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Court clerk has 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 execution

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

NATIONSTAR MORTGAGE LLC
Plaintiff,
vs.
KISHRA OTT AKA KISHRA A. OTT;
SHANE LORENTE; UNITED STATES OF AMERICA; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY
Defendants,

Case No.: 16CV28051

WRIT OF EXECUTION IN FORECLOSURE

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 20, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

NATIONSTAR MORTGAGE LLC
c/o Robert Hakari, Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$391,582.87, plus post judgment interest at the statutory rate of 5.75% per annum from March 21, 2017 to 4/18/18 in the amount of \$24,224.88, and continuing with a per diem of \$61.64, currently totaling \$415,510.75.

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 on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about April 28, 2008, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in the attached Exhibit 1, APN/Parcel #: R117819 and commonly known as: 10215 SW 25th Ave, Portland, OR 97219.

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

6 DATED: 30th day of April, 2019.

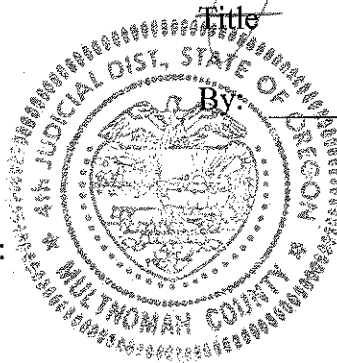
7 _____
Title

8 _____
By

9
10
11 Dated: Apr 18, 2018 and submitted by:

12 **McCarthy & Holthus, LLP**

13 _____
14 John Thomas OSB No. 024691
15 Robert Hakari OSB No. 114082
16 920 SW 3rd Ave, 1st Floor
17 Portland, OR 97204
18 Phone: (971) 201-3200
19 Fax: (971) 201-3202
20 rhakari@mccarthyholthus.com
21 Of Attorneys for Plaintiff
22
23
24
25
26
27
28



LOT 5, BLOCK 1, BOESE ADDITION, PORTLAND, MULTNOMAH COUNTY, OREGON.

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

NATIONSTAR MORTGAGE LLC,

Plaintiff,

v.

KISHRA OTT AKA KISHRA A. OTT;
SHANE LORENTE; UNITED STATES OF
AMERICA; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV28051

GENERAL JUDGMENT OF
FORECLOSURE

Specially Assigned to Judge Roberts

1.

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

- a. KISHRA OTT AKA KISHRA A. OTT, SHANE LORENTE, UNITED STATES OF AMERICA, and OCCUPANTS OF THE PROPERTY ("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 military service of the United States.
- b. A Stipulated Limited Judgment has been executed with regard to Defendant STATE OF OREGON ("Stipulating Defendants") (collectively Defaulted and Stipulating Defendants are hereafter collectively referred to as "Defendants").

2.

IT IS HEREBY ADJUDGED that the Court finds as follows and grants Plaintiff the following relief:

1 a. The real property to which this action relates is located and situated in Multnomah County,
2 Oregon, and is commonly known as 10215 SW 25th Ave, Portland, OR 97219 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 R117819.

5 b. Plaintiff is entitled to enforce the note dated 4/28/2008 and made, delivered, and executed by
6 Kishra Ott to Mortgage Express LLC, An Oregon Limited Liability Company in the amount
7 of \$413,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
8 and by indorsement set forth in an allonge attached to the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant Kishra Ott on or about
10 4/28/2008 (the "Deed of Trust"). The Deed of Trust was recorded on 5/5/2008 as Instrument
11 No. 2008-068037 in the official records of Multnomah County, Oregon. The Deed of Trust
12 is a valid and perfected lien against all of the Property for and securing the Amount Due.
13 The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
14 remain in effect until issuance of a Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for 12/1/2015 and has not cured the
16 default. The Court declares that the amount of debt secured by the Deed of Trust that is now
17 due and owing is comprised of the following amounts (the "Amount Due"):

18 a) Unpaid principal balance: \$379,703.01

19 b) Prejudgment interest accruing from \$8,176.64
20 11/1/2015 through 11/29/2016 and
21 continuing until the entry of judgment
22 at the current Note rate of 5.750%
(See Plaintiff's Declaration of
Amounts Due and Owing)

23 c) Prejudgment interest accruing from \$1,290.22
24 11/30/2016 through 1/30/2017 and
25 continuing until the entry of judgment
26 at the current Note rate of 5.750%
(See Declaration of Amounts Due -
Updated)

d) Additional amounts due under the terms of the loan:	\$49,326.41
e) Attorney fees and costs:	\$6,059.48
	\$2031
f) Prevailing party fee (ORS 20.190 (2)(a)):	\$85.00
Total:	\$44,640.76

[cannot recover on default,
for amounts not stated in
the complaint]

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

- e. Plaintiff is entitled to foreclosure of its interest in the Subject Property, and any interest of the Defendants, and any successor in interest, in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a 28 U.S.C. § 2410(c) one-year redemption right in this case but retains only a state law, sixty-day right of redemption.
- g. The Defendant is not entitled to a homestead exception against Plaintiff's foreclosure action or the Sheriff's Sale herein directed.
- h. All right, title and interest in the Subject Property that Defendant Kishra Ott had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:

1) First, to the costs of sale incurred by the Multnomah County Sheriff,

1 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
2 entry of judgment through the date of the sale and any of Plaintiff's incurred costs of
3 sale;

4 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
5 appear, ~~described *infra*, or to the clerk of the court to be distributed by the Court to~~
6 ~~such party or parties as they may establish their right thereto.~~

7 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
8 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
9 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

15 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
16 entitled to any further or other judgment, including a judgment for the deficiency.

