

PD 845 -
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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 exception.

2010 MAY 10 AM 7:11

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

M&T BANK,

CASE NUMBER: 130811194

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

GLORIA CARTER AKA GLORIA J. CARTER; CREDIT SERVICES OF OREGON, INC.; AND OCCUPANTS OF THE PREMISES;

Defendants.

TO: THE SHERIFF OF MULTNOMAH COUNTY, OREGON:

1.

WHEREAS, on July 18, 2014, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 (subject to redemption, if applicable), all of the interest which the Defendants GLORIA CARTER AKA GLORIA J. CARTER, CREDIT SERVICES OF OREGON, INC., and OCCUPANTS OF THE PREMISES ("Defendants") had on July 28, 2011, the date of the foreclosed Deed of Trust which was recorded on August 5, 2011, as Instrument No. 2011-087106 in the official records of the Multnomah County Recorder's Office, and/or all of the interest which Defendants had thereafter, in

1 the real property described in the Judgment to satisfy the Judgment as follows:

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Lender's Principal Judgment:

Unpaid Principal Balance:	\$197,928.96
Pre-Judgment Interest from April 1, 2012 to May 30, 2014, the date set forth in the Judgment at 5.000%, per annum, (\$27.11 per diem):	\$21,403.79
Lender's Fees and Costs:	\$17,462.76
Attorney's Fees and Costs:	\$3,146.00
Total Judgment Entered:	\$239,941.51

Additional Pre-Judgment Interest:

Accrued Interest from May 31, 2014, the day after the date set forth in the Judgment through July 18, 2014, the date of entry of the Judgment, at interest at the rate of 5.00%, per annum (\$27.11 per diem):	\$1,301.28
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**Total Judgment Entered Including
Additional Pre-Judgment
Interest:**

\$241,242.79

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1 **Post-Judgment Interest**

2 Accrued Post-Judgment Interest from
3 July 29, 2014, the date after
4 entry of the Judgment, through January
5 12, 2018 the date the Writ
6 was requested at the legal rate of interest

7 at 9%, per annum (\$59.47 per diem): **\$75,718.04**

8 ***Total Amount Owning on the Judgment as of the Date***

9 ***the Writ Was Requested:*** **\$316,960.83**

10 3.

11 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
12 legal rate of interest of 9% per annum, \$59.47 per diem, from January 13, 2018 to the date the real
13 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
14 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

15 4.

16 The real property subject to this writ of execution is commonly known as 510 SE 62ND
17 AVE, PORTLAND, OR 97215 ("Property") and described in Exhibit "1" attached hereto.

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5.

The Judgment Creditor's name and address is:

M&T Bank
1100 Wehrle Dr.

Williamsville, New York 14221-7748

The Judgment Creditor's name and address for the purpose of this Writ is:

M&T Bank
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

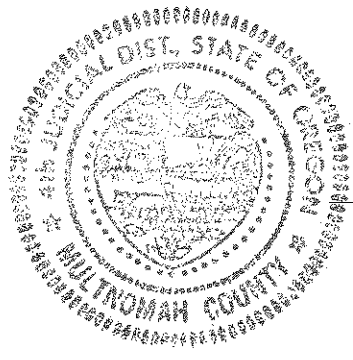
2112 Business Center Drive

Irvine, CA 92612

949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.



1/24/2018
[Handwritten signature]

Submitted by:

[Handwritten signature]
Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

Dated: January 12, 2018

Exhibit 1

Legal Description

LOT 18, BELMONT PLACE, EXCEPT THE SOUTHERLY 70 FEET THEREOF, PORTLAND,
MULTNOMAH COUNTY, OREGON.

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FILED
2014 JUL 18 AM 10:44
CIRCUIT COURT
FOR MULTNOMAH COUNTY

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

M & T BANK, its successors in interest and/or assigns,

Plaintiff,

v.

GLORIA CARTER AKA GLORIA J. CARTER;
CREDIT SERVICES OF OREGON, INC.; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 130811194

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

(1) GLORIA CARTER AKA GLORIA J. CARTER
(2) CREDIT SERVICES OF OREGON, INC.
(3) OCCUPANTS OF THE PREMISES

AND MONEY AWARD AGAINST
GLORIA CARTER AKA GLORIA J. CARTER

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff M & T Bank, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that the defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and Occupants of the Premises failed to appear, and an Order of Default has been entered against them on Plaintiff's Complaint.

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2.

Plaintiff hereby requests this General Judgment be entered into the Court's register to accomplish the following: to foreclose any and all interest of defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and Occupants of the Premises in the real property subject to this foreclosure action, located at 510 Southeast 62nd Avenue, Portland, OR 97215 (the "Property").

3.

The Court being fully advised; it is hereby
ORDERED AND ADJUDGED:

4.

