

PP# 45  
LF

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 exception.

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY  
AS TRUSTEE FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2006-21,

Plaintiff,

vs.

IOANA KUNKEL; CHRISTOPHER T.  
BOHNSACK; STRAWBERRY MEADOWS  
HOMEOWNER'S ASSOCIATION; THE  
BANK OF NEW YORK MELLON FKA THE  
BANK OF NEW YORK, AS TRUSTEE FOR  
THE CERTIFICATEHOLDERS OF CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2007-7; LES SCHWAB TIRE  
CENTER, INC.; QUICK COLLECT, INC.;  
CAPITAL CREDIT & COLLECTION  
SERVICE, INC.; MAIN STREET  
ACQUISITION CORP.; STATE OF REGON;  
PARTIES IN POSSESSION,

Defendants.

CASE NO.: 14CV16926

WRIT OF EXECUTION

2018 MAY -4 AM 11:41

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WRIT OF EXECUTION -1-

**Zieve, Brodnax & Steele, LLP**  
Janaya L. Carter, Esq  
Amy F. Harrington, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11th Floor  
Portland, OR 97204  
714-848-7920  
jcarter@zbslaw.com

1 STATE OF OREGON        )  
                                  ) ss.  
2 County of Multnomah    )

3 TO THE SHERIFF OF MULTNOMAH COUNTY OREGON:

4        WHEREAS, on June 15, 2017, by consideration of the Multnomah County Circuit Court,  
5 there was entered a General Judgment of Foreclosure as to IOANA KUNKEL; CHRISTOPHER  
6 T. BOHNSACK; STRAWBERRY MEADOWS HOMEOWNER'S ASSOCIATION; THE  
7 BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR  
8 THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES,  
9 SERIES 2007-7; LES SCHWAB TIRE CENTER, INC.; QUICK COLLECT, INC.; CAPITAL  
10 CREDIT & COLLECTION SERVICE, INC.; MAIN STREET ACQUISITION CORP.; STATE  
11 OF REGON; PARTIES IN POSSESSION. Said General Judgment of Foreclosure was duly  
12 enrolled and docketed in the Court Administrator's Office in said County on June 15, 2017; a  
13 true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

14        Judgment Creditor:        THE BANK OF NEW YORK MELLON FKA  
15                                    THE BANK OF NEW YORK, NOT IN ITS INDIVIDUAL  
16                                    CAPACITY BUT SOLELY AS TRUSTEE FOR THE  
17                                    BENEFIT OF THE CERTIFICATEHOLDERS OF THE  
18                                    CWABS, INC., ASSET-BACKED CERTIFICATES,  
19                                    SERIES 2006-21  
                                  c/o Shellpoint Mortgage Servicing  
20        Judgment Creditor Address: 55 Beattie Place, Suite 100  
                                  Greenville, SC 29601

21        NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
22 commanded to sell the real property as by said General Judgment of Foreclosure according to  
23 law (subject to redemption) all of the interest that the borrower Christopher T Bohnsack and  
24 Ioana Kunkel had on the 14<sup>th</sup> day of December 2006, the date of the Mortgage, and also all of the  
25 interest that borrower had thereafter, in the real property described in the Judgment as:

1 LOT 4, STRAWBERRY MEADOWS, IN THE CITY OF TROUTDALE,  
2 COUNTY OF MULTNOMAH, STATE OF OREGON.

3 The street address of the real property to be levied upon is 864 SE 10th Circle, Troutdale,  
4 OR 97060.

5 The above referenced property shall be sold to satisfy the following sums: The principal  
6 balance and interest in the amount of \$282,229.59; lenders fees and costs \$21,312.32, plus  
7 reasonable attorney fees and costs in the amount of \$6,597.50; plus prejudgment interest from  
8 June 5, 2015 through June 15, 2017 in the amount of \$28,886.06 (\$38.93 x 742 days); plus post-  
9 judgment interest accruing after June 15, 2017 through March 24, 2018, at the rate of 9.0% per  
10 annum, of \$23,572.38 (\$83.59 per diem x 282 days) for a total of \$362,597.85 with interest to  
11 continue to accrue at the rate of 9.0% per annum (\$83.59 per diem) until the date of sale; Thus,

