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2 Lisa McMahon-Myhran, OSB #000849
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11 CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

13 U.S. BANK N.A., IN ITS CAPACITY AS
14 TRUSTEE FOR THE BENEFIT OF THE
15 REGISTERED HOLDERS OF HOME NO. CV14090011
16 EQUITY ASSET TRUST 2003-4, HOME
17 EQUITY PASS-THROUGH CERTIFICATES, WRIT OF EXECUTION IN FORECLOSURE
18 SERIES 2003-4,

17 Plaintiff,

18 v.

19 TY H. SPOON, SARAH EILEEN SPOON,
20 MERITAGE MORTGAGE CORPORATION,
21 MORTGAGE ELECTRONIC
22 REGISTRATION SYSTEMS, INC., ASSET
23 SYSTEMS, INC., WILLAMETTE VIEW
24 CONDOMINIUM ASSOCIATION, AND
25 PERSONS OR PARTIES UNKNOWN
26 CLAIMING ANY RIGHT, TITLE, LIEN, OR
27 INTEREST IN THE PROPERTY DESCRIBED
28 IN THE COMPLAINT HEREIN,

27 Defendants.

1
2 TO: CLACKAMAS COUNTY SHERIFF

3 1. WHEREAS, on August 21, 2015, in the above-entitled court, a judgment of
4 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
5 hereto as **Exhibit "A"** and made a part hereof;

6 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

7
8 U.S. Bank N.A., in its capacity as Trustee for the benefit of the registered holders of
9 Home Equity Asset Trust 2003-4, Home Equity Pass-Through Certificates, Series
10 2003-4
11 c/o Ocwen Loan Servicing
12 1661 Worthington Rd., #100
13 West Palm Beach, FL 33409

14 For the purpose of this Writ, the Judgment Creditor's address is as follows:

15 Ocwen Loan Servicing
16 c/o Robinson Tait, P.S.
17 901 Fifth Avenue, Suite 400
18 Seattle, Washington 98164

19 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is
20 legally described as

21 SEE LEGAL DESCRIPTION ATTACHED TO JUDGMENT HERETO AS EXHIBIT A
22 and commonly known as 1608 Village Park Place, West Linn, OR 97068.

23 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
24 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
25 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
26 had on April 24, 2003, the date of the Deed of Trust, and also all of the interest which the
27 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
28 which as of January 11, 2018,

1
2 **Lenders Principal Judgment:**

- 3 1. Unpaid Principal Balance \$77,163.79
4 2. Pre-Judgment Interest from August 1, 2011
5 to March 11, 2015, the date calculated by the Declarant
6 in the Declaration in Support of Judgment \$11,006.67
7 3. Lenders Fees and Costs \$44,677.40
8 4. Attorney's Fees and Costs \$6,317.29

9 ***Total Judgment Award Entered*** \$139,165.15

10 **Additional Pre Judgment Interest**

- 11 1. Accrued Interest from March 12, 2015
12 to August 21, 2015 the date of entry
13 of Judgment \$1,380.61

14 ***Total Judgment Award*** \$140,545.76

15 **Post Judgment Interest**

- 16 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$34.66, from August 22,
17 2015, the day after the entry of judgment, through January 26, 2018,
18 the date the writ is being requested \$30,812.74

19 ***Current Total Amount Owing*** \$171,358.50

20
21 In addition to the above, interest continues to accrue on the total of the amounts listed above
22 at the rate of 9% per annum or at \$34.66 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
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2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.

6
7 DATED this 2 day of March, 2018.



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

DATED this 24 day of January, 2018.

[Signature]

Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Lisa McMahon-Myhran, OSB #000849
Email: lmcmahon@robinsontait.com
 Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
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Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRT BY FILING A CLAIM OF EXEMPTION.

EXHIBIT A

Clackamas County
FILED / ENTERED
AUG 21 2015
Trial Court Administrator
By: _____

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

U.S. BANK N.A., IN ITS CAPACITY AS TRUSTEE FOR THE BENEFIT OF THE REGISTERED HOLDERS OF HOME EQUITY ASSET TRUST 2003-4, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2003-4,

NO. CV14090011

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE

Plaintiff,

(Clerk's Action Required)

v.

TY H. SPOON; SARAH EILEEN SPOON; MERITAGE MORTGAGE CORPORATION; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; ASSET SYSTEMS, INC.; WILLAMETTE VIEW CONDOMINIUM ASSOCIATION; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

THIS MATTER having come on for hearing this day before the undersigned Judge of the above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the plaintiff, U.S. BANK N.A., IN ITS CAPACITY AS TRUSTEE FOR THE BENEFIT OF THE REGISTERED HOLDERS OF HOME EQUITY ASSET TRUST 2003-4, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2003-4, appearing and being represented by ZACHARY BRYANT, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1
60128-10901-JUD-OR890463

COPY
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Seattle WA 98104
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2 herein, findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court
3 finds that the allegations contained in the plaintiff's Complaint are true, that there are no material
4 issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment
5 should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
6

