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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN
TRUST MORTGAGE LOAN PASS-
THROUGH CERTIFICATES, SERIES 2006-
3,

Plaintiff,

v.

CHRISTIE GIBONEY; ANGELA
DIMPFLMAIER; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; COUNTRYWIDE HOME LOANS,
INC.; THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS
SUCCESSOR INDENTURE TRUSTEE TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION FOR CWHEQ REVOLVING
HOME EQUITY LOAN TRUST, SERIES
2006-F; PEAK HOLDING LLC; KSAO, LLC;
G&M LANDSCAPE MAINTENANCE, LLC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV20815

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 9, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

1 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
2 HARBORVIEW MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH
3 CERTIFICATES, SERIES 2006-3

c/o Brady Godbout
Attorney for Plaintiff

4 McCarthy & Holthus, LLP
5 920 SW 3rd Ave, 1st Floor
6 Portland, OR 97204d

7 With the adjudicated amount due of \$1,326,097.57, plus post judgment interest at the statutory
8 rate of 9.0% per annum from April 9, 2018 to June 11, 2018 in the amount of \$20,599.74, and
9 continuing with a per diem of \$326.98, currently totaling \$1,346,697.31

10 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
11 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
12 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
13 about March 21, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
14 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 00397332 and
15 commonly known as: 22225 SW Antioch Downs Court, Tualatin, OR 97062.

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

21 **DATED:** 20 day of June, 2018.

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

27 *Judicial Clerk*
28 Title

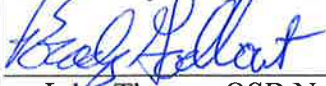
By: *Wendy Dalton*



29 Court Administrator relies on the information
30 provided by the person seeking issuance of
31 this writ of execution and is not liable for any
32 errors or omissions in the information

1 Dated: 6/7/2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

-
- 4 _ John Thomas OSB No. 024691
5 _ Robert Hakari OSB No. 114082
6 _ Andreanna Smith OSB No. 131336
7 Brady Godbout OSB No. 132708
8 _ Samuel Burton OSB No. 136522
9 _ Bryan Kidder OSB No. 140459
10 _ Jeremy Clifford OSB No. 142987
11 _ Michael Scott OSB No. 973947

12 920 SW 3rd Ave, 1st Floor

13 Portland, OR 97204

14 Phone: (971) 201-3200

15 Fax: (971) 201-3202

16 rhakari@mccarthyholthus.com

17 Of Attorneys for Plaintiff

EXHIBIT 1

LOT 4, ANTIOCH DOWNS, CLACKAMAS COUNTY, OREGON. EXCEPTING THEREFROM ALL OILS, GASES OF EVERY NAME AND NATURE AS RESERVED BY POPE & AMP; TALBOT DEVELOPMENT, INC. BY WARRANTY DEED RECORDED MAY 2, 1979 AS FEE NO. 79 17886.

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN
TRUST MORTGAGE LOAN PASS-
THROUGH CERTIFICATES, SERIES
2006-3,

Plaintiff,

vs.

CHRISTIE GIBONEY; ANGELA
DIMPFLMAIER; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; COUNTRYWIDE HOME
LOANS, INC.; THE BANK OF NEW
YORK MELLON F/K/A THE BANK OF
NEW YORK AS SUCCESSOR
INDENTURE TRUSTEE TO JPMORGAN
CHASE BANK, NATIONAL
ASSOCIATION FOR CWHEQ
REVOLVING HOME EQUITY LOAN
TRUST, SERIES 2006-F; PEAK HOLDING
LLC; KSAO, LLC; G&M LANDSCAPE
MAINTENANCE, LLC; OCCUPANTS OF
THE PROPERTY;

Defendants.

Case No.: 17CV20815

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. CHRISTIE GIBONEY; ANGELA DIMPFLMAIER; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; COUNTRYWIDE HOME LOANS, INC.; PEAK
HOLDING LLC; KSAO, LLC; G&M LANDSCAPE MAINTENANCE, LLC; and
OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with

1 process and failed to appear; the default has been entered against Defaulted Defendants, and
2 it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents
3 as defined in ORS 125.005, minors, or in the military service of the United States;

4 b. A Stipulated Limited Judgment has been entered with regard to Defendant THE BANK OF
5 NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR
6 INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
7 FOR CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-F; PEAK
8 HOLDING LLC.

9 2.