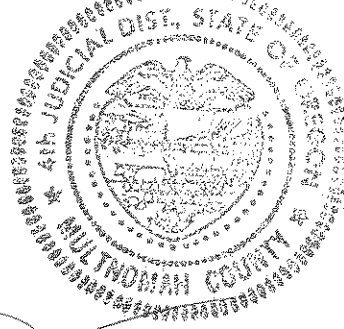
12 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
13 THE DATE OF SUBMISSION (March 24, 2018) IS AS FOLLOWS:

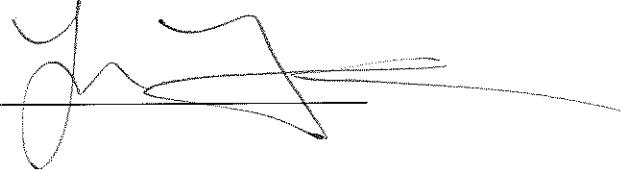
14	Base Judgment and Interest:	\$282,229.59
15	Lenders Fees and Costs:	\$21,312.32
16	Attorney Fees and Costs:	\$6,597.50
17	Pre-Judgment Interest from	
18	06/05/15 – 06/15/17 at 7.22%	
19	(\$38.93 per diem)	\$28,886.06
20	Post-Judgment Interest from	
21	06/16/17 – 03/24/18 at 9.0%	
22	(\$83.59 per diem)	\$23,572.38

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Total due as of March 24, 2018: \$362,597.85, with interest to continue to accrue at 9.0% (\$83.59 per diem) until the date of sale.

The proceeds of sale shall be applied, delivered, and distributed according to ORS 18.950.



4/5/18  
By: 

Submitted by:

  
Janaya L. Carter, OSB No D32830

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, NOT IN ITS  
INDIVIDUAL CAPACITY BUT SOLELY AS  
TRUSTEE FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2006-21,

Plaintiff,

vs.

IOANA KUNKEL; CHRISTOPHER T.  
BOHNSACK; STRAWBERRY MEADOWS  
HOMEOWNER'S ASSOCIATION; THE BANK  
OF NEW YORK MELLON FKA THE BANK OF  
NEW YORK, AS TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF CWABS, INC.,  
ASSET-BACKED CERTIFICATES, SERIES  
2007-7; LES SCHWAB TIRE CENTER, INC.;  
QUICK COLLECT, INC.; CAPITAL CREDIT &  
COLLECTION SERVICE, INC.; MAIN STREET  
ACQUISITION CORP.; STATE OF OREGON;  
PARTIES IN POSSESSION,

Defendants.

Case No. 14CV16926

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

[CORRECTED]

Default having been entered against Defendants, Christopher T. Bohnsack, Ioana Kunkel  
a/k/a Joanna Lexi Bohnsack, Parties in Possession, Strawberry Meadows Homeowners  
Association, Inc., Les Schwab Tire Centers, Quick Collect, Inc., Capital Credit & Collection  
Service, Inc., Main Street Acquisition Corp. and State of Oregon and Defendant, The Bank of

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 14-114782

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 New York Mellon FKA The Bank of New York, as Trustee for the Benefit of the  
2 Certificateholders of CWABS, Inc., Home Equity Loan Asset-Backed Certificates, Series 2007-  
3 7, having stipulated to entry of judgment:

4 It is hereby

5 ORDERED AND ADJUDGED:

6  
7 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
8 Multnomah County, Oregon is commonly known as 864 SE10th Circle, Troutdale, OR  
9 97060 and is legally described as follows:

10 Lot 4, STRAWBERRY MEADOWS, in the City of Troutdale, County of Multnomah,  
11 State of Oregon.

12 2. The Deed of Trust executed and delivered by Defendant, Christopher T Bohnsack, and Ioana  
13 Kunkel, as tenants by the entirety ("Borrower") on or about December 14, 2006 and  
14 recorded on December 28, 2006 as Recorder's Fee No. 2006-238912 in the official records  
15 of Multnomah County, Oregon, is a valid and perfected lien against all of the Property for  
16 the amount of Plaintiff's judgment as provided herein.

