

180410

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CIRCUIT COURT OF OREGON FOR POLK COUNTY

<p>DEUTSCHE BANK TRUST COMPANY AMERICAS AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF SAXON ASSET SECURITIES TRUST 2006-3 MORTGAGE LOAN ASSET BACKED NOTES, SERIES 2006-3,</p> <p>Plaintiff,</p> <p>v.</p> <p>KATHY A. DRURY, CITIFINANCIAL, INC, AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,</p> <p>Defendants.</p>	<p>NO. 12P10341 WRIT OF EXECUTION IN FORECLOSURE</p>
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TO: POLK COUNTY SHERIFF

1. WHEREAS, on January 29, 2015, 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;

1
2 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

3 DEUTSCHE BANK TRUST COMPANY AMERICAS as Indenture Trustee for the
4 registered holders of SAXON ASSET SECURITIES TRUST 2006-3 MORTGAGE
5 LOAN ASSET BACKED NOTES, SERIES 2006-3
6 c/o Ocwen Loan Servicing
1661 Worthington Rd., #100
West Palm Beach, FL 33409

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

9 Ocwen Loan Servicing
10 c/o Robinson Tait, P.S.
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 LOT3, IN BLOCK 4, IN LOVELADYS ADDITION TO THE TOWN (NOW CITY) OF
15 DALLAS, IN POLK COUNTY, OREGON. EXCEPTING THEREFROM THE ENTIRE EAST 1.00
16 FOOT THEREOF

17 and commonly known as 1042 Southeast Jefferson Street, Dallas, OR 97338.

18
19 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
20 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
21 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
22 had on August 30, 2006, the date of the Deed of Trust, and also all of the interest which the
23 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
24 which as of November 16, 2017,

25
26 **Lenders Principal Judgment:**

27
28 1. Unpaid Principal Balance \$175,135.20
2. Pre-Judgment Interest from July 1, 2011

	to January 9, 2015, the date calculated by the Declarant in the Declaration in Support of Judgment	<u>\$23,618.72</u>
3.	Lenders Fees and Costs	<u>\$14,024.16</u>
4.	Attorney's Fees and Costs	<u>\$4,002.41</u>
	<i>Total Judgment Award Entered</i>	<u>\$216,780.49</u>

Additional Pre Judgment Interest

1.	Accrued Interest from January 10, 2015 to January 29, 2015 the date of entry of Judgment	<u>\$486.40</u>
	<i>Total Judgment Award</i>	<u>\$217,266.89</u>

Post Judgment Interest

1.	Accrued Post Judgment Interest at a rate of 9% per annum or at \$53.57, from January 30, 2015, the day after the entry of judgment, through November 16, 2017, the date the writ is being requested	<u>\$54,748.54</u>
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Current Total Amount Owing **\$272,015.43**

In addition to the above, interest continues to accrue on the total of the amounts listed above at the rate of 9% per annum or at \$53.57 per diem, in accordance with the General Judgment of Foreclosure and continues to accrue until the date of sale.

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

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

DATED this 12 day of December, 2017.



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CIRCUIT COURT OF OREGON FOR POLK COUNTY

DEUTSCHE BANK TRUST COMPANY
AMERICAS AS INDENTURE TRUSTEE
FOR THE REGISTERED HOLDERS OF
SAXON ASSET SECURITIES TRUST 2006-
3 MORTGAGE LOAN ASSET BACKED
NOTES, SERIES 2006-3,

Plaintiff,

v.

KATHY A. DRURY; CITIFINANCIAL, INC.;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. 12P10341

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

MONETARY JUDGMENT AGAINST:
DEFENDANT #1 KATHY A. DRURY

GENERAL JUDGMENT AGAINST:
DEFENDANT #2 CITIFINANCIAL, INC.

(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 TRUST COMPANY AMERICAS AS INDENTURE TRUSTEE FOR
THE REGISTERED HOLDERS OF SAXON ASSET SECURITIES TRUST 2006-3 MORTGAGE
LOAN ASSET BACKED NOTES, SERIES 2006-3, appearing and being represented by ZACHARY
BRYANT, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-1811-JUD-2c_695133

Law Office
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

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2 herein, findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court
3 finds that the allegations contained in the plaintiff's Complaint are true, that there are no material
4 issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment
5 should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
6

7 IT IS HEREBY ORDERED AND ADJUDGED THAT:

8 1. Plaintiff, DEUTSCHE BANK TRUST COMPANY AMERICAS AS INDENTURE
9 TRUSTEE FOR THE REGISTERED HOLDERS OF SAXON ASSET SECURITIES TRUST 2006-3
10 MORTGAGE LOAN ASSET BACKED NOTES, SERIES 2006-3 be awarded judgment against
11 defendants, Kathy A. Drury, in the sum of \$175,135.20, together with interest at the rate of 2.84777%
12 per annum as provided in the Note from July 1, 2011 to January 9, 2015 in the amount of \$23,618.72
13 with additional interest at \$24.32 per diem as provided in the Note to the date of sale; plus reasonable
14 attorneys' fees in the amount of \$1,850.00, plus other recoverable amounts of \$14,024.16 which
15 includes the amounts itemized in the declaration of the lender in support of motion for judgment plus
16 allowable costs of \$2,152.41 as itemized in the bill of disbursements and an additional amount for post-
17 judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate; and
18

