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CLACKAMAS COUNTY SHERIFF

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4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**

5 **FOR THE COUNTY OF CLACKAMAS**

6
7 THE BANK OF NEW YORK MELLON FKA
8 THE BANK OF NEW YORK, AS TRUSTEE
9 FOR THE CERTIFICATEHOLDERS OF
10 THE CWMBS, INC., CHL MORTGAGE
11 PASS THROUGH CERTIFICATES, SERIES
12 2007-HY6,

11 Plaintiff,

12 vs.

13
14 SURESH DOSS, an individual; ASSET
15 RECOVERY GROUP, an Oregon corporation;
16 DISCOVER BANK, a Delaware corporation;
17 and all other persons or parties unknown
18 claiming any legal or equitable right, title,
19 estate, lien, or interest in the real property
20 described in the complaint herein, adverse to
21 Plaintiffs title, or any cloud on Plaintiff's title
22 to the Property, collectively designated as
23 DOES 1 through 50, inclusive,

20 Defendants.

21 STATE OF OREGON)
22) ss.
23 County of Clackamas)

24 TO THE SHERIFF OF CLACKAMAS COUNTY OREGON:

25
26 WRIT OF EXECUTION -1-

CASE NO.: CV13020039

WRIT OF EXECUTION

27 **Zieve, Brodnax & Steele, LLP**
28 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 WHEREAS, on January 4, 2016, by consideration of the Clackamas County Circuit
2 Court, there was entered a General Judgment of Foreclosure as to SURESH DOSS, an
3 individual; ASSET RECOVERY GROUP, an Oregon corporation; DISCOVER BANK, a
4 Delaware corporation; and all other persons or parties unknown claiming any legal or equitable
5 right, title, estate, lien, or interest in the real property described in the complaint herein, adverse
6 to Plaintiffs title, or any cloud on Plaintiff's title to the Property, collectively designated as
7 DOES 1 through 50, inclusive. Said General Judgment of Foreclosure was duly enrolled and
8 docketed in the Court Administrator's Office in said County on January 4, 2016; a true copy of
9 the General Judgment of Foreclosure is attached hereto and made a part hereof.

10 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA THE
11 BANK OF NEW YORK, AS TRUSTEE FOR THE
12 CERTIFICATEHOLDERS OF THE CWMBS, INC., CHL
13 MORTGAGE PASS THROUGH CERTIFICATES,
14 SERIES 2007-HY6
15 c/o Bayview Loan Servicing, LLC
16 Judgment Creditor Address: 4425 Ponce De Leon Blvd., 5th Floor
17 Coral Gables, FL 33146

18 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
19 commanded to sell the real property as by said General Judgment of Foreclosure according to
20 law (subject to redemption) all of the interest that the borrower Suresh Doss had on the 9th day of
21 April, 2007, the date of the Mortgage, and also all of the interest that borrower had thereafter, in
22 the real property described in the Judgment as:

23 LOT 18, GOLDEN EAGLE, IN THE CITY OF HAPPY VALLEY,
24 CLACKAMAS COUNTY, OREGON.

25 The street address of the real property to be levied upon is 12446 SE Eagle Glen Drive,
26 Happy Valley, OR 97086.

1 The above referenced property shall be sold to satisfy the following sums: The principal
2 balance and interest in the amount of \$616,700.15; plus reasonable attorney fees and costs in the
3 amount of \$12,551.14; plus prejudgment interest from April 5, 2015 through January 4, 2016 in
4 the amount of \$15,999.50 (\$58.18 x 275 days); plus post-judgment interest accruing after
5 January 4, 2016 through March 28, 2018, at the rate of 9.0% per annum, of \$129,507.40
6 (\$159.10 per diem x 814 days) for a total of \$774,758.19 with interest to continue to accrue at
7 the rate of 9.0% per annum (\$159.10 per diem) until the date of sale; Thus,

8 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
9 THE DATE OF SUBMISSION (March 28, 2018) IS AS FOLLOWS:

10 Base Judgment and Interest: \$616,700.15

11 Attorney Fees and Costs: \$12,551.14

12 Pre-Judgment Interest from

13 04/05/15 – 01/04/16 at 3.375%

14 (\$49.17 per diem) \$13,472.58

15 Post-Judgment Interest from

16 01/05/16 – 03/28/18 at 9.0%

17 (\$158.48 per diem) \$128,844.24

18
19 Total due as of March 28, 2018: \$771,568.11, with interest to continue to accrue at
20 9.0% (\$159.10 per diem) until the date of sale.