7 IT IS HEREBY ORDERED AND ADJUDGED THAT:

8 1. Plaintiff, U.S. BANK N.A., IN ITS CAPACITY AS TRUSTEE FOR THE BENEFIT
9 OF THE REGISTERED HOLDERS OF HOME EQUITY ASSET TRUST 2003-4, HOME EQUITY
10 PASS-THROUGH CERTIFICATES, SERIES 2003-4 be awarded judgment in the sum of \$77,163.79,
11 together with interest at a rate as provided in the Note from August 1, 2011 through March 11, 2015 in
12 the amount of \$11,006.67 with additional pre-judgment interest at the per diem rate of \$8.47 as provided
13 in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,050.00,
14 plus other recoverable amounts of \$44,677.40 which includes the amounts itemized in the declaration of
15 the lender in support of motion for judgment plus allowable costs of \$4,267.29 as itemized in the
16 Plaintiff's Statement for Attorneys' Fees, Costs, and Disbursements for Plaintiff and an additional
17 amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or
18 at the contract rate, whichever is greater; and
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20

21 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
22 described as follows:

23 SEE LEGAL DESCRIPTION ATTACHED HERETO AS **EXHIBIT A.**

24 which was recorded on April 29, 2003, under Auditor's File No. 2003-052880, records of Clackamas
25 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
26 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
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2 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
3 Sheriff of Clackamas County in the manner provided for by law, and the proceeds therefrom shall be
4 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
5 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
6 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of TY H.
7 SPOON, SARAH EILEEN SPOON, MERITAGE MORTGAGE CORPORATION, MORTGAGE
8 ELECTRONIC REGISTRATION SYSTEMS, INC., ASSET SYSTEMS, INC., WILLAMETTE VIEW
9 CONDOMINIUM ASSOCIATION, AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY
10 RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT
11 HEREIN and of any one claiming by, through or under them; and
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13
14 3. TY H. SPOON, SARAH EILEEN SPOON, MERITAGE MORTGAGE
15 CORPORATION, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ASSET
16 SYSTEMS, INC., WILLAMETTE VIEW CONDOMINIUM ASSOCIATION, AND PERSONS OR
17 PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE
18 PROPERTY DESCRIBED IN THE COMPLAINT HEREIN subsequent to April 24, 2003, the date of
19 the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or
20 asserting any right, title, lien or interest in or to said property or any part thereof, save and except for
21 the right of redemption as allowed by law; and
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23
24 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
25 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
26 law, and to all right, title and interest in any rents and profits generated or arising from the property
27 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
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1
2 secure possession, including writ of assistance, if defendants or any of them or any other party or person
3 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
4 possession; and

5 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
6 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
7 pay the remaining proceeds as directed by the court in the order of distribution.
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2 STATEMENT OF AMOUNTS OWED

3 Principal Balance: \$77,163.79

4 Simple Interest on the Principal Balance
5 from August 1, 2011 to March 11, 2015: \$11,006.67

6 Other Amounts Due Under Terms of Loan: \$44,677.40

7 Attorneys' Fees and Costs:

8 Attorneys' Fee: \$2,050.00

9 Total Costs: \$4,267.29

10 Total Attorney Fees and Costs: \$6,317.29

11 *TOTAL AMOUNTS OWED* \$139,165.15

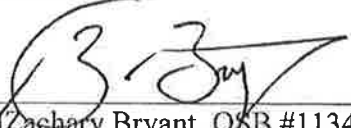
12 Pre-Judgment: Additional pre-judgment interest accrues from March 12, 2015, to the date of
13 entry of judgment at the per diem rate of \$8.47 in accordance with the Note

14 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
15 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

16 DONE IN COURT this 20 day of August, 2015.

17
18
19 /s/Michael C. Wetzel
20 JUDGE

21 Submitted by:

22 
23 Zachary Bryant, OSB #113409

24 Email: zbryant@robinsontait.com

25 Craig Peterson, OSB #120365

26 Email: cpeterson@robinsontait.com

27 Brandon Smith, OSB #124584

28 Email: bsmith@robinsontait.com

Robinson Tait, P.S.

Attorneys for Plaintiff

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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60128-10901-JUD-OR890463

Law Office
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
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Exhibit A



LEGAL DESCRIPTION

The following unit of a condominium, more fully described in Declaration of Unit Ownership for said condominium as set forth below; TOGETHER WITH an undivided percentage of ownership in the general common elements appertaining to said unit as described in said Declaration of Unit Ownership; ALSO TOGETHER WITH those limited common elements appurtenant to said unit as described in said Declaration of Unit Ownership:

Condominium Name: Willamette View Condo
Unit No.: 1608

Located in Section: 35
Township: 2 South
Range: 1 East
Willamette Meridian, in the City of West Linn, County of Clackamas, State of Oregon

Declaration Recorded: May 15, 1979
Recorder's Fee No. 79-019950