

CLACKAMAS COUNTY SHERIFF

18 JUN 13 AM 11:49

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

FLAGSTAR BANK, F.S.B., its successors in
interest and/or assigns,

Plaintiff,

v.

ROBERT L. BOLTON AKA ROBERT
LEWIS BOLTON; JEANNE M. BOLTON
AKA JEANNE BOLTON AKA JEANNE
MARIE BOLTON; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION;
GE CAPITAL RETAIL BANK; PORTFOLIO
RECOVERY ASSOCIATES, LLC;
MIDLAND FUNDING, LLC; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.: CV13030906

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on July 21, 2014. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

FLAGSTAR BANK, F.S.B.,
its successors in interest and/or assigns
c/o Jeremy Clifford

Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

Said Judgment was later assigned to MTGLQ Investors, LP. Said Assignment of Judgment was filed with the Court on 10/20/2016. With the adjudicated amount due of \$274,764.20, plus post

1 judgment interest at the statutory rate of 9.0% per annum from July 21, 2014 to May 18, 2018 in
2 the amount of \$94,646.86 and continuing with a per diem of \$67.75, currently totaling
3 \$369,411.06.

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 June 5, 2008, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00668977 and
9 commonly known as: 17610 SE 362nd Drive, Sandy , OR 97055.

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.

15 Dated: May 31, 2018.



16
17
18 *Wendy [Signature]*

18 Dated: 5/16/18 and submitted by:

19 **McCarthy & Holthus, LLP**

20
21 _____
22 Jeremy Clifford OSB No. 142987
23 920 SW 3rd Ave, 1st Floor
24 Portland, OR 97204
25 Phone: (971) 201-3200
26 Fax: (971) 201-3202
27 jlifford@mccarthyholthus.com
28 Of Attorneys for Plaintiff

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 1

A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED /N DOCUMENT NO. 2002-057578, CLACKAMAS COUNTY DEED RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AND 1/4 SECTION CORNER COMMON TO SECTIONS 14 AND 15; THENCE ALONG THE SECTION LINE SOUTH 00°25'00" WEST, A DISTANCE OF 315.72 FEET TO THE CENTERLINE OF SE 362ND AVENUE; THENCE LEAVING SAID SECTION LINE AND ALONG SAID CENTERLINE NORTH 70°25'00" EAST, A DISTANCE OF 183.47 FEET; THENCE LEAVING SAID CENTERLINE SOUTH 00°25'00" WEST, A DISTANCE OF 31.92 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°25'00" WEST, A DISTANCE OF 251.50 FEET TO THE SOUTH LINE OF SAID DOCUMENT; THENCE ALONG SAID SOUTH LINE SOUTH 89°23'12" WEST, A DISTANCE OF 142.56 FEET TO THE EASTERLY RIGHT-OF-WAY LINE NORTH 00°25'00" EAST, A DISTANCE OF 202.23 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 70°25'00" EAST, A DISTANCE OF 151.56 FEET TO THE POINT OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

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

FLAGSTAR BANK, F.S.B., its successors in
interest and/or assigns,

Plaintiff,

v.

ROBERT L. BOLTON AKA ROBERT LEWIS
BOLTON; JEANNE M. BOLTON AKA
JEANNE BOLTON AKA JEANNE MARIE
BOLTON; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION;
GE CAPITAL RETAIL BANK; PORTFOLIO
RECOVERY ASSOCIATES, LLC; MIDLAND
FUNDING, LLC; AND OCCUPANTS OF THE
PREMISES,

Defendants.

Case No. CV13030906

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) ROBERT L. BOLTON AKA ROBERT LEWIS BOLTON;
- (2) JEANNE M. BOLTON AKA JEANNE BOLTON AKA JEANNE MARIE BOLTON;
- (3) OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION;
- (4) GE CAPITAL RETAIL BANK;
- (5) PORTFOLIO RECOVERY ASSOCIATES, LLC;
- (6) MIDLAND FUNDING, LLC; AND
- (7) OCCUPANTS OF THE PREMISES

AND MONEY AWARD AGAINST
ROBERT L. BOLTON AKA ROBERT
LEWIS BOLTON AND JEANNE M.
BOLTON AKA JEANNE BOLTON
AKA JEANNE MARIE BOLTON

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record
herein that plaintiff Flagstar Bank, F.S.B., its successors in interest and/or assigns ("Plaintiff"), filed

1 its Complaint for deed of trust foreclosure; that the defendants Robert L. Bolton aka Robert Lewis
2 Bolton and Jeanne M. Bolton aka Jeanne Bolton aka Jeanne Marie Bolton (the "Boltons") was duly
3 served with the Summons and Complaint as required by law; that Defendants filed an answer to
4 Plaintiff's complaint on May 28, 2013; that a hearing on Plaintiff's Motion for Summary Judgment was
5 held on March 20, 2014; that the court granted Plaintiff's Motion for Summary Judgment on March
6 25, 2014; that an order granting Plaintiff's Motion for Summary Judgment was filed with this
7 Judgment; and that the court being fully advised; finding good cause exists so that this General
8 Judgment of Foreclosure may be entered in resolution of all matters raised in Plaintiff's Complaint.
9

10 2.

