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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.

2018 DEC 24 AM 11:34

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Case No.: 18CV07096

Plaintiff,

WRIT OF EXECUTION IN
FORECLOSURE

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF JOHN HAMILTON; QUICK COLLECT,
INC.; CONNIE SUE HAMILTON; GORDON
SCOTT HAMILTON; TYLER MARTIN
HAMILTON; OCCUPANTS OF THE
PROPERTY,

Defendants.

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 2, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION
TRUST

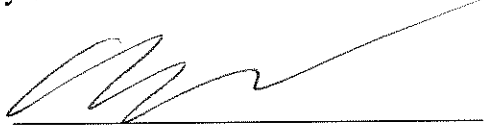
c/o Jeremy Clifford
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$286,014.45, plus pre judgment interest at the per diem of
2 \$23.29 from September 18, 2018 to October 2, 2018 in the amount of \$334.88, plus post
3 judgment interest at the statutory rate of 9.0% per annum from October 3, 2018 to November 7,
4 2018 in the amount of \$2,468.20, and continuing with a per diem of \$70.52, currently totaling
5 \$288,817.53.

6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about September 24, 2010, the date of the Deed of Trust, and also the interest that the Defendant
10 had thereafter, in the real property described in the attached Exhibit 1, APN/Parcel #: R268963
11 and commonly known as: 12115 NE Fargo Court, Portland, OR 97220.

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

17 **DATED:** 10 day of Dec, 2018.





~~File~~
By: _____

Dated: 11/2018 and submitted by:

McCarthy & Holthus, LLP

Jeremy Clifford for

John Thomas OSB No. 024691
 Andreanna Smith OSB No. 131336
 Brady Godbout OSB No. 132708
 Jeremy Clifford OSB No. 142987
 Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 11, BLOCK 1, SEYMOUR TERRACE, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

End of Legal Description

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF JOHN HAMILTON; QUICK
COLLECT, INC.; CONNIE SUE
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HAMILTON; TYLER MARTIN
HAMILTON; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 18CV07096

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE UNKNOWN HEIRS AND DEVISEES OF JOHN HAMILTON; QUICK COLLECT, INC.; CONNIE SUE HAMILTON; GORDON SCOTT HAMILTON; TYLER MARTIN HAMILTON; OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States, now therefore,

2.

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

- a. The real property to which this judgment relates is located and situated in Multnomah County, Oregon, and is commonly known as 12115 NE Fargo Court, Portland, OR 97220

1 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. R268963.

3 b. Plaintiff is entitled to enforce the note dated September 24, 2010 and made, delivered, and
4 executed by JOHN HAMILTON to PINNACLE CAPITAL MORTGAGE CORPORATION
5 in the amount of \$200,980.00 (the "Note"). The Note was transferred to Plaintiff by delivery
6 of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant JOHN HAMILTON on or
8 about September 24, 2010 (the "Deed of Trust"). The Deed of Trust was recorded on
9 September 30, 2010 as Instrument No. 2010-122738, and re-recorded on 5/25/2011 as
10 Instrument No. 2011-060579 in the official records of Multnomah County, Oregon. The
11 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
12 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
13 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for December 1, 2012 and has not
15 cured the default. The amount of debt secured by the Deed of Trust that is now due and
16 owing is comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$194,056.90
18		
19	b) Prejudgment interest accruing from	\$51,336.46
20	11/1/2012 through 9/17/2018 and	
21	continuing until the entry of	
22	judgment at the current Note rate of	
23	4.50%:	
24	c) Additional amounts due under the	\$35,423.16
25	terms of the loan:	
26	d) Attorney fees and costs:	\$5,112.93
27		
28	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
	Total:	\$286,014.45

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

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

7 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant The Unknown Heirs and
9 JOHN HAMILTON had as of the date of the Deed of Trust or thereafter acquired is hereby
10 ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process
11 for sale upon execution, and the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

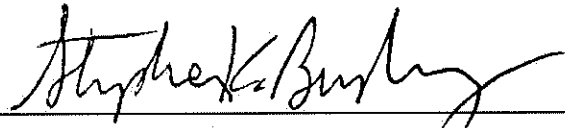
18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
22 Property from and after the date of the sale and is entitled to such remedies as are available at
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
25 possession to the purchaser immediately upon the purchaser's demand for possession.

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 9/28/2018 02:11 PM

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

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

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

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

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

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

20 No objection has been served on me.

21 I received objections that I could not resolve with the opposing party despite
22 reasonable efforts to do so. I have filed a copy of the objections I received and
23 indicated which objections remain unresolved.

24 After conferring about objections, _____ agreed to independently file
25 any remaining objection.

26 The relief sought is against an opposing party who has been found in default.

27 An order of default is being requested with this proposed judgment.

28 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise.

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

4 [] Other: _____

5 Dated: September 17, 2018, and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 John Thomas OSB No. 024691
9 x Jeremy Clifford OSB No. 142987
10 920 SW 3rd Ave, 1st Floor
11 Portland, OR 97204
12 Phone: (971) 201-3200
13 Fax: (971) 201-3202
14 jclifford@mccarthyholthus.com
15 Of Attorneys for Plaintiff
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