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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC.,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-
QS9,

Plaintiff,

v.

MARTIN GLASBAND; IRWIN UNION
BANK AND TRUST COMPANY;
CITIBANK SOUTH DAKOTA N.A.;
GENERAL CREDIT SERVICE, INC.;
SOUTHERN OREGON CREDIT SERVICE,
INC.; ROYALE GARDENS HEALTH &
REHABILITATION CENTER; STATE OF
OREGON, EMPLOYMENT DEPARTMENT;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No.: 16CV35753

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 13, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2004-QS9

2 c/o Attorney for Plaintiff
3 McCarthy & Holthus, LLP
4 920 SW 3rd Ave, 1st Floor
Portland, OR 97204

5 With the adjudicated amount due of \$40,708.37, plus post judgment interest at the statutory rate
6 of 9.0% per annum from April 13, 2017 to June 8, 2018 in the amount of \$4,222.63, and
7 continuing with a per diem of \$10.09, currently totaling \$44,744.37.

8 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
9 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
10 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
11 about January 27, 2004, the date of the Deed of Trust, and also the interest that the Defendant
12 had thereafter, in the real property described in the attached Exhibit 1 and commonly known as:
13 5628 Lake Shore Dr, Selma, OR 97538.

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

19
20 *B. Chapman*
21 JUN 11 2018



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

2 **McCarthy & Holthus, LLP**

3 s/ Andreanna C. Smith

4 Andreanna Smith OSB No. 131336

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 ansmith@mccarthyholthus.com

10 Of Attorneys for Plaintiff

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EXHIBIT 1

Beginning at the Northeast corner of Section 16, Township 38 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence West, along the North line of said Section, 150.00 feet; thence South, parallel to the East line of said Section, 480.0 feet; thence West, parallel to the North line of said Section, 150.0 feet; thence South, parallel to the East line of said Section, 465.0 feet, more or less, to the Northerly right of way line of Dryden Road; thence Easterly along said right of way line to the East line of said Section 16; thence North, along said East line to the point of beginning.

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CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2004-QS9,

Plaintiff,

v.

MARTIN GLASBAND; IRWIN UNION BANK AND TRUST COMPANY; CITIBANK SOUTH DAKOTA N.A.; GENERAL CREDIT SERVICE, INC.; SOUTHERN OREGON CREDIT SERVICE, INC.; ROYALE GARDENS HEALTH & REHABILITATION CENTER; STATE OF OREGON, EMPLOYMENT DEPARTMENT; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 16CV35753

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

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, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS9, appearing and being

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1

60128-30604-JUD-OR1694737

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100
Seattle WA 98164
(206) 676-0610

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2 represented by Kimberly Hood, Attorney of Robinson Tait, and after considering the pleadings and
3 affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil Rule
4 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are
5 no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the
6 judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth.
7

8 Therefore,

9 **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

10 1. Plaintiff, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit
11 Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2004-QS9 be awarded
12 judgment in the sum of \$30,791.99, together with interest at a rate as provided in the Note from June 1,
13 2015 through February 27, 2017 in the amount of \$2,876.30, with additional pre-judgment interest at the
14 per diem rate of \$4.53 as provided in the Note to the date of entry of judgment; plus reasonable
15 attorneys' fees in the amount of \$2,050.00, plus other recoverable amounts of \$3,427.58, which includes
16 the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable
17 costs of \$1,562.50, as itemized in the bill of disbursements and an additional amount for post-judgment
18 sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate,
19 whichever is greater; and
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22 2. Plaintiff's Deed of Trust on real property in Josephine County, Oregon, legally
23 described as follows:
24

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

26 which was recorded on February 4, 2004, under Auditor's File No. 2004-002749, records of
27 Josephine County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
28 described real estate and the whole thereof as security for the payment of the judgment herein set

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60128-30604-JUD-OR1694737

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Seattle WA 98161
(206) 676-9840

