

PD \$ 45 -
Cert \$ 5 -
2.25
LF

Case No. was not verified the figures in
this writ. If you have questions
regarding this writ, please contact your legal
counsel, the issuing attorney, or company.
Debtor may contest this writ by filing a claim
of exception.

2018 JUN -7 AM 11:46

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

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS SUCCESSOR TRUSTEE
TO CITIBANK, N.A., AS TRUSTEE FOR
MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE LOAN
ASSET-BACKED CERTIFICATES, SERIES
2007-HE2, its successors in interest and/or
assigns,

Case No.: 15CV24035

WRIT OF EXECUTION IN
FORECLOSURE

Plaintiff,

vs.

RONALD L. SPERRY III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CHRISTOPHER MILLER; LINDA OROZCO;
ABRAM MILLER, JR. AKA SONNY
MILLER; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. SOLELY
AS NOMINEE FOR OWNIT MORTGAGE
SOLUTIONS, INC.; AND OCCUPANTS OF
THE PREMISES,

Defendants.

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on January 25, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

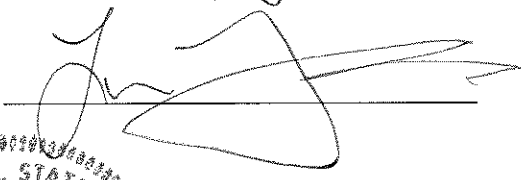
WILMINGTON TRUST, NATIONAL ASSOCIATION,
AS SUCCESSOR TRUSTEE TO CITIBANK, N.A.,
AS TRUSTEE FOR MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2007-HE2
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$386,671.71, plus post judgment interest at the statutory rate
2 of 9.0% per annum from January 25, 2018 to April 27, 2018 in the amount of \$8,771.62, and
3 continuing with a per diem of \$95.34, currently totaling \$395,443.33.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about November 28, 2006, the date of the Deed of Trust, and also the interest that the Defendant
8 had thereafter, in the real property described in Exhibit 1, APN/Parcel #R114918, and commonly
9 known as 1370 NW Division St., Gresham, OR 97030.

10 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
11 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
12 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
13 You are to make the return within 60 days after you receive this Writ. Should the sale be
14 continued, the writ may be automatically extended for 30 days.

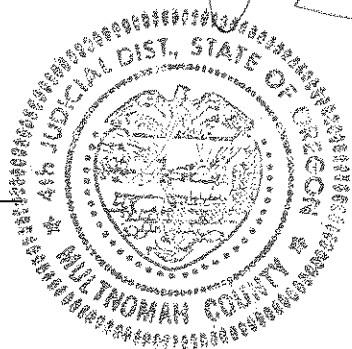
5/4/18



17 Dated: 4/28/18 and submitted by:

18 **McCarthy & Holthus, LLP**

19 _____
20 Robert Hakari OSB No. 114082
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 rhakari@mccarthyholthus.com
26 Of Attorneys for Plaintiff
27
28



Legal Description:

Exhibit 1

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN THE CITY OF GRESHAM, COUNTY OF MULTNOMAH AND STATE OF OREGON, TO-WIT:

BEGINNING AT A POINT ON THE SOUTH LINE OF NW DIVISION STREET, 191.40 FEET EAST, OF THE NORTHWEST CORNER OF LOT 1, BENVUE TRACTS; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 140 FEET TO A POINT; THENCE EAST PARALLEL WITH THE SOUTH LINE OF NW DIVISION STREET, 90.7 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 140 FEET TO THE SOUTH LINE OF NW DIVISION STREET; THENCE WEST ALONG THE SOUTH LINE OF NW DIVISION STREET, 90.7 FEET TO THE PLACE OF BEGINNING.

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

WILMINGTON TRUST, NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-HE2, its successors in interest and/or assigns,

Plaintiff,

vs.

RONALD L. SPERRY III, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER MILLER; LINDA OROZCO; ABRAM MILLER, JR. AKA SONNY MILLER; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR OWNIT MORTGAGE SOLUTIONS, INC.; AND OCCUPANTS OF THE PREMISES;

Defendants.

Case No.: 15CV24035

GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

- a. Defendants RONALD L. SPERRY III, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER MILLER; LINDA OROZCO; ABRAM MILLER, JR. AKA SONNY MILLER; and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. SOLELY AS NOMINEE FOR OWNIT MORTGAGE SOLUTIONS, INC. ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the

1 military service of the United States; and

2 b. OCCUPANTS OF THE PROPERTY was dismissed from this action.

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

5 a. The real property to which this judgment relates is located and situated in Multnomah
6 County, Oregon, and is commonly known as 1370 NW Division St., Gresham, OR 97030
7 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
8 APN/Parcel No. R114918.

