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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 exemption.

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

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST 2005-
43, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-43,

CASE NUMBER: 14CV19109

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

BRANDIE L. ASHE; JASON C. ASHE;
COUNTRYWIDE BANK, FSB;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; ATLAS
FINANCIAL SERVICES; CATERPILLAR
FINANCIAL SERVICES CORPORATION;
CNH CAPITAL AMERICA, LLC; CODY
BARDEN DANIELS & PALO, INC., AN
OREGON CORPORATION, DBA THE
COMMERICAL AGENCY; HALTON CO.;
KEYBANK NATIONAL ASSOCIATION;
U.S. BANCORP EQUIPMENT FINANCE,
INC.; STATE OF OREGON,
EMPLOYMENT DEPARTMENT;
MULTNOMAH COUNTY TAX
COLLECTOR; UNITED STATES OF
AMERICA, INTERNAL REVENUE
SERVICE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN.

Defendants.

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TO: THE SHERIFF OF MULTNOMAH COUNTY, OREGON:

1.

WHEREAS, on June 15, 2016, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 upon (subject to redemption, if applicable), all of the interest which the Defendants BRANDIE L. ASHE, JASON C. ASHE, COUNTRYWIDE BANK, FSB, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ATLAS FINANCIAL SERVICES, CATERPILLAR FINANCIAL SERVICES CORPORATION, CNH CAPITAL AMERICA, LLC, CODY BARDEN DANIELS & PALO, INC., AN OREGON CORPORATION, DBA THE COMMERCIAL AGENCY, HALTON CO., KEYBANK NATIONAL ASSOCIATION, U.S. BANCORP EQUIPMENT FINANCE, INC., STATE OF OREGON, EMPLOYMENT DEPARTMENT, MULTNOMAH COUNTY TAX COLLECTOR, and UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE ("Defendants") had on June 30, 2005, the date of the foreclosed Deed of Trust which was recorded on July 7, 2005, as Instrument No. 2005-124684 in the official records of the Multnomah County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

Unpaid Principal Balance:	\$416,000.00
Pre-Judgment Interest from February 1, 2009 to January 27, 2016, the date set forth in the Judgment at 5.625%, per annum, (\$34.19 per diem):	\$125,428.99
Lender's Fees and Costs:	\$50,303.68
Attorney's Fees and Costs:	\$4,876.00

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Total Judgment Entered: \$596,608.67

Additional Pre-Judgment Interest:

Accrued Interest from January 28, 2016,
the day after the date set forth in the
Judgment through June 15, 2016, the
date of entry of the Judgment, at
5.625%, per annum (\$34.19 per diem): \$4,752.41

**Total Judgment Entered Including
Additional Pre-Judgment
Interest: \$601,361.08**

Post-Judgment Interest

Accrued Post-Judgment Interest from
June 16, 2016, the date after
entry of the Judgment, through October
29, 2018, the date the Writ
was requested at the legal rate of
interest at 9%, per annum (\$148.28 per
diem): \$128,262.20

Total Amount Owing on the Judgment as of the Date \$729,623.28

the Writ Was Requested:

3.

Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the legal rate of interest of 9% per annum, \$148.28 per diem, from October 30, 2018 to the date the real

1 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
2 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

3 4.

4 The real property subject to this writ of execution is commonly known as 9427 NE RIVER
5 POINTE CIRCLE, PORTLAND, OR 97211 ("Property") and described in Exhibit "1" attached
6 hereto.

7 5.

8 The Judgment Creditor's name and address is:

9 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR
10 THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-43,
11 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-43

12 c/o Bayview Loan Servicing

13 4425 Ponce De Leon Blvd., 4th Floor

14 Coral Gables, Florida 33146-1837

15 The Judgment Creditor's name and address for the purpose of this Writ is:

16 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR
17 THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-43,
18 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-43

19 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

20 2112 Business Center Drive

21 Irvine, CA 92612

22 949-252-9400

23 ///

24 ///

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26 ///

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28 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and

1 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
2 the Judgment, interest, fees, and costs.

3 MAKE RETURN HEREOF within 60 days after you receive this Writ.



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Submitted by: ✓

Dated: October 29, 2018

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

EXHIBIT 1

LOT 3, RIVER POINTE IN THE CITY OF PORTLAND, MULTNOMAH
COUNTY, OREGON; TOGETHER WITH AN UNDIVIDED INTEREST IN
TRACT "A" RIVER POINTE, AS SET FORTH ON RECORDED PLAT.

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CIRCUIT COURT OF OREGON FOR MULTNOMAH COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2005-43, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2005-43,

Plaintiff,

v.

