

pd #4575
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Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN
INTEREST TO BANK OF AMERICA,
NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER
TO LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2006-SD1

Case No. 16CV08341

Plaintiff,

WRIT OF EXECUTION

vs.

ROBERT E. MAYS; CHRISTINA J.
MAYS; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
OWNIT MORTGAGE SOLUTIONS INC.;
UM ACQUISITIONS LLC; UM CAPITAL
LLC; STATE OF OREGON (DOR);
PARTIES IN POSSESSION

Defendants.

2016 APR 25 AM 7:20

TO: MULTNOMAH COUNTY SHERIFF

WHEREAS, on September 1, 2017, 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

1- WRIT OF EXECUTION
S&S No. 13-113441

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

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1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on June 16, 2005, the date of
4 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
5 property described in the judgment:

6 LOT 13, EXCEPT THE EASTERLY 11.2 FEET AND EXCEPT THE WESTERLY 36 FEET,
7 GRUBER PARK, BEING A REPLAT OF LOT 16 AND PART OF LOT 14, BLOCK 2,
8 ROCKWOOD PARK, IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON.

9 and commonly known as 16502 SE Market Street, Portland, OR 97233 to satisfy the sum of
10 \$179,471.50, as of March 7, 2018, together with additional post judgment interest of 9.00% from
11 that date (\$42.30 per day), and costs of this execution, making due return within 60 days after
12 you receive this writ.

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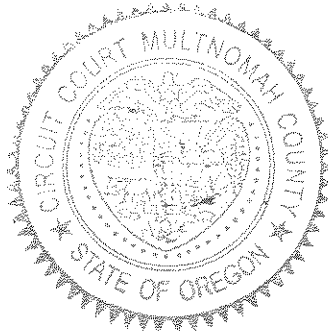
24 //

25 2- WRIT OF EXECUTION
26 S&S No. 13-113441

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

28

1 U.S. Bank National Association, as Trustee, successor in interest to Bank of America,
2 National Association, as Trustee, successor by merger to LaSalle Bank National Association, as
3 Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates,
4 Series 2006-SD1 is the Judgment Creditor, and its address for purpose of this writ only is: C/O
5 Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
6
7 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.



13

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

17 By:  _____

18 James A. Craft #090146 [jcraft@logs.com]
19 Kelly D. Sutherland #87357 [ksutherland@logs.com]
20 Cara J. Richter #094855 [crichter@logs.com]
21 Holger Uhl #950143 [huhl@logs.com]*
22 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
23 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
24 (360)260-2253; Fax (360)260-2285

25 3- WRIT OF EXECUTION
26 S&S No. 13-113441

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-SD1,

Plaintiff,

vs.

ROBERT E. MAYS; CHRISTINA J. MAYS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; OWNIT MORTGAGE SOLUTIONS INC.; UM ACQUISITIONS LLC; UM CAPITAL LLC; STATE OF OREGON (DOR); PARTIES IN POSSESSION,

Defendants.

Case No. 16CV08341

GENERAL JUDGMENT OF FORECLOSURE AND SALE

Default having been entered against Defendant(s), Mortgage Electronic Registration Systems Inc., Ownit Mortgage Solutions Inc., UM Acquisitions LLC, UM Capital LLC, State of

1 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 13-113441

SHAPIRO & SUTHERLAND, LLC
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ksutherland@logs.com

1 Oregon and Parties in Possession and Plaintiff, having prevailed at trial against Defendants,
2 Defendants, Robert E. Mays and Christina J. Mays:

3 It is hereby

4 ORDERED AND ADJUDGED:

5 1. The real property to which this judgment relates (hereafter the "Property") is situated in
6 Multnomah County, Oregon is commonly known as 16502 SE Market Street, Portland, OR
7 97233 and is legally described as follows:

8 Lot 13, except the Easterly 11.2 feet and except the Westerly 36 Feet, GRUBER
9 PARK, being a replat of Lot 16 and part of Lot 14, Block 2, ROCKWOOD PARK, in
10 the City of Portland, Multnomah County, Oregon.

11 2. The Deed of Trust executed and delivered by Defendant, Robert E. Mays and Christina J.
12 Mays, husband and wife ("Borrower") on or about June 16, 2005 and recorded on June 22,
13 2005 as Recorder's Fee No. 2005-114012 in the official records of Multnomah County,
14 Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's
15 judgment as provided herein.

16 3. The Plaintiff is the holder of the original note dated June 16, 2005 and made by Robert E.
17 Mays and Christina J. Mays in the amount of \$132,000.00. A copy of the Note was attached
18 to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest
19 in the Deed of Trust (together the "Loan").