9 b. Plaintiff is entitled to enforce the note dated November 28, 2006 and made, delivered, and
10 executed by Christopher Miller ("Borrower") to Ownit Mortgage Solutions, Inc. in the
11 amount of \$203,120.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
12 possession and by indorsement set forth on the Note.

13 c. A deed of trust was made, executed, and delivered by Borrower on or about November 28,
14 2006 (the "Deed of Trust"). The Deed of Trust was recorded on November 30, 2006 as
15 Instrument No. 2006-221275 in the official records of Multnomah County, Oregon. The
16 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
17 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
18 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

19 d. Borrower failed to make the payment that was due for May 1, 2009 and has not cured the
20 default. The amount of debt secured by the Deed of Trust that is now due and owing is
21 comprised of the following amounts (the "Amount Due"):

- 22 a) Unpaid principal balance: \$202,334.59
23 b) Prejudgment interest accruing from \$141,118.49
24 4/1/2009 through 1/23/2018 and
25 continuing until the entry of
judgment at the rate of 8.00%:
26 c) Additional amounts due under the \$43,133.63
terms of the loan:
27 d) Prevailing party fee (ORS 20.190) \$85.00

1 (1)(a):

2 **Total: \$386,671.71**

3 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
4 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
5 per annum.

6 e. The interest of the Defendants and any successor in interest in the Subject Property is
7 foreclosed and terminated excepting only any statutory right of redemption as provided by
8 Oregon law.

9 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

10 g. All right, title and interest in the Subject Property that Defendant Christopher Miller had as
11 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
12 Multnomah County Sheriff's Office in accordance with the process for sale upon execution,
13 and the proceeds of sale shall be applied:

- 14 1) First, to the costs of sale not incurred by Plaintiff;
- 15 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
16 entry of judgment through the date of the sale and any incurred costs of sale;
- 17 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
18 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
19 such party or parties as they may establish their right thereto.

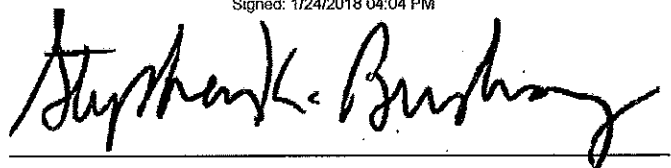
20 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
21 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
22 the date of entry of judgment through the date of the sale and any incurred costs of sale.

23 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
24 Property from and after the date of the sale and is entitled to such remedies as are available at
25 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
26 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
27 possession to the purchaser immediately upon the purchaser's demand for possession.

- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
 2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
 4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
 5 terminated.
- 6 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
 7 Deed of Trust are as follows:

<u>Defendant</u>	<u>Date of Interest</u>	<u>Recording Number/Case Number</u>	<u>Interest</u>
Ronald L. Sperry III, as Personal Representative of the Estate of Christopher Miller	April 7, 2017	17PB01937	Personal Representative of the Estate of Christopher Miller
Mortgage Electronic Registration Systems, Inc. solely as nominee for Ownit Mortgage Solutions, Inc.	November 30, 2006	2006-221276	Second Deed of Trust
Linda Orozco; Abram Miller, Jr. aka Sonny Miller	Upon Death	None	Intestate Succession

Signed: 1/24/2018 04:04 PM



**Circuit Court Judge Stephen K. Bushong
 proxy signed by LD**

24 This proposed Judgment Of Foreclosure is ready for judicial signature because:

- 25 Each opposing party affected by this order or judgment has stipulated to the order or
 26 judgment, as shown by each opposing party's signature on the document being
 27 submitted.

1 [] Each opposing party affected by this order or judgment has approved the order or
2 judgment, as shown by signature on the document being submitted or by written
3 confirmation of approval sent to me.

4 [] I have served a copy of this order or judgment on all parties entitled to service and:

5 [] No objection has been served on me.

6 [] I received objections that I could not resolve with the opposing party despite
7 reasonable efforts to do so. I have filed a copy of the objections I received and
8 indicated which objections remain unresolved.

9 [] After conferring about objections, _____ agreed to independently file
10 any remaining objection.

11 [] The relief sought is against an opposing party who has been found in default.

12 [] An order of default is being requested with this proposed judgment.

13 [x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
14 otherwise.

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

18 [] Other: _____

19 **McCarthy & Holthus, LLP**

20 s/ Robert B. Hakari 1/23/18

21 _____
22 John Thomas OSB No. 024691

23 x Robert Hakari OSB No. 114082

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

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Of Attorneys for Plaintiff

Legal Description:

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