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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWMBS 2007-HYB2),

Case No. 17CV27252

WRIT OF EXECUTION

Plaintiff,

v.

CARMEN PENALOZA; OREGON CREDIT
& COLLECTIONS BUREAU, INC.;
COLUMBIA COLLECTION SERVICE INC.;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3223 12TH STREET SE, SALEM, OR 97302,

Defendant.

TO THE MARION COUNTY SHERIFF:

On December 18, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MARION 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 (CWMBS 2007-HYB2) c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 3223 12TH STREET SE, SALEM, OR 97302 ("Subject Property"), and legally described as:

1 BEGINNING AT AN IRON PIPE, WHICH IS 30 FEET NORTH ALONG THE WEST
2 LINE FROM THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK TEM (10) OF
3 MORNINGSIDE ADDITION TO THE CITY OF SALEM, MARION COUNTY, OREGON
4 AND 210.00 FEET EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT; THENCE
5 NORTH AND PARALLEL WITH THE WEST LINE OF SAID LOT 153.00 FEET; THENCE
6 EAST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT, 80.00 FEET TO AN
7 IRON PIPE ON THE WEST LINE OF 12 STREET; THENCE SOUTH ALONG THE WEST
8 LINE OF 12 STREET, 153.00 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE
9 OF THE ABOVE SAID LOT, 80.00 FEET TO THE PLACE OF BEGINNING.

10 The total amount due and owing on the Judgment as of January 18, 2018;

11 Judgment:	Principal	\$223,791.20
12 Pre-Judgment:	Interest(6.375%, \$23.96/day	\$407.32 (December 1, 2017 through
13		December 18, 2017)
14	Attorney Fees	\$3,095.00
15	Costs	\$5,264.80
16	Prevailing Party Fee	\$300.00
17 Post-Judgment:	Interest(6.375%, \$23.96/day)	\$766.72 (December 19, 2017 through
18		January 18, 2018
19	Attorney Fees	\$305.00
20	Costs	\$0.00

21 **TOTAL: \$233,930.04**

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

Page 2 – WRIT OF EXECUTION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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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: 1/24/2018 09:48 AM

Noel B. Herlitz
Noel B. Herlitz, Court Clerk



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

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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWMBS 2007-HYB2),

Plaintiff,

v.

CARMEN PENALOZA; OREGON CREDIT
& COLLECTIONS BUREAU, INC.;
COLUMBIA COLLECTION SERVICE INC.;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3223 12TH STREET SE, SALEM, OR 97302,

Defendants.

Case No. 17CV27252

**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 CARMEN PENALOZA;
OREGON CREDIT & COLLECTIONS BUREAU, INC.; COLUMBIA COLLECTION
SERVICE INC.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN
AS 3223 12TH STREET SE, SALEM, OR 97302, 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 FKA THE BANK OF NEW YORK, AS TRUSTEE
(CWMBS 2007-HYB2),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 3223 12TH STREET
SE, SALEM, OR 97302 ("Subject Property"), as evidenced by the Deed of Trust recorded

1 December 14, 2006 in the official records of MARION County as instrument number Book
2 2747, Page 344 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
3 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
4 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
5 legally described as follows:

6 BEGINNING AT AN IRON PIPE, WHICH IS 30 FEET NORTH ALONG THE WEST
7 LINE FROM THE SOUTHWEST CORNER OF LOT SEVEN (7), BLOCK TEM (10)
8 OF MORNINGSIDE ADDITION TO THE CITY OF SALEM, MARION COUNTY,
9 OREGON AND 210.00 FEET EAST AND PARALLEL TO THE SOUTH LINE OF
10 SAID LOT; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID
11 LOT 153.00 FEET; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF
12 SAID LOT, 80.00 FEET TO AN IRON PIPE ON THE WEST LINE OF 12 STREET;
13 THENCE SOUTH ALONG THE WEST LINE OF 12 STREET, 153.00 FEET;
14 THENCE WEST PARALLEL WITH THE SOUTH LINE OF THE ABOVE SAID LOT,
15 80.00 FEET TO THE PLACE OF BEGINNING.

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

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

23 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
24 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
25 68(C), which amount may be added to the outstanding obligation due and owing under the Note
26 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
2 by sale of the Subject Property as directed under this Judgment;

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

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

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

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

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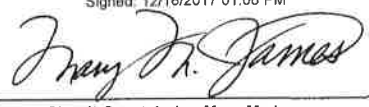
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DECLARATION OF AMOUNT DUE BY DEFAULT
(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 1. The amount of the judgment is \$223,791.20.
- 2. Simple interest at the variable rate currently at 6.37500% (\$23.96 *per diem*) from December 1, 2017, through the date of sale.
- 3. Attorney fees of \$3,095.00, plus \$305.00 through the date of sale.
- 4. Costs of \$5,264.80, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 12/18/2017 01:08 PM

Circuit Court Judge Mary M. James

CERTIFICATE OF READINESS

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

- 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- 3. I have served a copy of this Order or Judgment on all parties entitled to service and:

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- a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
 - c. After conferring about objections, **[Opposing Party]** agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing party who has been found in default.
 - 5. An order of default is being requested with this proposed judgment.
 - 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
 - 7. 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 12/11/17

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