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LINN COUNTY  
SHERIFFS OFFICE

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
CWMB, INC., CHL MORTGAGE PASS-  
THROUGH TRUST 2006-19 MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2006-19,

Plaintiff,

v.

JEREMY NUTTER; KRISTIN LANE;  
HOUSEHOLD FINANCE CORPORATION  
II; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
BENEFICIAL FINANCIAL I, INC.; STATE  
OF OREGON; MCMAHAN'S FURNITURE;  
RAY KLEIN, INC. D/B/A PROFESSIONAL  
CREDIT SERVICE; WE COLLECT, INC.  
D/B/A ATLAS FINANCIAL  
SERVICES

Defendant.

Case No. 16CV14801

**WRIT OF EXECUTION**

TO THE LINN COUNTY SHERIFF:

On March 16, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN 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.

The mailing address for the judgment creditor is: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMB, INC., CHL MORTGAGE PASS-THROUGH TRUST 2006-19 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-19, c/o Aldridge

1 Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

2 The real property to be sold at public auction is commonly known as 3986 SOMERSET  
3 DRIVE NE, ALBANY, OR 97321 ("Subject Property"), and legally described as:

4 LOT 4, SOMERSET MEADOWS, CITY OF ALBANY, LINN COUNTY, OREGON.

5 The total amount due and owing on the Judgment as of May 1, 2018;

6 Judgment:	Principal	\$204,809.33
7 Pre-Judgment:	Interest(2.000%, \$14.09/day)	-\$112.72 (3/25/18 through 3/16/18)
8	Attorney Fees	\$2,120.00
9	Costs	\$2,013.09
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(9.000%, \$51.64/day)	\$2,375.44 (3/17/18 through 5/1/18)
12	Attorney Fees	\$305.00

13 **TOTAL: \$211,810.14**

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

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By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

Signed: 5/1/2018 03:48 PM



  
Rachael Pelroy, Administrative Authority

Presented by:  
ALDRIDGE PITE, LLP

By:   
Hunter Zook, OSB #095578  
Katie Riggs, OSB #095861  
Sarah Mathenia, OSB #120681  
Shannon K. Calt, OSB #121855  
Christina Andreoni, OSB #160875  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
[orecourtnotices@aldridgepite.com](mailto:orecourtnotices@aldridgepite.com)

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF  
CWMBS, INC., CHL MORTGAGE PASS-  
THROUGH TRUST 2006-19 MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2006-19,

Plaintiff,

v.

JEREMY NUTTER; KRISTIN LANE;  
HOUSEHOLD FINANCE CORPORATION  
II; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
BENEFICIAL FINANCIAL I, INC.; STATE  
OF OREGON; MCMAHAN'S FURNITURE;  
RAY KLEIN, INC. D/B/A PROFESSIONAL  
CREDIT SERVICE; WE COLLECT, INC.  
D/B/A ATLAS FINANCIAL  
SERVICES,

Defendant.

Case No. 16CV14801

**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

Based upon the Court's Order of Default against defendants JEREMY NUTTER;  
KRISTIN LANE; HOUSEHOLD FINANCE CORPORATION II; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS, INC.; BENEFICIAL FINANCIAL I, INC.;  
STATE OF OREGON; MCMAHAN'S FURNITURE; RAY KLEIN, INC. D/B/A  
PROFESSIONAL CREDIT SERVICE; WE COLLECT, INC. D/B/A ATLAS FINANCIAL  
SERVICES, the records on file herein, and pursuant to the Motion for General Judgment and  
Declaration of Amount Due by Default by Plaintiff THE BANK OF NEW YORK MELLON

1 FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF  
2 CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2006-19 MORTGAGE PASS-  
3 THROUGH CERTIFICATES, SERIES 2006-19, ("Plaintiff"),

4 **IT IS HEREBY ADJUDGED:**

5 1. Plaintiff's security interest in the real property located at 3986 SOMERSET  
6 DRIVE NE, ALBANY, OR 97321 ("Subject Property"), as evidenced by the Deed of Trust  
7 recorded May 27, 2005 in the official records of LINN County as instrument number VOL 1716  
8 PAGE 554 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
9 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
10 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
11 legally described as follows:

12 LOT 4, SOMERSET MEADOWS, CITY OF ALBANY, LINN COUNTY, OREGON.

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

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

20 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
21 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
22 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
23 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
24 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
25 by sale of the Subject Property as directed under this Judgment;

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

7 7. The Sheriff shall make a return on the writ of execution to the court administrator  
8 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
9 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
10 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
11 parties as may establish their right thereto. The Defendants and all persons claiming through or  
12 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
13 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
14 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
15 every part of the Subject Property when the time for redemption has elapsed;

16 8. Plaintiff or any other party to this action may become a purchaser at the  
17 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
18 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
19 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
20 subject property if Defendants or any other party or person refuses to surrender possession;

21 **DECLARATION OF AMOUNT DUE BY DEFAULT**

22 **(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES**  
23 **NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

24 1. The total amount of the unpaid principal balance, interest, and other amounts  
25 owed is \$204,809.33.  
26

- 1           2.     Simple interest at the variable rate currently at 2.000% (\$14.09 *per diem*) through  
2 March 24, 2018, and through the date of judgment.
- 3           3.     Attorney fees of \$2,120.00, plus \$305.00, through the date of sale.
- 4           4.     Costs of \$2,013.09, plus costs accrued through the date of sale.
- 5           5.     Prevailing party fee: \$300.00.
- 6           6.     Post-judgment interest thereafter on the total amounts above, #1-5, at the contract  
7 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

8           **IT IS SO ADJUDGED**

Signed: 3/15/2018 12:50 PM



Circuit Court Judge, DeAnn L. Novotny

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14                           **CERTIFICATE OF READINESS**

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

- 16           1.    Each party affected by this order or judgment has stipulated to the order or judgment,  
17           as shown by each party's signature on the document being submitted.
- 18           2.    Each party affected by this order or judgment has approved the order or judgment, as  
19           shown by each party's signature on the document being submitted or by written  
20           confirmation of approval sent to me.
- 21           3.    I have served a copy of this order or judgment on all parties entitled to service and:  
22           a.    No objection has been served on me;  
23           b.    I received objections that I could not resolve with a party despite reasonable  
24           efforts to do so. I have filed a copy of the objections I received and indicated  
25           which objections remain unresolved.  
26           c.    After conferring about objections, [ **role and name of objecting party** ]  
              agreed to independently file any remaining objection.
4.    Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or

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otherwise.

5.  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 (5) of this rule.

6.  Other: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP

/s/ Christina Andreoni

Date: 3/14/18

{ } Hunter Zook, OSB #095578  
{ } Katie Riggs, OSB #095861  
{ } Sarah Mathenia, OSB #120681  
{ } Shannon K. Calt, OSB #121855  
{X} Christina Andreoni, OSB #160875  
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