON L. HOWARD; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,	
<p style="text-align: center;">Defendants.</p>	

TO: MARION COUNTY SHERIFF

1. WHEREAS, on September 12, 2016, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

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

1 Deutsche Bank National Trust Company, as Trustee for the registered holders of  
2 Morgan Stanley ABS Capital I Inc. Trust 2007-NC4 Mortgage Pass Through  
3 Certificates, Series 2007-NC4  
4 c/o Ocwen Loan Servicing  
5 1661 Worthington Rd., #100  
6 West Palm Beach, FL 33409

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

8 Ocwen Loan Servicing  
9 c/o Robinson Tait, P.S.  
10 901 Fifth Avenue, Suite 400  
11 Seattle, Washington 98164

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

14 LOT 2, BLOCK 8, HILL-VILLA HEIGHTS SUBDIVISION, IN THE CITY OF SALEM,  
15 MARION COUNTY, OREGON.

16 and commonly known as 1335 Kathy St S, Salem, OR 97306.

17 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
18 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
19 sale of real property upon execution (subject to redemption), all of the interest which the defendants  
20 had on January 25, 2007, the date of the Deed of Trust, and also all of the interest which the  
21 defendants had thereafter, in the real property described in the judgment, to satisfy the judgment,  
22 which as of October 7, 2016,

23 **Lenders Principal Judgment:**

24 1. Unpaid Principal Balance	\$216,242.26
25 2. Pre-Judgment Interest from July 1, 2014 26 to May 24, 2016, the date calculated in 27 the Declaration in Support of Judgment	\$28,677.12
28 3. Lenders Fees and Costs	\$2,460.13
4. Attorney's Fees and Costs	\$4,244.60
<b><i>Total Judgment Award Entered</i></b>	<b><u>\$251,624.11</u></b>

1  
2 **Additional Pre Judgment Interest**

3 1. Accrued Interest from May 25, 2016 to  
4 September 12, 2016, the date of entry of  
5 Judgment \$4,659.78  
6  
7 ***Total Judgment Award*** **\$256,283.89**

8 **Post Judgment Interest**

9 1. Accrued Post Judgment Interest at a rate of 9% per annum or at  
10 \$63.19, from September 13, 2016, the day after the entry of  
11 judgment, through August 8, 2017, the date the writ is being  
12 requested \$20,852.70  
13  
14 ***Current Total Amount Owing on the Judgment Award*** **\$277,642.11**

15 In addition to the above, interest continues to accrue on the total of the amounts listed above  
16 at the rate of 9% per annum or at \$63.19 per diem, in accordance with the General Judgment of  
17 Foreclosure and continues to accrue until the date of sale.

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

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

22 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

23 \_\_\_\_\_  
24 Title

Signed: 8/31/2017 02:21 PM

25 \_\_\_\_\_  
26 By:

*Angie Ennis*  
Court Clerk



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR THE  
REGISTERED HOLDERS OF MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2007-NC4 MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2007-NC4,

Plaintiff,

v.

JANETTE E. HOWARD; SHELDON L.  
HOWARD; AND PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

NO. 15CV21611

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, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE  
REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4  
MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4, appearing and being

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 1  
60128-24188-JUD-OR1507615

*Law Offices*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400  
Seattle WA 98161  
(206) 676-9610

1 represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the pleadings  
2 and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil  
3 Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there  
4 are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the  
5 judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth.  
6  
7

8 Therefore,

9 IT IS HEREBY ORDERED AND ADJUDGED THAT:

10 1. Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
11 THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4  
12 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4 be awarded judgment in the  
13 sum of \$216,242.26, together with interest at a rate as provided in the Note from July 1, 2014 through  
14 May 24, 2016 in the amount of \$28,677.12 with additional pre-judgment interest at the per diem rate of  
15 \$41.98 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the  
16 amount of \$2,050.00, plus other recoverable amounts of \$2,460.13 which includes the amounts itemized  
17 in the declaration of the lender in support of motion for judgment plus allowable costs of \$2,194.60 as  
18 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said  
19 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.  
20  
21

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

25 LOT 2, BLOCK 8, HILL-VILLA HEIGHTS SUBDIVISION, IN THE CITY OF  
26 SALEM, MARION COUNTY, OREGON.

27 which was recorded on January 30, 2007, under Auditor's File No. Reel: 2767 Page: 145, records of  
28 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 2  
60128-24188-JUD-GR1507615

*Law Offices*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400  
Seattle, WA 98101  
(206) 676-9610

1  
2 described real estate and the whole thereof as security for the payment of the judgment herein set  
3 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
4 sold by the Sheriff of Marion County in the manner provided for by law, and the proceeds therefrom  
5 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other  
6 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and  
7 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or  
8 interest of the defendants JANETTE E. HOWARD and SHELDON L. HOWARD and of any one  
9 claiming by, through or under them; and  
10

11           3.       JANETTE E. HOWARD and SHELDON L. HOWARD subsequent to January 25,  
12 2007, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from  
13 claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save  
14 and except for the right of redemption as allowed by law; and  
15

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

24           5.       Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
25 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
26 pay the remaining proceeds as directed by the court in the order of distribution.  
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**DECLARATION DETERMINING AMOUNT OF DEBT**  
*(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

Judgment Creditor: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-NC4 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-NC4  
c/o Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640

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

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

Principal Balance: \$216,242.26

Simple Interest on the Principal Balance from July 1, 2014 to May 24, 2016: \$28,677.12

Other Amounts Due Under Terms of Loan: \$2,460.13

Attorneys' Fees and Costs:  
Attorneys' Fee: \$2,050.00  
Total Costs: \$2,194.60

Total Attorney Fees and Costs: \$4,244.00

*TOTAL DEBT OWED* \$251,623.51

Pre-Judgment: Additional pre-judgment interest accrues from May 25, 2016, to the date of entry of judgment at the per diem rate of \$41.98, in accordance with the Note.



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

Signed: 9/12/2016 02:58 PM



Circuit Court Judge Tracy A. Prall

Submitted by:



- Craig Peterson, OSB #120365  
Email: cpeterson@robinsontait.com
  - Brandon Smith, OSB #124584  
Email: bsmith@robinsontait.com
  - Jaimie Fender, OSB #120832  
Email: jfender@robinsontait.com
  - Kimberly Hood, OSB #123008  
Email: KHood@robinsontait.com
  - Michael Althouse, OSB #150793  
Email: malthouse@robinsontait.com
- Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
Fax: (206) 676-9659


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:

8-30-16

  
\_\_\_\_\_  
Attorney, OSB

120365