

2010 APR 25 AM 8:30

pp \$45
575
03

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

BANK OF AMERICA, N.A.,

Case No. 15CV19198

Plaintiff,

WRIT OF EXECUTION

v.

SHIRLEY A. WILLIAMS; DONALD A. SUMSKY; CITIFINANCIAL, INC.; APPLIED BANK; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7418 N PORTSMOUTH AVE, PORTLAND, OR 97203,

Defendant.

TO THE MULTNOMAH COUNTY SHERIFF:

On May 26, 2016, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Multnomah County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff. On or about July 24, 2017, the court clerk issued a writ of execution to Plaintiff. The public auction was held on October 24, 2017 at 12:00 p.m. The sale is not valid due to bankruptcy filing. On October 23, 2017 the judgment debtor Shirley A. Williams filed a Chapter 7 bankruptcy petition in the U.S. Bankruptcy Court, District of Oregon, and case number 17-33964-tmb13. On November 15, 2017, the bankruptcy was dismissed and administratively closed.

The mailing address for the judgment creditor is: BANK OF AMERICA, N.A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 7418 N Portsmouth
2 Ave, Portland, OR 97203 ("Subject Property"), and legally described as:
3 THE NORTH 6-2/3 FEET OF LOT 2, AND ALL OF LOTS 3 AND 4, BLOCK 40,
4 UNIVERSITY PARK, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND
5 STATE OF OREGON.

6 The total amount due and owing on the Judgment as of March 23, 2018;

7	Judgment:	Principal	\$458,830.51
8	Pre-Judgment:	Interest(7.250%, \$52.0821/day)	\$4,479.06 (March 1, 2016 through May
9			26, 2016)
10		Attorney Fees	\$3,710.00
11		Costs	\$3,801.36
12		Prevailing Party Fee	\$300.00
13	Post-Judgment:	Interest(7.250%, \$52.0821/day)	\$34,633.20 (May 27, 2016 through March
14			23, 2018)
15		Attorney Fees	\$590.00
16		Costs	\$0.00

17 **TOTAL: \$506,397.61**

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///


26 ///

Page 2 – WRIT OF EXECUTION


1 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
2 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
3 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
4 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
5 holder of the certificate of sale.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4/10/18



Presented by:
ALDRIDGE PIPE, LLP



Katie Riggs, OSB #095861
of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepipe.com



1
2
3
4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MULTNOMAH**

6 BANK OF AMERICA, N.A.,

7 Plaintiff,

8 v.

9 SHIRLEY A. WILLIAMS; DONALD A.
10 SUMSKY; CITIFINANCIAL, INC.; APPLIED
11 BANK; AND ALL OTHER PERSONS OR
12 PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
REAL PROPERTY COMMONLY KNOWN
AS 7418 N PORTSMOUTH AVE,
PORTLAND, OR 97203,

Defendants.

Case No. 15CV19198

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

13 Based upon the Court's Order of Default against defendants SHIRLEY A. WILLIAMS;
14 DONALD A. SUMSKY; CITIFINANCIAL, INC.; APPLIED BANK; and ALL OTHER
15 PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
16 INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7418 N PORTSMOUTH
17 AVE, PORTLAND, OR 97203, the records on file herein, and pursuant to the Motion for
18 General Judgment and Declaration of Amount Due by Default by Plaintiff BANK OF
19 AMERICA, N.A. ("Plaintiff"),

20 **IT IS HEREBY ADJUDGED:**

21 1. Plaintiff's security interest in the real property located at 7418 N PORTSMOUTH
22 AVE, PORTLAND, OR 97203 ("Subject Property"), as evidenced by the Deed of Trust recorded
23 June 28, 2007 in the official records of MULTNOMAH County as Instrument Number 2007-
24 115939 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
25 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
26 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 legally described as follows:

2 THE NORTH 6-2/3 FEET OF LOT 2, AND ALL OF LOTS 3 AND 4, BLOCK 40,
3 UNIVERSITY PARK, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH
4 AND STATE OF OREGON.

5 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
6 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
7 in the manner provided by law;

8 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
9 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
10 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
11 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

12 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
13 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
14 68(C), which amount may be added to the outstanding obligation due and owing under the Note
15 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
16 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
17 by sale of the Subject Property as directed under this Judgment;

18 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
19 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
20 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
21 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
22 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

23 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
24 sale of the Subject Property as directed under this Judgment.

25 7. The Sheriff shall make a return on the writ of execution to the court administrator
26 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first

Page 2 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

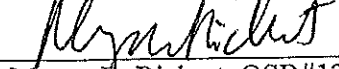
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by 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 all parties entitled to service and:
 - a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing 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;
 - c. After conferring about objections, [**Opposing Party**] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP


Megan K. Rickert, OSB#136404
(858) 750-7600; Fax: (503) 222-2260
mrickert@aldridgepite.com
Of Attorneys for Plaintiff

Date: May 10, 2016