19
20 2. Plaintiff's Deed of Trust on real property in Polk County, Oregon, legally described as
21 follows:

22 LOT3, IN BLOCK 4, IN LOVELADYS ADDITION TO THE TOWN (NOW CITY)
23 OF DALLAS, IN POLK COUNTY, OREGON. EXCEPTING THEREFROM THE
24 ENTIRE EAST 1.00 FOOT THEREOF

25 and more commonly known as 1042 SE Jefferson Street, Dallas, OR 97338, which was recorded on
26 August 31, 2006, under Auditor's File No. 2006-014484, records of Polk County, Oregon, be
27 adjudged and decreed to be a first and paramount lien upon the above described real estate and the
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1 whole thereof as security for the payment of the judgment herein set forth, and that said Deed of
2 Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff of Polk
3 County in the manner provided for by law, and the proceeds therefrom shall be applied to the
4 payment of the judgment, interest, attorneys' fees and costs, and such other sums as plaintiff has
5 advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge
6 upon said real estate, prior and superior to any right, title, estate, lien or interest of KATHY A.
7 DRURY; CITIFINANCIAL, INC.; and of any one claiming by, through or under them; and
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9

10 3. KATHY A. DRURY; CITIFINANCIAL, INC.; subsequent to August 30, 2006, the
11 date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or
12 asserting any right, title, lien or interest in or to said property or any part thereof, save and except for
13 the right of redemption as allowed by law; and
14

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

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

Judgment Creditor: DEUTSCHE BANK TRUST COMPANY
AMERICAS AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF
SAXON ASSET SECURITIES TRUST 2006-3 MORTGAGE LOAN ASSET BACKED
NOTES, SERIES 2006-3 C/O Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
206-676-9640

Attorney for Judgment Creditor: Zachary Bryant
Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
206-676-9640

Judgment Debtor: Kathy A. Drury
5300 S. 3325 W.
Salt Lake, UT 84129
DOB: Unknown
Social Security No.: ***-**-3763
Driver's License Number: Unknown

Attorney for Judgment Debtor: N/A

Other Entities entitle to Portion of
Judgment, Other than Creditor's Attorney: None

Principal Amount: \$175,135.20

Simple Interest on the Principal Amount
from July 1, 2011 to January 9, 2015
with a per diem of \$24.32 thereafter: \$23,618.72

Other Recovery Amounts \$14,024.16

Total Costs: \$2,152.41

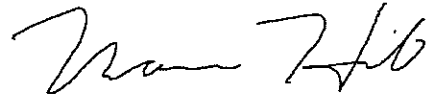
Attorneys' Fee (for determination of
Amount owed, establishment of priority,
and foreclosure) : \$1,850.00

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Post-Judgment: Simple Interest Accrues on the total of the amounts listed above at \$24.32 per diem and in accordance with the Note from the date of entry of this Judgment.

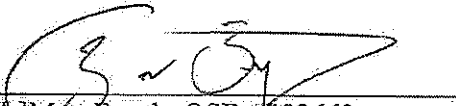
DONE IN COURT this ____ day of _____, 2015.

Signed: 1/27/2015 11:24 AM



JUDGE

Submitted by:



Matt Booth, OSB #082663
Email: mbooth@robinsontait.com
 Zachary Bryant, OSB #113409
Email: zbryant@robinsontait.com
 Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Brandon Smith, OSB #124584
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Attorneys for Plaintiff
Tel: (206) 676-9640
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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60128-1811-JUD-2c_695133

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

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3 **AFFIDAVIT OF MAILING**

4 I, ELIZABETH YEO, being first duly sworn on oath deposes and states:


5 On January 19, 2018, I caused to be deposited in the United States Mail, first class mail, and
6 postage prepaid or deposited in a receptacle to be picked up by a courier service for filing. If mailed,
7 the copies of the documents were addressed to the Sheriff in which they were to be filed:

8

Borrower Name	Loan Number	Robinson Tait File #	Court Address	Type of Document Mailed
Kathy A. Drury	71136824	60128-1811-JUD-2	Polk County Sheriff	Sheriff's Instructions

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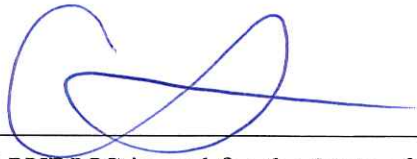
12 DATED this 19 day of January, 2018 in Seattle, Washington.

13
14 
15 _____
16 Print Name: ELIZABETH YEO
17 Robinson Tait, P.S.

18 SUBSCRIBED AND SWORN (or affirmed) to me on January 19, 2018 by Caitlin Scott.



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NOTARY PUBLIC in and for the State of Washington
residing at Seattle, County of King
Caitlin Scott
My appointment expires: August 29, 2020