

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 exception.

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

THE BANK OF NEW YORK MELLON  
F/K/A THE BANK OF NEW YORK AS  
SUCCESSOR IN INTEREST TO JP  
MORGAN CHASE BANK, N.A. AS  
TRUSTEE FOR STRUCTURED ASSET  
MORTGAGE INVESTMENTS II TRUST  
2006-AR6 MORTGAGE PASS-  
THROUGH CERTIFICATES SERIES  
2006-AR6

Case No. 18CV27564

Plaintiff,

WRIT OF EXECUTION

vs.

CURTIS L. MILLER; IVY MILLER;  
PARTIES IN POSSESSION

Defendants.

TO: MULTNOMAH COUNTY SHERIFF

WHEREAS, on October 16, 2018, in the above-entitled court, a General Judgment of  
Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and  
was duly entered and docketed in the above-entitled cause

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 execution  
(subject to redemption) all of the interest which the defendants had on May 31, 2006, the date of  
the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real  
property described in the judgment:

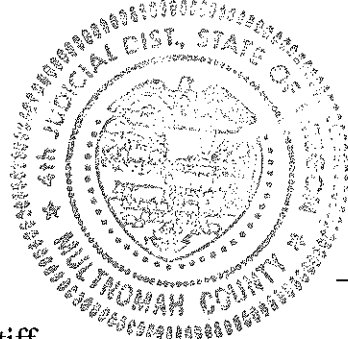
1- WRIT OF EXECUTION  
S&S No. 18-122810

SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 LOT 4, EMERALD HEIGHTS, IN THE CITY OF GRESHAM, COUNTY MULTNOMAH,  
2 STATE OF OREGON.


3 and commonly known as 3371 SW 31st Street, Gresham, OR 97080 to satisfy the sum of  
4 \$350,002.39, as of October 30, 2018, together with additional post judgment interest of 9.00%  
5 from that date (\$86.01 per day), and costs of this execution, making due return within 60 days  
6 after you receive this writ.

7  
8 THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as  
9 successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage  
10 Investments II Trust 2006-AR6 Mortgage Pass-Through Certificates Series 2006-AR6 is the  
11 Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro & Sutherland,  
12 LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro &  
13 Sutherland, LLC is the attorney for the Judgment Creditor.  
14



11/30/18

19 Submitted by:  
20 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

21 By:   
22 James A. Craft #090146 [jcraft@logs.com]  
23 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
24 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
(360)260-2253; Fax (360)260-2285

25 2- WRIT OF EXECUTION  
26 S&S No. 18-122810

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

THE BANK OF NEW YORK MELLON F/K/A  
THE BANK OF NEW YORK AS SUCCESSOR IN  
INTEREST TO JP MORGAN CHASE BANK,  
N.A. AS TRUSTEE FOR STRUCTURED ASSET  
MORTGAGE INVESTMENTS II TRUST 2006-  
AR6 MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2006-AR6,

Plaintiff,

vs.

CURTIS L. MILLER; IVY MILLER; PARTIES IN  
POSSESSION,

Defendants.

Case No. 18CV27564

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Default has been entered against the following defendants: Curtis L. Miller, Ivy Miller,  
and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 18-122810

*SHAPIRO & SUTHERLAND, LLC*  
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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Multnomah County, Oregon is commonly known as 3371 SW 31st Street, Gresham, OR  
3 97080 and is legally described as follows:

4 LOT 4, EMERALD HEIGHTS, IN THE CITY OF GRESHAM, COUNTY  
5 MULTNOMAH, STATE OF OREGON.

6 2. The Deed of Trust executed and delivered by Defendant, Curtis L Miller and Ivy Miller as  
7 Tenants by Entirety ("Borrower") on or about May 31, 2006 and recorded on June 8, 2006 as  
8 Recorder's Fee No. 2006-104978 in the official records of Multnomah County, Oregon, is a  
9 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as  
10 provided herein.

11 3. The Plaintiff is the holder of the original note dated May 31, 2006 and made by Curtis L  
12 Miller in the amount of \$282,600.00. A copy of the Note was attached to the complaint as  
13 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust  
14 (together the "Loan").  
15

16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
17 interest in the Property is foreclosed and terminated excepting only any statutory right of  
18 redemption, as provided by Oregon law.  
19

20 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
21 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
22 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
23 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
24 interests and priorities.  
25

26 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
27 SALE  
28 S&S No. 18-122810

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- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Multnomah
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.
- 18 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

19	Principal	\$326,218.88	
20	Prejudgment interest at 5% through August		\$14,441.56
21	20, 2018		
22	(accruing thereafter until entry of judgment		
	at \$44.69 per diem)		
	Late Charges	\$0.00	
23	Other Costs and fees (recoverable)	494.17	
24	PMI/MIP	\$215.73	
25	Property	\$278.44	
	Inspections		

26 3 - GENERAL JUDGMENT OF FORECLOSURE AND  
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	<b>Subtotal</b>	<b>\$326,713.05</b>
	<b>Total plus Prejudgment Interest</b>	<b>\$341,154.61</b>

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

<b>Costs</b>			<b>\$2,091.00</b>
	Title Search Cost	\$1,004.00	
	Filing Fee	\$560.00	
	Lis Pendens Recording Fee	\$81.00	
	Service Costs	\$171.00	
	Prevailing Party Fee	\$275.00	
	<b>Attorney fees</b>		<b>\$3,050.00</b>
	<b>Total</b>		<b>\$2,091.00</b>

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

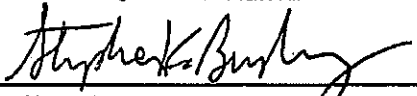
15. Execution may issue against the subject property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or other applicable law.

4 - GENERAL JUDGMENT OF FORECLOSURE AND  
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- 1 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
- 2 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
- 3 judgment as to the amounts due shall be terminated.
- 4
- 5 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
- 6 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
- 7 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
- 8 18.936.
- 9
- 10 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
- 11 necessary to enforce this judgment, the writ of execution or for the purchaser at the
- 12 foreclosure sale to obtain possession.
- 13
- 14
- 15
- 16

Signed: 10/15/2018 02:09 PM



Circuit Court Judge Stephen K. Bushong  
proxy signed by (MLO)

**Certificate of Readiness under UTCR 5 100**

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

- 22 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as
- 23 shown by each party's signature on the document being submitted.
- 24 2.  Each party affected by this order or judgment has approved the order or judgment, as
- 25 shown by each party's signature on the document being submitted or by written confirmation of
- 26 approval sent to me.
- 27 3.  I have served a copy of this order or judgment on each party entitled to service and:

5 - GENERAL JUDGMENT OF FORECLOSURE AND  
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S&S No. 18-122810

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- 1 a.  No objection has been served on me.  
2 b.  I received objections that I could not resolve with a party despite reasonable efforts to do  
3 so. I have filed a copy of the objections I received and indicated which objections remain  
4 unresolved.  
5 c.  After conferring about objections, [role and name of objecting party] agreed to  
6 independently file any remaining objection.  
7 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
8 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
9 5.  This is a proposed judgment that includes an award of punitive damages and notice has  
10 been served on the Director of the Crime Victims' Assistance Section as required by subsection  
11 (5) of this rule.  
12 6.  Other: \_\_\_\_\_

Submitted by:

Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

By: \_\_\_\_\_

10-5-18  
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