11 Plaintiff hereby requests this General Judgment be entered into the Court's register to
12 accomplish the following: to foreclose any and all interest of defendants Robert L. Bolton aka Robert
13 Lewis Bolton; Jeanne M. Bolton aka Jeanne Bolton aka Jeanne Marie Bolton; Oregon Affordable
14 Housing Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates, LLC;
15 Midland Funding LLC; and Occupants of the premises in the real property subject to this foreclosure
16 action, located at 17610 Southeast 362nd Drive, Sandy, Oregon 97055 (the "Property").
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19 3.

20 The Court being fully advised; it is hereby

21 ORDERED AND ADJUDGED:

22 4.

23 That the Deed of Trust executed and delivered by Robert L. Bolton and Jeanne M. Bolton to
24 Mortgage Electronic Registration Systems, Inc., solely as nominee for Axia Financial, LLC. on June 5,
25 2008, and recorded on June 11, 2008 under recording number 2008-042543 of the official records of
26

1 Clackamas County, Oregon, and assigned to Plaintiff by way of an Assignment of Deed of Trust
2 recorded on May 17, 2011 as Instrument No. 2011-029347, is a valid lien for the amount of Plaintiff's
3 Money Award set forth herein against the Property situated in Clackamas County, Oregon, described as
4 follows:

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6 A TRACT OF LAND LOCATED IN THE NORTHWEST ONE-
7 QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION
8 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, OF THE
9 WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS
AND STATE OF OREGON, BEING A PORTION OF THAT
CERTAIN PARCEL OF LAND DESCRIBED IN DOCUMENT NO.
2002-057578, CLACKAMAS COUNTY DEED RECORDS, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

10 COMMENCING AT THE 1/4 SECTION CORNER COMMON TO
11 SECTIONS 14 AND 15; THENCE ALONG THE SECTION LINE
12 SOUTH 00°25'00" WEST, A DISTANCE OF 315.72 FEET TO THE
13 CENTERLINE OF SE 362ND AVENUE; THENCE LEAVING SAID
14 SECTION LINE AND ALONG SAID CENTERLINE NORTH
15 70°25'00" EAST, A DISTANCE OF 183.47 FEET; THENCE
16 LEAVING SAID CENTERLINE SOUTH 00°25'00" WEST, A
17 DISTANCE OF 31.92 FEET TO THE POINT OF BEGINNING;
18 THENCE CONTINUING SOUTH 00°25'00" WEST, A DISTANCE
19 OF 251.50 FEET TO THE SOUTH LINE OF SAID DOCUMENT;
20 THENCE ALONG SAID SOUTH LINE SOUTH 89°23'12" WEST, A
21 DISTANCE OF 142.56 FEET TO THE EASTERLY RIGHT-OF-WAY
22 LINE OF SE 362ND AVENUE; THENCE LEAVING SAID SOUTH
23 LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE
24 NORTH 00°25'00" EAST, A DISTANCE OF 202.23 FEET; THENCE
25 CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH
26 70°25'00" EAST, A DISTANCE OF 151.56 FEET TO THE POINT OF
BEGINNING.

5.

21 That the lien is superior to any interest, lien, or claim of defendants the Boltions; Oregon
22 Affordable Housing Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates,
23 LLC; Midland Funding LLC; and Occupants of the premises in that Property and that said Deed of
24 Trust is hereby foreclosed by this Court on the Property.

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6.

That defendants the Boltions; Oregon Affordable Housing Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates, LLC; Midland Funding LLC; and Occupants of the premises, and each of them, and all parties claiming through or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interest, lien, or claim in the Property and every portion thereof excepting only any statutory right of redemption provided by the laws of the State of Oregon.

7.

That defendants the Boltions; Oregon Affordable Housing Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates, LLC; Midland Funding LLC; and Occupants of the premises are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

8.

That all of the right, title and interest which the Boltions had on June 5, 2008, the date of the Deed of Trust, and all of the right, title and interest defendants the Boltions; Oregon Affordable Housing Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates, LLC; Midland Funding LLC; and Occupants of the premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law and the proceeds of sale shall be applied toward the satisfaction of Plaintiff's Money Award herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

9.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount of its Money Award plus interest from the date of this Judgment until sale without

1 advancing any cash except money required for the sheriff's sale.

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3 10.

4 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the
5 right to motion the court after sale for exclusive and immediate possession of the Property through the
6 issuance and enforcement of a writ of assistance, if defendants the Boltons; Oregon Affordable Housing
7 Assistance Corporation; GE Capital Retail Bank; Portfolio Recovery Associates, LLC; Midland
8 Funding, LLC; and Occupants of the premises shall refuse to surrender possession of the Property to
9 the purchaser immediately on the purchaser's demand for possession.

