

1
2 Craig Peterson, OSB #120365
3 Lisa McMahon-Myhran, OSB #000849
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5 Kimberly Hood, OSB #123008
6 Robinson Tait, P.S.
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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

US BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF ASSET-BACKED PASS-NO. CV14110324
THROUGH CERTIFICATES SERIES 2007-
AMC2,

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

KERRY PLACE; PERRY L. PLACE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

TO: CLACKAMAS COUNTY SHERIFF

1. WHEREAS, on August 25, 2015, in the above-entitled court, a judgment of
foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
hereto as **Exhibit "A"** and made a part hereof;

1
2 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

3 US Bank National Association, as Trustee for the registered holders of Asset-Backed
4 Pass-Through Certificates Series 2007-AMC2
5 c/o Ocwen Loan Servicing
6 1661 Worthington Rd., #100
7 West Palm Beach, FL 33409

8
9 For the purpose of this Writ, the Judgment Creditor's address is as follows:

10 Ocwen Loan Servicing
11 c/o Robinson Tait, P.S.
12 901 Fifth Avenue, Suite 400
13 Seattle, Washington 98164

14 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is
15 legally described as

16 LOT 4, TUPPER HEIGHTS, IN THE CITY OF SANDY, COUNTY OF CLACKAMAS
17 AND STATE OF OREGON, TOGETHER WITH A 30 FOOT COMMON ACCESS EASEMENT
18 AS DISCLOSED BY THE PLAT
19 and commonly known as 18135 Tupper Road, Sandy, OR 97055.

20 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
21 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
22 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
23 had on October 13, 2006, the date of the Deed of Trust, and also all of the interest which the
24 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment.
25 which as of February 28, 2018,

26 **Lenders Principal Judgment:**

- 27 1. Unpaid Principal Balance \$164,136.15
28 2. Pre-Judgment Interest from June 1, 2012
to February 11, 2015 the date calculated by the Declarant

1	in the Declaration in Support of Judgment	<u>\$22,908.81</u>
2	3. Lenders Fees and Costs	<u>\$6,594.57</u>
3	4. Attorney's Fees and Costs	<u>\$4,537.76</u>
4	<i>Total Judgment Award Entered</i>	<u>\$198,177.29</u>

5 **Additional Pre Judgment Interest**

6	1. Accrued Interest from February 12, 2015	
7	to August 25, 2015, the date of entry	
8	of Judgment	<u>\$4,605.90</u>
9	<i>Total Judgment Award</i>	<u>\$202,783.19</u>

10 **Post Judgment Interest**

11	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$50.00, from August 26,	
12	2015, the day after the entry of judgment, through February 28, 2018,	
13	the date the writ is being requested	<u>\$45,900.00</u>

14 ***Current Total Amount Owing on the Judgment Award*** \$248,683.19

15
16 In addition to the above, interest continues to accrue on the total of the amounts listed above
17 at the rate of 9% per annum or at \$50.00 per diem, in accordance with the General Judgment of
18 Foreclosure and continues to accrue until the date of sale.
19

20 //

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1
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.

6
7 Dated March 21, 2008.

8
9
10 *Denny Peterson*



11
12
13 Submitted By:

14
15 *[Signature]*

16 [] Craig Peterson, OSB #120365
17 Email: cpeterson@robinsontait.com
18 [x] Lisa McMahon-Myhran, OSB #000849
19 Email: lmcmahon@robinsontait.com
20 [] Jaimie Fender, OSB #120832
21 Email: jfender@robinsontait.com
22 [] Kimberly Hood, OSB #123008
23 Email: KHood@robinsontait.com
24 Robinson Tait, P.S.
25 Attorneys for Plaintiff
26 Tel: (206) 676-9640
27 Fax: (206) 676-9659
28

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

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

EXHIBIT A

Clackamas County
FILED / ENTERED
AUG 26 2015
Trial Court Administrator
By: _____

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

US BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF ASSET-BACKED PASS-
THROUGH CERTIFICATES SERIES 2007-
AMC2,

Plaintiff,

v.