21
22
23 ///

24 ///

25 ///

26 WRIT OF EXECUTION -3-

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 The proceeds of sale shall be applied, delivered, and distributed according to ORS
2 18.950.

3 Dated April 9, 2018.

4 By: Wendy Watson



5 Submitted by:

6
7 Janaya L. Carter, OSB No. 032830

8 Court Administrator relies on the information
9 provided by the person seeking issuance of
10 this writ of execution and is not liable for any
11 errors or omissions in the information

12 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
13 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
14 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
15 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
16 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

STATE OF OREGON
CLACKAMAS COUNTY COURTS
FILED

2015 DEC 29 AM 8:32

ENTERED BY
ENTERED
JAN 04 2016
By: KLC

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE
CWMBS, INC., CHL MORTGAGE PASS
THROUGH CERTIFICATES, SERIES 2007-
HY6,

Plaintiff,

vs.

SURESH DOSS, an individual; ASSET
RECOVERY GROUP, an Oregon
corporation; DISCOVER BANK, a Delaware
corporation; and all other persons or parties
unknown claiming any legal or equitable
right, title, estate, lien, or interest in the real
property described in the complaint herein,
adverse to Plaintiff's title, or any cloud on
Plaintiff's title to the Property, collectively
designated as DOES 1 through 50, inclusive.

Defendants.

CASE NUMBER: CV13020039

~~AMENDED~~ GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) SURESH DOSS;
- (2) ASSET RECOVERY GROUP; AND
- (3) DISCOVER BANK

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMBS 2007-HY6) ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust and Defendants SURESH DOSS, ASSET RECOVERY GROUP, DISCOVER BANK (collectively referred to as "Defendants") were duly served with the Summons and Complaint as required by law. Defendants ASSET RECOVERY GROUP and DISCOVER BANK failed to appear



1 and the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANT ASSET DISCOVERY
 2 GROUP and the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANT DISCOVER
 3 have been entered against them on Plaintiff's Complaint. Defendant SURESH DOSS filed an
 4 "Answer and Affirmative Defenses and Counterclaim" on or about May 2, 2013. Plaintiff's Motion
 5 for Summary Judgment was filed on August 11, 2015 and was granted in its entirety on October 29,
 6 2015. A true and correct copy of the Order Granting Plaintiff's Motion for Summary Judgment is
 7 attached hereto as Exhibit "1." Plaintiff is now entitled to entry of a General Judgment foreclosing
 8 Plaintiff's deed of trust against the property commonly known as 12446 SE EAGLE GLEN DRIVE,
 9 HAPPY VALLEY, OR 97086 ("Property") and extinguishing any and all interest of the Defendants
 10 in the Property.

11 2.

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

14 3.

15 Plaintiff is the holder of that certain promissory note ("Note"), dated April 9, 2007, in the
 16 amount of \$540,000.00, and executed by SURESH DOSS.

17 4.

18 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about
 19 April 10, 2007, by SURESH DOSS. The Deed of Trust was recorded on April 18, 2007 under the
 20 recording number 2007-033361 of the Official Records of Clackamas County, Oregon, against the
 21 Property, which is legally described as:

22 **LOT 18, GOLDEN EAGLE, IN THE CITY OF HAPPY VALLEY,**
 23 **CLACKAMAS COUNTY, OREGON.**

24 ("Property") and constitutes a valid lien against the Property.

25 5.

26 Defendant SURESH DOSS failed to comply with the terms of the Note and Deed of Trust by
 27 failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the
 28 terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and

1 Deed of Trust immediately due and payable.

2 6.

3 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
4 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
5 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
6 may be entitled under Oregon law.

7 7.

8 A judgment of foreclosure in the amount of \$629,251.29 shall be granted in favor of Plaintiff,
9 and its successors and/or assigns, as further described below ("Declaration of Amounts Owed").

10 8.

11 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the
12 satisfaction of Plaintiff's Judgment herein; and the surplus, if any to the Clerk of the Court to be
13 disbursed to such party or parties as may establish their right thereto.

14 9.

15 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary
16 costs and expenses incurred to enforcing the Note and Deed of Trust.

17 10.

18 Defendants, and all parties claiming through or under as purchasers, encumbrancers, or
19 otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and
20 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
21 State of Oregon.

22 11.

23 Defendant SURESH DOSS is not entitled to a homestead exemption on account of his
24 interest in the Property.

25 12.

26 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the
27 aggregate amount of its Judgment, plus interest from the date of this Judgment until sale, without
28 advancing any cash except money required for the Sheriff's Sale.

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13.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

14.