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2 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
3 sold by the Sheriff of Josephine County in the manner provided for by law, and the proceeds
4 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
5 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
6 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
7 interest of Martin Glasband, Irwin Union Bank and Trust Company, Citibank South Dakota N.A.,
8 General Credit Service, Inc., Southern Oregon Credit Service, Inc., Royale Gardens Health &
9 Rehabilitation Center, and State of Oregon, Employment Department and of any one claiming by,
10 through or under them; and
11

12
13 3. Martin Glasband, Irwin Union Bank and Trust Company, Citibank South Dakota N.A.,
14 General Credit Service, Inc., Southern Oregon Credit Service, Inc., Royale Gardens Health &
15 Rehabilitation Center, and State of Oregon, Employment Department subsequent to January 27, 2004,
16 the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from
17 claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save
18 and except for the right of redemption as allowed by law; and
19

20 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
21 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
22 law, and to all right, title and interest in any rents and profits generated or arising from the property
23 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
24 secure possession, including writ of assistance, if defendants or any of them or any other party or person
25 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
26 possession; and
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2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
4 pay the remaining proceeds as directed by the court in the order of distribution.

5
6 **DECLARATION DETERMINING AMOUNT OF DEBT**
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

7 Judgment Creditor: Deutsche Bank Trust Company Americas, as
8 Trustee for Residential Accredit Loans, Inc.,
9 Mortgage Asset-Backed Pass-Through
10 Certificates, Series 2004-QS9
11 c/o Robinson Tait, P.S.
12 901 Fifth Avenue, Suite 400
13 Seattle, WA 98164
14 (206) 676-9640

15 Attorney for Judgment Creditor: Kimberly Hood
16 Robinson Tait, P.S.
17 901 Fifth Avenue, Suite 400
18 Seattle, WA 98164
19 (206) 676-9640

20 The name of any person or public body,
21 other than the Judgment Creditor's
22 Attorney, who is entitled to any
23 portion of the judgment: None

24 Principal Balance: \$30,791.99

25 Simple Interest on the Principal Balance
26 from June 1, 2015 to February 27, 2017: \$2,876.30

27 Other Amounts Due Under Terms of Loan: \$3,427.58

28 Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Total Costs: \$1,562.50

Total Attorney Fees and Costs: \$3,612.50

TOTAL DEBT OWED \$40,708.37

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2 Pre-Judgment: Additional pre-judgment interest accrues from February 28, 2017, to the date
3 of entry of judgment at the per diem rate of \$4.53, in accordance with the Note

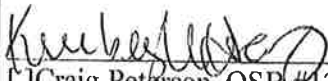
4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
5 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
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11 Signed: 4/12/2017 04:02 PM

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14
15 Circuit Court Judge Pat Wolke

16 Submitted by:

17
18 

19 Craig Peterson, OSB #120365

20 Email: cpeterson@robinsontait.com

21 Jaimie Fender, OSB #120832

22 Email: jfender@robinsontait.com

23 Kimberly Hood, OSB #123008

24 Email: khood@robinsontait.com

25 Michael Althouse, OSB #150793

26 Email: malthouse@robinsontait.com

27 Gregory Morphew, OSB #170214

28 Email: gmorphew@robinsontait.com

Robinson Tait, P.S.

Attorneys for Plaintiff

Tel: (206) 676-9640

Fax: (206) 676-9659

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60128-30604-JUD-OR1694737

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100
Seattle WA 98104
(206) 676-9640

Exhibit A

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EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at the Northeast corner of Section 16, Township 38 South, Range 7 West of the Willamette Meridian, Josephine County, Oregon; thence West, along the North line of said Section, 150.00 feet; thence South, parallel to the East line of said Section, 480.0 feet; thence West, parallel to the North line of said Section, 150.0 feet; thence South, parallel to the East line of said Section, 465.0 feet, more or less, to the Northerly right of way line of Dryden Road; thence Easterly along said right of way line to the East line of said Section 16; thence North, along said East line to the point of beginning.