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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GSR MORTGAGE
LOAN TRUST 2006-1F, MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2006-1F

Case No. 17CV40521

Plaintiff,

WRIT OF EXECUTION

vs.

KAMAL A. KOTAICH; LORI KOTAICH;
STEVEN J. OLIVA; PARTIES IN
POSSESSION

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on January 31, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to redemption) all of the interest which the defendants had on October 28, 2005, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1-- WRIT OF EXECUTION
S&S No. 17-120315

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 DESCRIBED IN THE DEED OF TRUST AS:

2 BEGINNING AT A POINT ON THE NORTHEASTERLY MARGIN OF COUNTY ROAD
3 NO. 590, WHICH IS 349.33 FEET SOUTH, AND 1511.78 FEET EAST FROM THE ONE-
4 QUARTER SECTION CORNER BETWEEN SECTIONS 35 AND 36 OF TOWNSHIP 17
5 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE
6 NORTHEASTERLY MARGIN OF SAID COUNTY ROAD THENCE ALONG THE ARC OF
7 A 666.62 RADIUS CURVE RIGHT (THE CHORD OF WHICH BEARS SOUTH 50° 10' 17"
8 44" EAST 54.49 FEET) A DISTANCE OF 54.50 FEET; THENCE LEAVING SAID
9 NORTHEASTERLY MARGIN THENCE NORTH 56° 10' 16" 50" EAST 229.16 FEET TO THE
SHORE OF MERCER LAKE; THENCE NORTHWESTERLY ALONG SAID SHORE TO A
POINT WHICH BEARS NORTH 53° 10' 30" 05" WEST 92.48 FEET FROM THE LAST
MENTIONED POINT; THENCE LEAVING SAID SHORE SOUTH 51° 10' 24" 12" WEST
125.00 FEET; THENCE SOUTH 41° 10' 03" 43" WEST 92.08 FEET TO THE POINT OF
BEGINNING, IN LANE COUNTY, OREGON.

10 AND MORE ACCURATELY DESCRIBED AS:

11 BEGINNING AT A POINT ON THE NORTHEASTERLY MARGIN OF COUNTY ROAD
12 NO. 590, WHICH IS 318.86 FEET SOUTH AND 1468.41 FEET EAST OF THE ONE-
13 QUARTER SECTION CORNER BETWEEN SECTIONS 35 AND 36 OF TOWNSHIP 17
14 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE ALONG SAID
15 NORTHEASTERLY MARGIN ALONG THE ARC OF A 666.62 FOOT RADIUS CURVE
16 RIGHT (THE CHORD OF WHICH BEARS SOUTH 54°54'29" EAST 53.00 FEET) A
17 DISTANCE OF 53.01 FEET; THENCE LEAVING SAID NORTHEASTERLY MARGIN
18 NORTH 41°03'43" EAST 92.08 FEET; THENCE NORTH 51°24'12" EAST 125.00 FEET TO A
19 5/8" IRON ROD; THENCE CONTINUING NORTH 51°24'12" EAST TO THE SHORE OF
MERCER LAKE; THENCE NORTHWESTERLY ALONG SAID SHORE TO A POINT
WHICH BEARS NORTH 34°30'00" EAST FROM A 5/8" IRON ROD WHICH BEARS
NORTH 34°30'00" EAST 215.71 FEET FROM THE POINT OF BEGINNING; THENCE
LEAVING SAID SHORE SOUTH 34°30'00" WEST TO SAID 5/8" IRON ROD; THENCE
CONTINUING SOUTH 34°30'00" WEST 215.71 FEET TO THE POINT OF BEGINNING, IN
LANE COUNTY, OREGON.

20 and commonly known as 05921 Mercer Lake Road aka 5921 Mercer Lake Road, Florence, OR
21 97439 to satisfy the sum of \$637,632.24, as of March 2, 2018, together with additional post
22 judgment interest of 9.00% from that date (\$156.07 per day), and costs of this execution, making
23 due return within 60 days after you receive this writ.

24
25 2- WRIT OF EXECUTION
26 S&S No. 17-120315

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1 U.S. Bank National Association, as Trustee for GSR Mortgage Loan Trust 2006-1F,
 2 Mortgage Pass-Through Certificates, Series 2006-1F is the Judgment Creditor, and its address
 3 for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place,
 4 Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for
 5 the Judgment Creditor.
 6

7
 8 March 7, 2018



9
 10
 11 By: Oherce
 12 Court Clerk

13 Submitted by:
 14 Attorneys for Plaintiff,
 SHAPIRO & SUTHERLAND, LLC

15 By: [Signature] 3-2-18

- 16 James A. Craft #090146 [jcraft@logs.com]
 17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 18 Cara J. Richter #094855 [crichter@logs.com]
 19 Holger Uhl #950143 [huhl@logs.com]*
 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
 20 (360)260-2253; Fax (360)260-2285

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 25 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR GSR MORTGAGE LOAN
TRUST 2006-1F, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-1F,

Case No. 17CV40521

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

KAMAL A. KOTAICH; LORI KOTAICH;
STEVEN J. OLIVA; PARTIES IN POSSESSION,

Defendants.