This Court shall retain jurisdiction to enforce all provisions of the Judgment and to enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to obtain possession of the Property.

15.

Under the Note, there is now due and owing to Plaintiff, the following amounts, to be hereinafter described as the Judgment.

16.

This suit does not constitute an attempt to collect the debt against Defendants SURESH DOSS, ASSET RECOVERY GROUP, and DISCOVER BANK. Rather, it is a suit to execute upon the Property as security for the Judgment. Therefore, no deficiency will be sought against Defendants SURESH DOSS, ASSET RECOVERY GROUP, and DISCOVER BANK.

DECLARATION OF AMOUNTS OWED

1. Judgment Creditor:	THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMBS 2007-HY6) c/o MALCOLM ♦ CISNEROS, A Law Corporation
Address:	2112 Business Center Drive, 2 nd Floor Irvine, California 92612

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6. Post-Judgment Interest:

Simple interest to accrue on \$629,251.29 plus Pre-Judgment Interest from the day after the Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

7. Periodic accrual:

N/A

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8. Attorney's Fees and Costs:

An award of \$12,551.14 in attorney's fees and costs is made for Judgment of Foreclosure

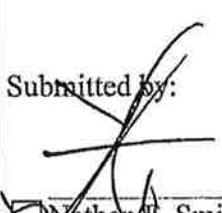
Attorney's Fees:	\$9,875.00
Litigation Guarantee:	\$1,490.00
Filing Cost:	\$505.00
Filing Cost – Motion:	\$40.00
Recording Cost – Lis Pendens:	\$53.00
Process Service Cost:	\$467.00
UPS Cost:	\$31.14
Contested Cost:	\$50.00
Motion to Continue Cost:	\$40.00

DATED this: 28 day of Dec, 2015



 CIRCUIT COURT JUDGE

Submitted by:

- 
 Nathan F. Smith, OSB #120112
 Richard J. Bayless, OSB #101826
 Attorneys for Plaintiff
 MALCOLM ♦ CISNEROS, ALC
 2112 Business Center Drive
 Irvine, California 92612
 Phone: (949) 252-9400
 Fax: (949) 252-1032
 Email: nathan@mclaw.org
Rbayless@mclaw.org

Dated: 12/9/15

EXHIBIT 1

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STATE OF OREGON
CLACKAMAS COUNTY COURTS
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ENTERED
NOV 06 2015
By: KLC

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
THE CWMBS, INC., CHL MORTGAGE
PASS THROUGH CERTIFICATES, SERIES
2007-HY6,

CASE NUMBER: CV13020039

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

Plaintiff,
vs.

SURESH DOSS, an individual; ASSET
RECOVERY GROUP, an Oregon corporation;
DISCOVER BANK, a Delaware corporation;
and all other persons or parties unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property, collectively designated as
DOES 1 through 50, inclusive.

Defendants.

Based upon the examination and consideration of Plaintiff's Motion for Summary Judgment
pursuant to ORCP 47, Plaintiff's Request for Judicial Notice, the Declarations of Dara Foye and


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Nathan F. Smith, and all papers, records and files in the above-entitled and numbered case, and finding that the Motion for Summary Judgment was duly and properly served;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment is granted. Plaintiff shall file a proposed General Judgment of Foreclosure.

DATED: 10/29/15


CIRCUIT COURT JUDGE

Presented by: 
 Nathan F. Smith, OSB #120112
 Richard J. Bayless, OSB #101826
Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
(949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)

_ Verified Correct Copy of Original 1/6/2016. _

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing
1 AMENDED GENERAL JUDGMENT OF FORECLOSURE AGAINST: (1) SURESH DOSS; (2)
ASSET RECOVERY GROUP; AND (3) DISCOVER BANK
on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as
set forth below and deposited in the U.S. Mail at Irvine, California:

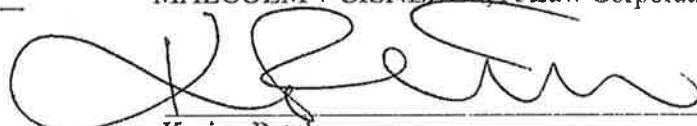
Frederic Cann
Cann Lawyers
111 S.W. Columbia Street Suite 650
Portland, OR 97201

Discover Bank
100 West Market
Greenwood, DE 19950

Courtney A. Cross
Davenport & Hasson, LLP
12707 NE Halsey Street
Portland, OR 97230

DATED: 12/10/15

MALCOLM ♦ CISNEROS, A Law Corporation



Karina Patel
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
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Email: KPatel@mclaw.org