20 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
21 interest in the Property is foreclosed and terminated excepting only any statutory right of
22 redemption as provided by Oregon law.

23 2 - GENERAL JUDGMENT OF FORECLOSURE AND
24 SALE
25 S&S No. 13-113441

26 *SHAPIRO & SUTHERLAND, LLC*
27 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
28 Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
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- 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and Plaintiff's lien survives only as otherwise provided by law, and has only the right, if any, of a successful plaintiff to a foreclosure judgment.
- 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or as established by the court by supplemental judgment.
- 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to ^{apply for} such remedies as are available at law or in equity to secure possession.
- 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.
- 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

| | | |
|--|--------------|--------------|
| Principal | \$125,341.16 | |
| Prejudgment interest at 6% through May 17, 2016 (accruing thereafter until entry of judgment at \$20.60 per diem) | | \$29,785.04 |
| Total plus Prejudgment Interest | | \$155,126.20 |

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3 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
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1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

2

| | | | |
|---------------|----------------------|----------|------------|
| Costs | | | \$1,137.00 |
| | Filing Fee | \$531.00 | |
| | Service Costs | \$521.00 | |
| | Prevailing Party Fee | \$85.00 | |
| Attorney fees | | | \$5,575.00 |
| Total | | | \$6,712.00 |

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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 current contract rate.

9 14. This judgment shall be construed as a lien on the subject property only, and shall not create
10 a personal lien or liability against Borrower except as is customary or necessary to execute
11 on such Judgment and for purposes of redemption. In no event should it be construed as
12 establishing personal liability for any persons whose debt has been extinguished in
13 bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of
14 trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to
15 Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any
16 further judgment, including a judgment for deficiency.
17

18 15. Execution may issue against the subject property for the aggregate amount found due
19 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
20 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
21 ORS 18.936 or other applicable law.
22

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24 //

25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 13-113441

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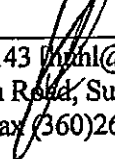
16. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph 15 for purposes of ORS 18.936.

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Signed: 8/30/2017 01:27 PM


Circuit Court Judge Marilyn E. Litzenberger

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

By: 
Holger Uhl #950143 [uhhl@logs.com]
7632 SW Durham Road, Suite 350, Tigard, OR 97224
(360)260-2253; Fax (360)260-2285

5 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
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SHAPIRO & SUTHERLAND, LLC
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Telephone (360)260-2253 (800)970-5647
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-SD1

Case No. 16CV08341

Plaintiff,

CERTIFICATE OF READINESS

vs.

ROBERT E. MAYS; CHRISTINA J. MAYS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; OWNIT MORTGAGE SOLUTIONS INC.; UM ACQUISITIONS LLC; UM CAPITAL LLC; STATE OF OREGON (DOR); PARTIES IN POSSESSION

Defendants.

Certificate of Readiness under UTCR 5 100

I certify that on May 24, 2017, this proposed judgment/order is ready for judicial signature because:

Service is not required under UTCR 5.100 (1)(c) because the other party has been found in **default** or an order of default is being requested with this proposed judgment/order; because this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order is being submitted in **open court** with all parties present.

CERTIFICATE OF READINESS
S&S No. 13-113441

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@lps.com

1 ___ Each party affected by this judgment/order has **stipulated** to or **approved** the
2 judgment/order, as shown by the signatures on the judgment/order, or by written confirmation
3 sent to me.

4 I have **served** (complete service section below) a copy of this judgment/order and the
5 *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

6 No objection has been served on me within the 7-day time frame.

7 ___ I received objections that I could not resolve with the other party despite reasonable efforts
8 to do so. I have filed with the court a copy of the objections I received and indicated which
9 objections remain unresolved.

10 ___ After conferring about objections, the other party agreed to file any remaining objection
11 with the court.

12 DATED: 11 24 , 2017

13 Attorneys for Plaintiff
14 SHAPIRO & SUTHERLAND, LLC

15 By: _____

16 [] James A. Craft #090146 [jcraft@logs.com]

17 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]

18 [] Cara J. Richter #094855 [crichter@logs.com]

19 [] Holger Uhl #950143 [huhl@logs.com]*

20 [] Joshua R. Orem # 116872 [jorem@logs.com]*

21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683

22 7632 SW Durham Road, Suite 350, Tigard, OR 97224*

23 (360)260-2253; Fax (360)260-2285

24
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