17  
18 3. The Plaintiff is the holder of the original note dated December 14, 2006 and made by  
19 Christopher T. Bohnsack and Ioana Kunkel in the amount of \$196,800.00. A copy of the  
20 Note was attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the  
21 beneficial interest in the Deed of Trust (together the "Loan").

22 4. The interest of each of the Defendants subject to this Judgment and any successor in interest  
23 in the Property is foreclosed and terminated excepting only any statutory right of redemption  
24 as provided by Oregon law.

25 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
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27 S&S No. 14-114782

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
5 interests and priorities.  
6  
7 6. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.  
8  
9 7. All of the rights, title and interest that Borrowers had as of the date of the Deed of Trust or  
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Multnomah  
11 County Sheriff's Office in accordance with the process for sale upon execution, and the  
12 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
13 amounts awarded Plaintiff herein; third to Stipulating Defendant toward satisfaction of its  
14 second mortgage lien; with the surplus, if any, to the Defendants in the priority as their  
15 interest may appear or to the clerk of the court to be distributed to such party of parties as  
16 may establish their right thereto.  
17  
18 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.  
19  
20 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
21 from and after the date of the sale and is entitled to such remedies as are available at law or  
22 in equity to secure possession.  
23  
24 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
25 any person holding possession under or through such Defendant(s) shall refuse to surrender  
26 possession to the purchaser immediately on the purchaser's demand for possession.  
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28

1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2 Principal	\$196,800.00	
3 Prejudgment interest at 7.22% through June 4, 2015 (accruing thereafter until entry of judgment at 4 \$38.93/per diem)		\$85,429.59
5 Late Charges, Advances and other Recoverable(s) under the Loan documents estimated as of October 27, 2014	\$21,312.32	
6 Total		\$303,541.91

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

8 Costs			\$1,266.00
9	Filing Fee	\$531.00	
10	Service Costs	\$650.00	
11	Prevailing Party Fee	\$85.00	
12	Attorney fees		\$5,331.50
13	Total		\$6,597.50

14 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from  
15 the date of judgment at the current contract rate.

16 14. The amounts due in Paragraphs 11, 12 and 13 of this judgment shall collectively declare the  
17 secured amount due under this Judgment of Foreclosure and Sale.

18 15. This judgment shall be construed as a lien on the subject property only, and shall not create  
19 a personal lien or liability against Borrower except as is customary or necessary to execute  
20 on such judgment and for purposes of redemption. In no event should it be construed as  
21 establishing personal liability for any persons whose debt has been extinguished in  
22 bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of  
23 trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to  
24

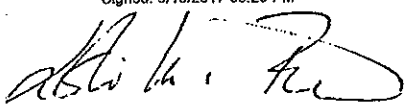




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17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph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

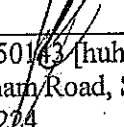
Signed: 6/15/2017 03:29 PM



Circuit Court Judge Leslie Roberts

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So stipulated and submitted by:  
Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

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

6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 14-114782

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5 THE BANK OF NEW YORK MELLON FKA  
6 THE BANK OF NEW YORK, NOT IN ITS  
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8 TRUSTEE FOR THE BENEFIT OF THE  
9 CERTIFICATEHOLDERS OF THE CWABS,  
10 INC., ASSET-BACKED CERTIFICATES,  
11 SERIES 2006-21

12 Plaintiff,

13 vs.

14 IOANA KUNKEL; CHRISTOPHER T.  
15 BOHNSACK; STRAWBERRY MEADOWS  
16 HOMEOWNER'S ASSOCIATION; THE BANK  
17 OF NEW YORK MELLON FKA THE BANK OF  
18 NEW YORK, AS TRUSTEE FOR THE  
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22 QUICK COLLECT, INC.; CAPITAL CREDIT &  
23 COLLECTION SERVICE, INC.; MAIN STREET  
24 ACQUISITION CORP.; STATE OF OREGON;  
25 PARTIES IN POSSESSION

26 Defendants.

Case No. 14CV16926

CERTIFICATE OF READINESS

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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. 14-114782

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 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: J/29, 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

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25  
26 CERTIFICATE OF READINESS  
S&S No. 14-114782

27  
28 SHAPIRO & SUTHERLAND, LLC  
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