10
11 11.

12 IT IS FURTHER ORDERED That Plaintiff shall have judgment and money award against
13 defendants Robert L. Bolton and Jeanne M. Bolton for the amounts due and owing under the terms
14 of the Note and secured with the Property by the Deed of Trust, and for its attorney fees and costs
15 herein and consisting of: \$239,220.51, the unpaid principal balance; \$21,454.34, the accrued interest
16 under the terms of the Note from July 1, 2011 to February 28, 2014, and to continue to accrue from
17 that date, February 28, 2014, at 3.375% per annum (\$22.12 per diem) until the date this judgment
18 and money award is entered by the court; plus \$7,952.85, the amounts advanced under the terms of
19 the Note and Deed of Trust for escrow and corporate advances; \$3,643.50, for attorney fees and
20 \$2,493.00, for litigation costs; for total money award in the amount of \$274,764.20 to accrue interest
21 post-judgment at the contract rate of 3.375% or the legal rate of 9.00% per annum from the date the
22 Judge signs this Judgment until satisfied. Said amounts are set out in detail under the Money Award
23 section below.
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MONEY AWARD

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1. Judgment Creditor:

Flagstar Bank, F.S.B.
c/o RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840

2. Judgment Creditor's Attorney:

Holly Hayman
RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840

3. Judgment Debtors:

Robert L. Bolton
17610 Southeast 362nd Drive
Sandy, OR 97055

Year of Birth: Unknown
Social Security No.: XXX-XX-7476
Drivers' License No.: Unknown
Name of Attorney: Unknown

AND

Jeanne M. Bolton
17610 Southeast 362nd Drive
Sandy, OR 97055

Year of Birth: Unknown
Social Security No.: XXX-XX-5123
Drivers' License No.: Unknown
Name of Attorney: Unknown

Person or public body entitled to any portion of money award herein: None

4. Total Amount of Money Award:

\$274,764.20

Attorneys' Fees and Costs

Attorneys' Fees		\$3,643.50
Title Report	\$800.00	

1	Filing Fee (Complaint and Summary Judgment)	\$605.00	
	Recording Fee -- Lis Pendens	\$63.00	
2	Process Service Fees	\$1,025.00	
3		Total Costs	\$2,493.00
4		Total Attorneys' Fees and Costs	\$6,136.50

5 **Lenders' Principal and Interest**

6	Principal Balance	\$239,220.51	
7	Accrued Interest from July 1, 2011 to February 28, 2014, the date calculated by the affiant in the affidavit in support of default @ 3.375% per annum (\$22.12 per diem)	\$21,454.34	
8			
9		Total Principal & Interest	\$260,674.85

10 **Lenders' Fees and Costs**

11	Accumulated Late Charges	\$951.83	
12	Escrow Advance	\$6,591.52	
13	Corporate Advance (Property Preservation and Inspections)	\$409.50	
14		Total Lender's Fees and Costs:	\$7,952.85
		Total Lenders' Principal, Interest, Fees, and Costs:	\$268,627.70

15 Additional pre-judgment interest pursuant to ORS
16 18.042 from February 28, 2014 to the date entry of
17 judgment at the contract rate of interest as defined by
18 Section 3(C) of the Loan Modification.
19 Post-Judgment interest thereafter on the total
20 judgment amount at the contract rate of interest as
21 defined by Section 3(C) of the Loan Modification, or
22 9.000% per annum, whichever is greater.

23		Total Money Award (Judgment)	\$274,764.20
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21 DATED this _____ day of _____, 2014.

24 _____
Hon. Judge Breithaupt
CIRCUIT COURT JUDGE

25 Presented by:
26 Continued...

1 **RCO LEGAL, P.S.**

2
3 By Holly C Hayman Dated: 4/21/14
4 Holly Hayman, OSB #114146
5 Attorney for Plaintiff
6 511 SW 10th Ave., Ste. 400
7 Portland, OR 97205
8 Telephone (503) 459-0140; Facsimile 425-247-7736
9 hhayman@rcolegal.com

10 **CERTIFICATE OF UTCR 5.100 COMPLIANCE**

11 On April 1, 2014, I served the forgoing proposed General Judgment of Foreclosure on the
12 following by mail:

13 **Robert Bolton**
14 **17610 Southeast 362nd Drive**
15 **Sandy, OR 97055**

16 **Jeanne Bolton**
17 **17610 Southeast 362nd Drive**
18 **Sandy, OR 97055**

19 The proposed General Judgment of Foreclosure was served more than 7 days prior to
20 submission to the court (UTCRC 5.100(1)(c)).

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Holly Hayman, OSB #114146
Attorney for Plaintiff