KERRY PLACE; PERRY L. PLACE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. CV14110324

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the plaintiff, US Bank National Association, As Trustee For The Registered Holders Of Asset-Backed Pass-Through Certificates Series 2007-AMC2, appearing and being represented by ZACHARY BRYANT, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are no material

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-11486-JUD-OR945379

COPY

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 670-0640

1 issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment
2 should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
3

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, US Bank National Association, As Trustee For The Registered Holders Of
6 Asset-Backed Pass-Through Certificates Series 2007-AMC2 be awarded judgment in the sum of
7 \$164,136.15, together with interest at a rate as provided in the Note from June 1, 2012 through February
8 11, 2015 in the amount of \$22,908.81 with additional pre-judgment interest at the per diem rate of
9 \$23.62 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
10 amount of \$2,050.00, plus other recoverable amounts of \$6,594.57 which includes the amounts itemized
11 in the declaration of the lender in support of motion for judgment plus allowable costs of \$4,537.76 as
12 itemized in the plaintiff's statement for attorneys' fees, costs, and disbursements and an additional
13 amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or
14 at the contract rate, whichever is greater; and.
15
16

17 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
18 described as follows:
19

20 LOT 4, TUPPER HEIGHTS, IN THE CITY OF SANDY, COUNTY OF
21 CLACKAMAS AND STATE OF OREGON, TOGETHER WITH A 30
22 FOOT COMMON ACCESS EASEMENT AS DISCLOSED BY THE PLAT

23 which was recorded on October 20, 2006, under Auditor's File No. 2006-097401, records of
24 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
25 described real estate and the whole thereof as security for the payment of the judgment herein set
26 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
27 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
28

1 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
2 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
3 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
4 interest of the defendants Kerry Place and Perry L. Place and of any one claiming by, through or under
5 them; and
6

7
8 3. Kerry Place and Perry L. Place subsequent to October 13, 2006, the date of the Deed of
9 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
10 title, lien or interest in or to said property or any part thereof, save and except for the right of
11 redemption as allowed by law; and
12

13 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
14 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
15 law, and to all right, title and interest in any rents and profits generated or arising from the property
16 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
17 secure possession, including writ of assistance, if defendants or any of them or any other party or person
18 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
19 possession; and
20

21 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
22 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
23 pay the remaining proceeds as directed by the court in the order of distribution.
24

25
26 **DECLARATION DETERMINING AMOUNT OF DEBT**
27 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*
28

1 Judgment Creditor: US BANK NATIONAL ASSOCIATION, AS
2 TRUSTEE FOR THE REGISTERED
3 HOLDERS OF ASSET-BACKED PASS-
4 THROUGH CERTIFICATES SERIES 2007-
5 AMC2
6 c/o Robinson Tait, P.S.
7 710 Second Ave., Suite 710
8 Seattle, WA 98104
9 (206) 676-9640

10 Attorney for Judgment Creditor: ZACHARY BRYANT
11 Robinson Tait, P.S.
12 710 Second Ave., Suite 710
13 Seattle, WA 98104
14 (206) 676-9640

15 The name of any person or public body,
16 other than the Judgment Creditor's
17 Attorney, who is entitled to any
18 portion of the judgment: None

19 Principal Balance: \$164,136.15

20 Simple Interest on the Principal Balance
21 from June 1, 2012 to February 11, 2015: \$22,908.81

22 Other Amounts Due Under Terms of Loan: \$6,594.57

23 Attorneys' Fees and Costs:
24 Attorneys' Fee: \$2,050.00
25 Total Costs: \$2,487.76

26 Total Attorney Fees and Costs: \$4,537.76

27 *TOTAL DEBT OWED* \$198,177.29

28 Pre-Judgment: Additional pre-judgment interest accrues from February 12, 2015, to the date
of entry of judgment at the per diem rate of \$23.62, in accordance with the Note.

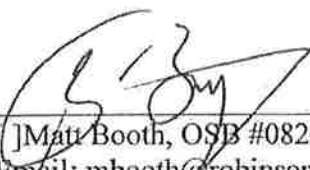
1 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
2 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

3
4 DONE IN COURT this 25 day of August, 2015.
5

6
7
8 /s/Michael C. Wetzel
9

10 JUDGE

11 Submitted by:

12
13 
14 Matt Booth, OSB #082663

15 Email: mbooth@robinsontait.com

16 Zachary Bryant, OSB #113409

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