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

9 U.S. BANK NATIONAL ASSOCIATION, AS  
10 TRUSTEE FOR GSAA HOME EQUITY  
11 TRUST 2006-12, ASSET-BACKED  
12 CERTIFICATES, SERIES 2006-12,

13 Plaintiff,

14 v.

15 THE UNKNOWN HEIRS AND DEVISEES  
16 OF GEORGE DUMAS AKA GEORGE  
17 RAYMOND DUMAS; JOHN DUMAS;  
18 JOANNE DUMAS; SUSAN DUMAS; BOB  
19 DUMAS; DAVE DUMAS; TED DUMAS;  
20 WELLS FARGO BANK, N.A.; OCCUPANTS  
21 OF THE PROPERTY,

22 Defendants.

Case No.: CV15100574

WRIT OF EXECUTION IN  
FORECLOSURE

23 **TO THE CLACKAMAS COUNTY SHERIFF:**

24 A Judgment of Foreclosure was entered and docketed in this case on October 23, 2017.

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

26 Judgment Creditor:

27 U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GSAA HOME EQUITY  
28 TRUST 2006-12, ASSET-BACKED CERTIFICATES, SERIES 2006-12  
c/o Bryan Kidder  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$235,071.99, plus post-judgment interest at the statutory rate  
2 of 9.0% per annum from October 23, 2017 to February 26, 2018 in the amount of \$7,303.33, and  
3 continuing to accrue at \$57.96 *per diem*, currently totaling \$242,375.32.

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 May 3, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel No. 05009738 and  
9 commonly known as: 38488 Barlow Parkway, Sandy, OR 97055.

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:** 6 day of March, 2018.

16 Judicial Clerk  
Title

17  
18 By: Wendy Waters



19 Dated: 23 FEBRUARY 2018 and submitted by:

20 **McCarthy & Holthus, LLP**

21 Bryan Kidder

22 Bryan Kidder, OSB No. 140459  
23 920 SW 3rd Ave, 1st Floor  
24 Portland, OR 97204  
25 Phone: (971) 201-3200  
26 Fax: (971) 201-3202  
27 bkidder@mccarthymccarthy.com  
28 Of Attorneys for Plaintiff

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

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

# EXHIBIT "1"

## LEGAL DESCRIPTION

Lot 79, BARLOW RIDGE NO. 2, in the City of Sandy, County of Clackamas and State of Oregon.

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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR GSAA HOME EQUITY  
TRUST 2006-12, ASSET-BACKED  
CERTIFICATES, SERIES 2006-12,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES  
OF GEORGE DUMAS AKA GEORGE  
RAYMOND DUMAS; JOHN DUMAS;  
JOANNE DUMAS; DOROTHY DUMAS;  
SUSAN DUMAS; BOB DUMAS; DAVE  
DUMAS; TED DUMAS; WELLS FARGO  
BANK, N.A.; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: CV15100574

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. All defendants ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted 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 38488 Barlow Parkway, Sandy, OR 97055 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
2 05009738.

3 b. Plaintiff is entitled to enforce the note dated 5/3/2006 and made, delivered, and executed by  
4 GEORGE DUMAS to GREENPOINT MORTGAGE FUNDING, INC. in the amount of  
5 \$196,900.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession  
6 and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Borrower GEORGE DUMAS on or  
8 about 5/5/2006 (the “Deed of Trust”). The Deed of Trust was recorded on 5/11/2006 as  
9 Instrument No. 2006-042740 in the official records of Clackamas County, Oregon. The  
10 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
11 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
12 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

13 d. The Borrower failed to make the payment that was due for 7/1/2013 and has not cured the  
14 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
15 comprised of the following amounts (the “Amount Due”):

16	a) Unpaid principal balance:	\$180,162.06
17	b) Prejudgment interest accruing from	
18	6/1/2013 through 7/1/2017 and	
19	continuing until the entry of judgment	
	at the current Note rate of 2.875%:	\$24,775.42
20	c) Additional amounts due under the	\$22,642.90
21	terms of the loan:	
22	d) Attorney fees and costs:	\$7,406.61
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
24	<b>Total:</b>	<b>\$235,071.99</b>

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

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Borrower GEORGE DUMAS had as  
9 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
10 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,  
11 and the proceeds of sale shall be applied:

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

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

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

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
27 entitled to any further or other judgment, including a judgment for the deficiency.  
28

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.

4 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
5 Trust are as follows:

- 6 1) Defendant WELLS FARGO BANK, N.A may claim a junior interest in Subject  
7 Property by virtue of a deed of trust recorded on May 11, 2006 as Instrument No.  
8 2006-042741 in the official records of Clackamas County, Oregon.

Signed: 10/5/2017 02:59 PM



Circuit Court Judge Michael C. Wetzel

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

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

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

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

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

22  No objection has been served on me.

23  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.

24  After conferring about objections, \_\_\_\_\_ agreed to independently file  
25 any remaining objection.

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

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



1 [x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
otherwise.

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

4 [ ] Other: \_\_\_\_\_

5  
6 Presented by:

7 **McCarthy & Holthus, LLP**

8 s/ Bryan Kidder 7/3/2017

9 Bryan Kidder, OSB No. 140459

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 bkidder@mccarthyholthus.com

15 Of Attorneys for Plaintiff

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