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

U.S. ROF III LEGAL TITLE TRUST 2015-  
1, BY U.S. BANK NATIONAL  
ASSOCIATION, AS LEGAL TITLE  
TRUSTEE

Case No. 17CV36083

Plaintiff,

WRIT OF EXECUTION

vs.

MICHAEL GIANNETTI; DISCOVER  
BANK; NATIONWIDE RECOVERY  
SERVICE, INC., SUCCESSOR BY  
MERGER TO ASSET MANAGEMENT  
OUTSOURCING RECOVERIES, INC.;  
RAY KLEIN, INC., DBA  
PROFESSIONAL CREDIT SERVICE;  
MIDLAND FUNDING LLC; STATE OF  
OREGON; PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

WHEREAS, on December 13, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 execution

1- WRIT OF EXECUTION  
S&S No. 17-120475

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 (subject to redemption) all of the interest which the defendants had on May 7, 2007, the date of  
2 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real  
3 property described in the judgment:  
4

5 LOT 7, BLOCK 32, WILARK PARK ANNEX NO. 7, IN THE CITY OF KEIZER, MARION  
6 COUNTY, OREGON.

7 and commonly known as 5849 14th Avenue NE, Keizer, OR 97303 to satisfy the sum of  
8 \$206,130.90, as of January 17, 2018, together with additional post judgment interest of 9.00%  
9 from that date (\$50.39 per day), and costs of this execution, making due return within 60 days  
10 after you receive this writ.

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25 2- WRIT OF EXECUTION  
26 S&S No. 17-120475

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1 U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title  
2 Trustee is the Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro &  
3 Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253.  
4 Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.  
5  
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Signed: 1/24/2018 09:47 AM



Noel B. Herlitz, Court Clerk



9  
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11  
12 Submitted by:  
13 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

14 By: 

15  James A. Craft #090146 [jcraft@logs.com]  
16 [ ] Kelly D. Sutherland #87357 [ksutherland@logs.com]  
17 [ ] Cara J. Richter #094855 [crichter@logs.com]  
18 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
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20 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
21 (360)260-2253; Fax (360)260-2285  
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26 3- WRIT OF EXECUTION  
S&S No. 17-120475

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

U.S. ROF III LEGAL TITLE TRUST 2015-1, BY  
U.S. BANK NATIONAL ASSOCIATION, AS  
LEGAL TITLE TRUSTEE,

Case No. 17CV36083

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

MICHAEL GIANNETTI; DISCOVER BANK;  
NATIONWIDE RECOVERY SERVICE, INC.,  
SUCCESSOR BY MERGER TO ASSET  
MANAGEMENT OUTSOURCING  
RECOVERIES, INC.; RAY KLEIN, INC., DBA  
PROFESSIONAL CREDIT SERVICE; MIDLAND  
FUNDING LLC; STATE OF OREGON; PARTIES  
IN POSSESSION,

Defendants.

Defaults having been granted against Defendant(s), Michael Giannetti, Discover Bank,  
Nationwide Recovery Service, Inc., successor by merger to Asset Management Outsourcing  
Recoveries, Inc., Ray Klein, Inc., dba Professional Credit Service, Midland Funding LLC, State  
of Oregon and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120475

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
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ksutherland@logs.com

1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Marion County, Oregon is commonly known as 5849 14th Avenue NE, Keizer, OR 97303  
3 and is legally described as follows:

4 Lot 7, Block 32, WILARK PARK ANNEX NO. 7, in the City of Keizer, Marion  
5 County, Oregon.

6 2. The Deed of Trust executed and delivered by Defendant, Michael Giannetti, an estate in fee  
7 simple ("Borrower") on or about May 7, 2007 and recorded on May 11, 2007 as Reel 2810,  
8 Page 352 in the official records of Marion County, Oregon, is a valid and perfected lien  
9 against all of the Property for the amount of Plaintiff's judgment as provided herein.

10 3. The Plaintiff is the holder of the original note dated May 7, 2007 and made by Michael  
11 Giannetti in the amount of \$172,800.00. A copy of the Note was attached to the complaint  
12 as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of  
13 Trust (together the "Loan").

14 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
15 interest in the Property is foreclosed and terminated excepting only any statutory right of  
16 redemption as provided by Oregon law.

17 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
18 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
19 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
20 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
21 interests and priorities.  
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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
27 S&S No. 17-120475

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- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
S&S No. 17-120475

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$166,731.19	
3	Prejudgment interest at 5% through			\$22,993.95
4	November 4, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$22.84 per diem)			
	Late Charges		\$515.57	
	Other Costs and fees (recoverable)		8,148.28	
7	Property Tax	\$6,667.08		
8	PMI/MIP	\$2,861.56		
9	Property Inspections	\$820.85		
10	Property Preservation	\$437.50		
11	Suspense (Unapplied)	\$-949.06		
12	Prior Escrow Balance	\$-1,689.65		
13		Subtotal		\$175,395.04
	Total plus Prejudgment Interest			\$198,388.99

14 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

15	Costs			\$2,037.50
16	Title Search Cost		\$618.00	
17	Filing Fee		\$531.00	
18	Lis Pendens Recording Fee		\$51.00	
19	Service Costs		\$562.50	
20	Prevailing Party Fee		\$275.00	
	Attorney fees			\$3,050.00
	Total			\$5,087.50

21 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from  
 22 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

23 //

24  
 25 4 - GENERAL JUDGMENT OF FORECLOSURE AND  
 26 SALE  
 S&S No. 17-120475

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 ksutherland@logs.com

1 14. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no  
2 general execution shall be issued and Plaintiff shall not be entitled to any further judgment,  
3 including a judgment for deficiency.

4 15. Execution may issue against the subject property for the aggregate amount found due  
5 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
6 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
7 ORS 18.936 or other applicable law.

8 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
9 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
10 judgment as to the amounts due shall be terminated.

11 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
12 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
13 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
14 18.936.  
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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND  
26 SALE  
S&S No. 17-120475

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
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9 Signed: 12/12/2017 01:20 PM



10  
11 **Circuit Court Judge David Leith**  
12

13  
14 **Certificate of Readiness under UTCR 5 100**

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, as shown  
17 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 shown  
19 by each party's signature on the document being submitted or by written confirmation of approval  
20 sent to me.  
21 3.  I have served a copy of this order or judgment on each party 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 efforts to do so. I  
24 have filed a copy of the objections I received and indicated which objections remain unresolved.  
25 c.  After conferring about objections, [role and name of objecting party] agreed to independently  
26 file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
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1 4. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.  
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been  
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of  
4 this rule.

5 6. [ ] Other: \_\_\_\_\_

6 Submitted by:

7 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

8 By: \_\_\_\_\_

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