BRANDIE L. ASHE; JASON C. ASHE;
COUNTRYWIDE BANK, FSB; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; ATLAS FINANCIAL SERVICES;
CATERPILLAR FINANCIAL SERVICES
CORPORATION; CNH CAPITAL AMERICA,
LLC; CODY BARDEN DANIELS & PALO,
INC., AN OREGON CORPORATION, DBA
THE COMMERCIAL AGENCY; HALTON CO.;
KEYBANK NATIONAL ASSOCIATION; U.S.
BANCORP EQUIPMENT FINANCE, INC.;
STATE OF OREGON, EMPLOYMENT
DEPARTMENT; MULTNOMAH COUNTY
TAX COLLECTOR; UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. 14CV19109

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

Specially Assigned to Judge Roberts

(Clerk's Action Required)

1
2 THIS MATTER having come on for hearing this day before the undersigned Judge of the
3 above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the
4 plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
5 TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN
6 TRUST 2005-43, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-43, appearing
7 and being represented by JAIMIE FENDER, Attorney of Robinson Tait, and after considering the
8 pleadings and affidavits on file herein, findings of fact and conclusion of law being unnecessary
9 under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are
10 true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of
11 law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly
12 hereafter set forth. Therefore,
13

14
15 IT IS HEREBY ORDERED AND ADJUDGED THAT:

16 1. Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK
17 AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN
18 TRUST 2005-43, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-43 be awarded
19 judgment in the sum of \$416,000.00, together with interest at a rate as provided in the Note from
20 February 1, 2009 through January 27, 2016 in the amount of \$125,428.99 with additional pre-judgment
21 interest at the per diem rate of \$34.19 as provided in the Note to the date of entry of judgment; plus
22 reasonable attorneys' fees in the amount of \$2,050.00, ~~plus other recoverable amounts of \$66,521.49~~
23 ~~which includes the amounts itemized in the declaration of the lender in support of motion for judgment~~
24 ~~plus allowable costs of \$4,059.00 as itemized in the bill of disbursements and an additional amount for~~
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2 post-judgment sheriff's fees. Said judgment to bear interest until paid at ~~the statutory rate or~~ at the
3 ~~contract rate~~, whichever is greater; and.

4 2. Plaintiff's Deed of Trust on real property in Multnomah County, Oregon, legally
5 described as follows:

6 LOT 3, RIVER POINTE IN THE CITY OF PORTLAND, MULTNOMAH
7 COUNTY, OREGON; TOGETHER WITH AN UNDIVIDED INTEREST IN
8 TRACT "A" RIVER POINTE, AS SET FORTH ON RECORDED PLAT.

9 which was recorded on July 7, 2005, under Auditor's File No. 2005-124684, records of Multnomah
10 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
11 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
12 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
13 Sheriff of Multnomah County in the manner provided for by law, and the proceeds therefrom shall be
14 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
15 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
16 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
17 defendant and of any one claiming by, through or under them; and
18

19
20 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
21 property described above or any part thereof subsequent to June 30, 2005, the date of the Deed of
22 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
23 title, lien or interest in or to said property or any part thereof, save and except for the right of
24 redemption as allowed by law; and
25

26 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
27 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
28 law, and to all right, title and interest in any rents and profits generated or arising from the property

1 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
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

6 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
7 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
8 pay the remaining proceeds as directed by the court in the order of distribution.
9

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

12 Judgment Creditor: THE BANK OF NEW YORK MELLON
13 FKA THE BANK OF NEW YORK AS
14 TRUSTEE FOR THE
15 CERTIFICATEHOLDERS OF CWALT,
16 INC., ALTERNATIVE LOAN TRUST
2005-43, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-43

17 Address for Judgment Creditor: c/o Robinson Tait, P.S.
18 710 Second Ave., Suite 710
19 Seattle, WA 98104
(206) 676-9640

20 Attorney for Judgment Creditor: Jaimie Fender
21 Robinson Tait, P.S.
22 710 Second Ave., Suite 710
23 Seattle, WA 98104
(206) 676-9640

24 The name of any person or public body,
25 other than the Judgment Creditor's
26 Attorney, who is entitled to any
27 portion of the judgment: None

28 Judgment Principal Amount: \$416,000.00

Simple Interest on the Principal Balance

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from February 1, 2009
to January 27, 2016: \$125,428.99

Other Amounts Due Under Terms of Loan:
+ Escrow advances: \$42,520.84
+ Late Charges: \$7,782.84

Litigation Expenses, Costs and Disbursements:
+ Filing fees awarded: \$531.00
+ Service fees awarded: \$2,295.00

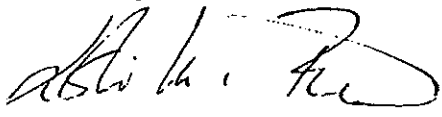
Attorney fees awarded: \$2,050.00

TOTAL DEBT OWED \$596,608.67

Pre-Judgment: Additional pre-judgment interest accrues from January 27, 2016, to the date of entry of judgment at the per diem rate of \$34.19, in accordance with the Note

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

DONE IN COURT this ____ day of _____, 2016.

Signed: 6/14/2016 10:41 AM

Circuit Court Judge Leslie Roberts

Submitted by:
/s/ Jaimie Fender
Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a party who has been found in default.
5. An order of default is being requested with this proposed judgment.
6. Service is not required pursuant to subsection (1)(c) of UTCR 5.100, or by statute, rule, or otherwise.
7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (1)(d) of UTCR 5.100.

Date: June 6, 2016

/s/ Jaimie Fender
Jaimie Fender, Attorney, OSB #120832