Defendant(s), Parties in Possession, having been dismissed and Defaults having been
granted against Defendants, Kamal A. Kotaich, Lori Kotaich and Stephen J. Oliva:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Lane County, Oregon is commonly known as 05921 Mercer Lake Road aka 5921 Mercer
Lake Road, Florence, OR 97439 and is legally described as follows:

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1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120315

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Described in the Deed of Trust as:
Beginning at a point on the Northeasterly margin of County Road No. 590, which is 349.33 feet South, and 1511.78 feet East from the one-quarter Section corner between Sections 35 and 36 of Township 17 South, Range 12 West of the Willamette Meridian; thence along the Northeasterly margin of said County Road thence along the arc of a 666.62 radius curve right (the chord of which bears south 50° 10' 17" 44" East 54.49 feet) a distance of 54.50 feet; thence leaving said Northeasterly margin thence North 56° 10' 16" 50" East 229.16 feet to the shore of Mercer Lake; thence Northwesterly along said shore to a point which bears North 53° 10' 30" 05" West 92.48 feet from the last mentioned point; thence leaving said shore South 51° 10' 24" 12" west 125.00 feet; thence South 41° 10' 03" 43" West 92.08 feet to the point of beginning, in Lane County, Oregon.

And more accurately described as:
Beginning at a point on the Northeasterly margin of County Road No. 590, which is 318.86 feet South and 1468.41 feet East of the one-quarter Section corner between Sections 35 and 36 of Township 17 South, Range 12 West of the Willamette Meridian; thence along said Northeasterly margin along the arc of a 666.62 foot radius curve right (the chord of which bears South 54°54'29" East 53.00 feet) a distance of 53.01 feet; thence leaving said Northeasterly margin North 41°03'43" East 92.08 feet; thence North 51°24'12" East 125.00 feet to a 5/8" iron rod; thence continuing North 51°24'12" East to the shore of Mercer Lake; thence Northwesterly along said shore to a point which bears North 34°30'00" East from a 5/8" iron rod which bears North 34°30'00" East 215.71 feet from the Point of Beginning; thence leaving said shore South 34°30'00" West to said 5/8" iron rod; thence continuing South 34°30'00" West 215.71 feet to the Point of Beginning, in Lane County, Oregon.

2. The Deed of Trust executed and delivered by Defendant, Kamal A. Kotaich and Lori Kotaich, as tenants by the entirety ("Borrower") on or about October 28, 2005 and recorded on November 3, 2005 as Reception No. 2005-087757 in the official records of Lane County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.

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2 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 17-120315

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- 1 3. The Plaintiff is the holder of the original note dated October 28, 2005 and made by Kamal
2 A. Kotaich in the amount of \$448,000.00. A copy of the Note was attached to the complaint
3 as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
4 Trust (together the "Loan").
- 5 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
6 interest in the Property is foreclosed and terminated excepting only any statutory right of
7 redemption as provided by Oregon law.
- 8 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
9 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
10 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
11 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
12 interests and priorities.
- 13 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 14 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
15 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lane County
16 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
17 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
18 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest
19 may appear or to the clerk of the court to be distributed to such party of parties as may
20 establish their right thereto.
- 21 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
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26 3 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 17-120315

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- 1 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
 2 from and after the date of the sale and is entitled to such remedies as are available at law or
 3 in equity to secure possession.
 4
 5 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 6 any person holding possession under or through such Defendant(s) shall refuse to surrender
 7 possession to the purchaser immediately on the purchaser's demand for possession.
 8 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

9	Principal		\$414,121.28	
10	Prejudgment interest at 6.375% through November 7, 2017 (accruing thereafter until entry of judgment at \$72.33 per diem)			\$165,435.48
11	Late Charges		\$0.00	
12	Other Costs and fees (recoverable)		43,468.33	
13	Property Tax	\$18,424.51		
14	Hazard Insurance	\$7,149.00		
15	Appraisal/BPO	\$30.00		
16	Property Inspections	\$732.55		
17	Property Preservation	\$17,132.27		
18		Subtotal		\$457,589.61
19		Total plus Prejudgment Interest		\$623,025.09

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1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

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Costs			\$727.00
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$52.00	
	Service Costs	\$144.00	
Attorney fees			\$3,050.00
Total			\$3,777.00

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7 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
8 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

9 14. This Judgment shall not create a personal lien or liability against Borrower except as is
10 customary or necessary to execute on such Judgment and for purposes of redemption. In no
11 event should it be construed as establishing personal liability for any persons whose debt has
12 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
13 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
14 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
15 entitled to any further judgment, including a judgment for deficiency.

16
17 15. Execution may issue against the subject property for the aggregate amount found due
18 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
19 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
20 ORS 18.936 or other applicable law.

21
22 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
23 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
24 judgment as to the amounts due shall be terminated.

25
26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120315

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17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

18. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

DENIED

GRANTED

Signed: 1/31/2018 03:28 PM



R. Curtis Conover, Circuit Court Judge

Certificate of Readiness under UTCR 5 100

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

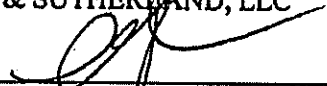
- 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this order or judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

6 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 17-120315

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- 1 c. After conferring about objections, [role and name of objecting party] agreed to independently
file any remaining objection.
- 2 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
- 3 5. 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 (5) of
- 4 this rule.
- 5 6. Other: _____

6 Submitted by:
7 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

8 By: 
9 James A. Craft #090146 [jcraft@logs.com]
10 Kelly D. Sutherland #87357 [ksutherland@logs.com]
11 Cara J. Richter #094855 [crichter@logs.com]
 Holger Uhl #950143 [huhl@logs.com]*
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