17 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
18 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
19 terminated.

20 m. Pursuant to ORS 18.950(4), if there are surplus funds to be distributed, the apparent priority
21 of liens subsequent and inferior to Plaintiff's Deed of Trust are as follows (reported in order
22 of recording date):

State of Oregon, Department of Revenue

23 1) Defendants, ~~SHANE LORENTE and STATE OF OREGON~~, may claim a junior
24 distraint warrant No. 0230081536 *
25 interest in Subject Property by virtue of a ~~judgment entered on 06/04/2008 as~~
26 ~~dated February 8, 2016, recorded in the County Clerk Lien Records at~~
27 ~~Instrument No. 180635817 in the official records of Multnomah County, Oregon~~
28 REcording No. 2016-016545, with balance due of \$26,599.72 through September 15,
2016, with additiona interest at the rate of \$3.56 per day.

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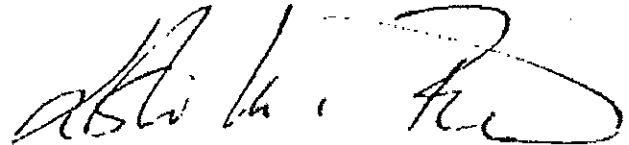
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- 1 2) Defendant, SHANE LORENTE and STATE OF OREGON, may claim a junior
2 interest in Subject Property by virtue of a judgment entered on 01/05/2010 as
3 Instrument No. 0900019425 in the official records of Multnomah County, Oregon.
- 4 3) Defendant, UNITED STATES OF AMERICA, may claim an interest in the Subject
5 Property by virtue of a federal tax lien, notice of which was filed as follows:.
- 6 i. Notice of federal tax lien in the amount of \$110,717.74, filed 11/09/2012,
7 Office of County Record, Multnomah County, Instrument Number 2012-
8 145176, wherein KISHRA OTT aka KISHRA A. OTT of 10215 SW 25th
9 Ave, Portland, OR 97219 is named as taxpayer. The notice was filed by the
10 Internal Revenue Service and bears serial number 903562312.
- 11 4) Defendant, UNITED STATES OF AMERICA, may claim an interest in the Subject
12 Property by virtue of a federal tax lien, notice of which was filed as follows:.
- 13 i. Notice of federal tax lien in the amount of \$8,211.33, filed 07/19/2013, Office
14 of County Record, Multnomah County, Instrument Number 2013-098343
15 wherein KISHRA OTT aka KISHRA A. OTT of 10215 SW 25th Ave,
16 Portland, OR 97219 is named as taxpayer. The notice was filed by the
17 Internal Revenue Service and bears serial number 948977513.
- 18 5) Defendant, UNITED STATES OF AMERICA, may claim an interest in the Subject
19 Property by virtue of a federal tax lien, notice of which was filed as follows:
- 20 i. Notice of federal tax lien in the amount of \$5,071.47, filed 09/23/2013, Office
21 of County Record, Multnomah County, Instrument Number 2013-128073
22 wherein KISHRA OTT aka KISHRA A. OTT of 10215 SW 25th Ave,
23 Portland, OR 97219 is named as taxpayer. The notice was filed by the
24 Internal Revenue Service and bears serial number 961614213.
- 25 6) Defendant, UNITED STATES OF AMERICA, may claim an interest in the Subject
26 Property by virtue of a federal tax lien, notice of which was filed as follows:.
- 27
28

1 i. Notice of federal tax lien in the amount of \$16,416.25, filed 09/14/2015,
2 Office of County Record, Multnomah County, Instrument Number 2015-
3 118062 wherein KISHRA OTT aka KISHRA A. OTT of 10215 SW 25th Ave,
4 Portland, OR 97219 is named as taxpayer. The notice was filed by the
5 Internal Revenue Service and bears serial number 174669115.

6 7) Defendant, STATE OF OREGON, may claim a junior interest in Subject Property by
7 virtue of a Distraint Warrant recorded on 02/12/2016 as Instrument No. 2016-016545
8 in the official records of Multnomah County, Oregon.

Signed: 3/20/2017 10:45 AM



Circuit Court Judge Leslie Roberts

16 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

17 Accompanied by a stipulation by Opposing Attorney: Cheryl Hiemstra for Oregon
18 Department of Justice that no objection exists as to the judgment or order.

19 This proposed General Judgment of Foreclosure is ready for judicial signature because:

20 Each appearing opposing party affected by this order or judgment has stipulated to the
21 order or judgment, as shown by each opposing party's signature on the document
being submitted.

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

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

25 No objection has been served on me.

26 I received objections that I could not resolve with the opposing party despite
27 reasonable efforts to do so. I have filed a copy of the objections I received and
28 indicated which objections remain unresolved.

1 After conferring about objections, _____ agreed to independently file
any remaining objection.

2 REMAINING PARTIES: The relief sought is against an opposing party who has been
found in default.

3 An order of default is being requested with this proposed judgment.

4 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
5 otherwise.

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

8 Other: _____

9
10 Date this 28th day of February, 2017 and presented by:

11 **McCarthy & Holthus, LLP**

12 s/ Casey C. Pence

13 _____
Casey C. Pence, OSB No. 975271

14 920 SW 3rd Ave, 1st Floor

15 Portland, OR 97204

16 Phone: (971) 201-3200

17 Fax: (971) 201-3202

18 cpence@mccarthyholthus.com

19 Of Attorneys for Plaintiff

EXHIBIT 1

LOT 5, BLOCK 1, BOESE ADDITION, PORTLAND, MULTNOMAH COUNTY, OREGON.