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

- 11 a. The real property to which this judgment relates is located and situated in Clackamas County,
12 Oregon, and is commonly known as 22225 SW Antioch Downs Court, Tualatin, OR 97062
13 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
14 APN/Parcel No. 00397332.
- 15 b. Plaintiff is entitled to enforce the note dated March 21, 2006 and made, delivered, and
16 executed by Christie Giboney and Angela Dimpflmaier ("Borrowers") to Countrywide Home
17 Loans, Inc. in the amount of \$1,000,000.00 (the "Note"). The Note was transferred to
18 Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 19 c. A deed of trust was made, executed, and delivered by Borrowers on or about March 21, 2006
20 (the "Deed of Trust"). The Deed of Trust was recorded on April 4, 2006 as Instrument No.
21 2006-030102 in the official records of Clackamas County, Oregon. The Deed of Trust is a
22 valid and perfected lien against all of the Property for and securing the Amount Due. The
23 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
24 remain in effect until issuance of a Sheriff's Deed.
- 25 d. Borrowers failed to make the payment that was due for June 1, 2012 and has not cured the
26 default. The amount of debt secured by the Deed of Trust that is now due and owing is
27 comprised of the following amounts (the "Amount Due"):

1	a) Unpaid principal balance:	\$999,000.34
2	b) Prejudgment interest accruing from	\$215,154.61
3	5/1/2012 through 10/10/2017 and	
4	continuing until the entry of	
	judgment at the current Note rate of	
	4.00%:	
5	c) Additional amounts due under the	\$105,005.37
6	terms of the loan:	
7	d) Attorney fees and costs:	\$6,937.25
8	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
9	Total:	\$1,326,097.57

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

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

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

17 g. All right, title and interest in the Subject Property that Borrowers had as of the date of the
18 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County
19 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
20 sale shall be applied:

- 21 1) First, to the costs of sale not incurred by Plaintiff;
- 22 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
- 23 entry of judgment through the date of the sale and any incurred costs of sale;
- 24 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
- 25 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
- 26 such party or parties as they may establish their right thereto.
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- 1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.
- 14 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
15 Deed of Trust are as follows:

16 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
17 COUNTRYWIDE HOME LOANS, INC.; and THE BANK OF NEW YORK
18 MELLON F/K/A THE BANK OF NEW YORK AS SUCCESSOR INDENTURE
19 TRUSTEE TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR
20 CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2006-F may
21 claim a junior interest in Subject Property by virtue of a deed of trust recorded
22 04/04/2006 as Instrument No. 2006-030103 in the official records of Clackamas
23 County, Oregon, securing a promissory note in the amount of \$515,250.00. The deed
24 of trust was assigned to THE BANK OF NEW YORK MELLON F/K/A THE BANK
25 OF NEW YORK AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN
26 CHASE BANK, NATIONAL ASSOCIATION FOR CWHEQ REVOLVING HOME
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1 EQUITY LOAN TRUST, SERIES 2006-F as Instrument No. 2015-077265 recorded
2 on 11/19/2015.

- 3 2) Defendant PEAK HOLDING LLC may claim a junior interest in Subject Property by
4 virtue of a deed of trust recorded 03/21/2008 as Instrument No. 2008-020219 in the
5 official records of Clackamas County, Oregon, securing a promissory note in the
6 amount of \$825,000.00.
- 7 3) Defendant PEAK HOLDING LLC may claim a junior interest in Subject Property by
8 virtue of a deed of trust recorded 04/23/2008 as Instrument No. 2008-029426 in the
9 official records of Clackamas County, Oregon, securing a promissory note in the
10 amount of \$675,000.00.
- 11 4) Defendant KSAO, LLC may claim a junior interest in Subject Property by virtue of a
12 trustee's deed upon sale recorded 9/1/2016 as Instrument No. 2016-060056 in the
13 official records of Clackamas County, Oregon.
- 14 5) Defendant G&M LANDSCAPE MAINTENANCE, LLC may claim an interest in
15 Subject Property by virtue of a judgment entered on 07/17/2015 in the Circuit Court
16 of Clackamas County, Oregon, Case No. LV15040355, in the amount of \$13,318.00

Signed: 3/23/2018 03:52 PM

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20 **Circuit Court Judge Michael C. Wetzel**

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

22 On 10/20/2017 a copy of the Motion For Entry Of Judgment, Declaration Of Attorney
23 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure
was served on:

24 Kimberly Hood
25 901 Fifth Ave, Ste 400
26 Seattle, WA 98164

27 not less than 3 days prior to submission to the court.

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

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

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

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

7 No objection has been served on me.

8 I received objections that I could not resolve with the opposing party despite
reasonable efforts to do so. I have filed a copy of the objections I received and
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 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise.

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

16 Other: _____

17
18 **McCarthy & Holthus, LLP**

19 s/ Robert B. Hakari 10/27/2017

20 Robert Hakari OSB No. 114082

21 920 SW 3rd Ave, 1st Floor

Portland, OR 97204

22 Phone: (971) 201-3200

Fax: (971) 201-3202

23 rhakari@mccarthyholthus.com

24 Of Attorneys for Plaintiff

EXHIBIT " 1 "

**LOT 4, ANTIOCH DOWNS, CLACKAMAS COUNTY, OREGON. EXCEPTING THEREFROM ALL OILS,
GASES OF EVERY NAME AND NATURE AS RESERVED BY POPE & TALBOT DEVELOPMENT, INC.
BY WARRANTY DEED RECORDED MAY 2, 1979 AS FEE NO. 79 17886.**