That the Deed of Trust executed and delivered by Gloria Carter to M & T Bank on July 28, 2011, and recorded on August 5, 2011 under recording number 2011-087106 of the official records of Multnomah County, Oregon, is a valid lien for the amount of Plaintiff's Money Award set forth herein against the Property situated in Multnomah County, Oregon, described as follows:

**LOT 18, BELMONT PLACE, EXCEPT THE SOUTHERLY 70 FEET
THEREOF, PORTLAND, MULTNOMAH COUNTY, OREGON**

5.

That the lien is superior to any interest, lien, or claim of defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and Occupants of the Premises in that Property and that said Deed of Trust is hereby foreclosed by this Court on the Property.

6.

That defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and Occupants of the Premises, and each of them, and all parties claiming through or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interest, lien, or claim

1 in the Property and every portion thereof excepting only any statutory right of redemption provided by
2 the laws of the State of Oregon.

3 7.

4 That defendants Gloria Carter aka Gloria J. Carter, Credit Services of Oregon, Inc. and
5 Occupants of the Premises are not entitled to a homestead exemption as against Plaintiff's Deed of
6 Trust.
7

8 8.

9 That all of the right, title and interest which Gloria Carter had on July 28, 2011, the date of the
10 Deed of Trust, and all of the right, title and interest defendants Gloria Carter aka Gloria J. Carter, Credit
11 Services of Oregon, Inc. and Occupants of the Premises and any successor thereafter had in and to the
12 real Property is hereby ordered to be sold by law and the proceeds of sale shall be applied first toward
13 the sheriff's fees and costs of sale, then toward the satisfaction of Plaintiff's Money Award herein; and
14 the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish
15 their right thereto.
16

17 9.

18 That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the
19 aggregate amount of its Money Award plus interest from the date of this Judgment until sale without
20 advancing any cash except money required for the sheriff's sale.
21

22 10.

23 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the
24 right to motion the court after sale for exclusive and immediate possession of the Property through the
25 issuance and enforcement of a writ of assistance, if defendants Gloria Carter aka Gloria J. Carter, Credit
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Services of Oregon, Inc. and Occupants of the Premises shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

11.

IT IS FURTHER ORDERED That Plaintiff shall have judgment and money award against defendant Gloria Carter aka Gloria J. Carter for the amounts due and owing under the terms of the Note and secured with the Property by the Deed of Trust, and for its attorney fees and costs herein and consisting of : \$197,928.96, the unpaid principal balance; \$21,403.79, the accrued interest under the terms of the Note from April 1, 2012 to May 30, 2014, and to continue to accrue from that date, May 30, 2014, at 5.00% per annum (\$27.11 per diem) until the date this judgment and money award is entered by the court; plus \$17,462.76 the amounts advanced under the terms of the Note and Deed of Trust for escrow and corporate advances; \$2,050.00 attorney fees and \$1,096.00, for litigation costs for total money award in the amount of amount \$239,941.51 to accrue interest post-judgment at the contract rate of 5.00% or the legal rate of 9.00% per annum from the date the Judge signs this Judgment until satisfied. Said amounts are set out in detail under the Money Award section below.

MONEY AWARD

- 1. **Judgment Creditor:** M & T Bank
c/o RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840
- 2. **Judgment Creditor's Attorney:** Tony Kullen
RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840
- 3. **Judgment Debtor:** Gloria Carter

510 Southeast 62nd Avenue
Portland, OR 97215

Year of Birth: Unknown
Social Security No.: XXX-XX-4551
Drivers' License No.: Unknown
Name of Attorney: Unknown

Person or public body entitled to any portion of money award herein: None

4. Total Amount of Money Award: \$239,941.51

Attorneys' Fees and Costs

Attorneys' Fees	\$2,050.00
Title Report	\$ 100.00
Filing Fee	\$ 505.00
Recording Fee -- Lis Pendens	\$ 41.00
Process Service Fees	\$ 450.00
Total Costs	\$1,096.00

Total Attorneys' Fees and Costs \$3,146.00

Lenders' Principal and Interest

Principal Balance	\$ 197,928.96
Accrued Interest from April 1, 2012 to May 30, 2014, the date calculated by the declarant in the declaration of indebtedness @ 5.00% per annum (\$27.11 per diem)	\$ 21,403.79

Total Principal & Interest \$219,332.75

Lenders' Fees and Costs

Recoverable Balance	\$ 4,088.74
Escrow Balance Due	\$ 13,374.02

Total Lender's Fees and Costs:	\$17,462.76
Total Lenders' Principal, Interest, Fees, and Costs:	\$236,795.51

Additional pre-judgment interest pursuant to ORS 18.042 from May 30, 2014 to the date entry of judgment at the contract rate of interest

Post-Judgment interest thereafter on the total

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judgment amount at the contract rate of interest, or 9.000% per annum, to be determined by plaintiff.

Total Money Award (Judgment)

\$239,941.51

DATED this ____ day of JUL 18 2014, 2014.


CIRCUIT COURT JUDGE

Presented by:

RCO LEGAL, P.S.

By  Dated: 7/8/14

Tony Kullen, OSB # 090218
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
Telephone (503) 977-7840; Facsimile (503) 977-7963
tkullen@rcolegal.com