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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**

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON,

CASE NUMBER: 1308-11170

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

vs.

DANIEL J. BAUNE; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, an Oregon nonprofit corporation; THE BANK OF NEW YORK MELLON CORPORATION aka THE BANK OF NEW YORK MELLON fka the Bank of New York, as trustee for the Holders of CWHEQ, Inc., Home Equity Loan Asset Backed Certificates, Series 2006-S9; and ALL OCCUPANTS OF THE REAL PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

2019 JAN 23 AM 9:46

TO: THE SHERIFF OF MULTNOMAH COUNTY, OREGON:

1.

WHEREAS, on December 2, 2015 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

1 redemption, if applicable), all of the interest which the Defendants DANIEL J. BAUNE; OREGON
2 AFFORDABLE HOUSING ASSISTANCE CORPORATION, THE BANK OF NEW YORK
3 MELLON CORPORATION aka THE BANK OF NEW YORK MELLON fka the Bank of New
4 York, as trustee for the Holders of CWHEQ, Inc., Home Equity Loan Asset Backed Certificates,
5 Series 2006-S9; and ALL OCCUPANTS OF THE REAL PROPERTY DESCRIBED IN THE
6 COMPLAINT HEREIN, ("Defendants") had on July 21, 2006, the date of the foreclosed Deed of
7 Trust which was recorded on July 26, 2006, as Instrument No. 2006-137428 in the official records of
8 the Multnomah County Recorder's Office, and/or all of the interest which Defendants had thereafter,
9 in the real property described in the Judgment to satisfy the Judgment as follows:

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Lender's Principal Judgment:

Unpaid Principal Balance:	\$120,269.17
Pre-Judgment Interest from July 1, 2011 to September 23, 2015, the date set forth in the Judgment at 6.050%, per annum, (\$19.94 per diem):	\$31,382.86
Lender's Fees and Costs:	\$6,888.60
Total Judgment Entered:	\$158,540.63

Additional Pre-Judgment Interest:

Accrued Interest from September 24, 2015, the day after the date set forth in the Judgment through December 2, 2015, the date of entry of the Judgment, at 6.050%, per annum (\$19.94 per diem):	\$1,355.58
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1 Total Judgment Entered Including
 2 Additional Pre-Judgment
 3 Interest: \$159,896.21
 4
 5 Post-Judgment Interest
 6 Accrued Post-Judgment Interest from
 7 December 3, 2015, the date after
 8 entry of the Judgment, through
 9 December 14, 2018 the date the Writ
 10 was requested at the legal rate of
 11 interest at 9%, per annum (\$39.42 per
 12 diem): \$43,637.94
 13 Total Amount Owing on the Judgment as of the Date
 14 the Writ Was Requested: \$203,534.15

15 3.

16 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
 17 legal rate of interest of 9% per annum, \$39.42 per diem, from December 15, 2018, to the date the
 18 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
 19 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

20 4.

21 The real property subject to this writ of execution is commonly known as 6303 SE 86th
 22 Avenue, Portland, OR 97266 ("Property") and described in Exhibit "1" attached hereto.

23 5.

24 The Judgment Creditor's name and address is:
 25 OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
 26 c/o U.S. Bank National Association
 27 4801 Frederica Street
 28 Owensboro, Kentucky 42301-7441

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The Judgment Creditor's name and address for the purpose of this Writ is:
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

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



11/8/19

[Handwritten signature]

Submitted by:

[Handwritten signature]

Dated: December 14, 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

LEGAL DESCRIPTION

Parcel 1, PARTITION PLAT NO. 2003-67, in the City of Portland, County of Multnomah and State of Oregon

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

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT, STATE OF OREGON,

Plaintiff,

v.

DANIEL J. BAUNE; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, an Oregon nonprofit corporation; THE BANK OF NEW YORK MELLON CORPORATION aka THE BANK OF NEW YORK MELLON fka the Bank of New York, as trustee for the Holders of CWHEQ, Inc., Home Equity Loan Asset Backed Certificates, Series 2006-S9; and ALL OCCUPANTS OF THE REAL PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

Case No. 1308-11170

GENERAL JUDGMENT OF FORECLOSURE

Based on the orders of default against all defendants (the "Defendants") entered on November 5, 2013, and February 14, 2014, the affidavit of Ann Marie Adamec in support of general judgment of foreclosure, the declaration of Tony Kullen filed on November 13, 2015, and the records and files in this action, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Court awards plaintiff Oregon Housing and Community Services Department, State of Oregon ("Oregon Housing"), by its servicer U.S. Bank National Association ("U.S. Bank"), judgment of foreclosure against all defendants, and a declaration of the amount due to be recovered by sheriff's sale of the real property located in Multnomah

1 County, Oregon, commonly known as 6303 S.E. 86th Avenue, Portland, Oregon and legally
2 described as:

3 Parcel 1, PARTITION PLAT NO. 2003-67, in the City of Portland,
4 County of Multnomah and State of Oregon

5 (the "Property"), in the amounts shown in the Declaration of Amount Due below;

6 2. Oregon Housing has not claimed any attorneys' fees in this judgment, but
7 preserves its contractual right to collect attorneys' fees if additional actions are necessary to
8 collect upon the debt;

9 3. Oregon Housing's deed of trust, dated July 21, 2006, and recorded on
10 July 26, 2006, as Instrument No. 2006-137428 in the official real property records of
11 Multnomah County, Oregon, is a valid lien against the Property and is prior and superior to any
12 right, title, interest, lien, or claim of defendants;

13 4. Oregon Housing's lien on the Property is foreclosed and the sheriff of
14 Multnomah County, Oregon, may sell the Property in the manner prescribed by law;

15 5. The proceeds derived from the sale of the Property shall be applied first to
16 the cost of sale and expenses incurred, then to satisfy the obligation owed to Oregon Housing
17 described in Paragraph 1 of this judgment, and the balance, if any, shall be paid to the clerk of
18 this Court and distributed to such party or parties as may establish their rights thereto;

19 6. Defendants and all persons claiming by, through, or under them, whether
20 as purchasers, owners, encumbrances, or otherwise, are barred and foreclosed of any and all
21 right, title, interest, lien, or claim of any kind and nature in and to the Property and every part
22 and parcel thereof, including the tenements, hereditments, appurtenances, and fixtures, if any,
23 thereunto belonging or appertaining to the Property, except for any statutory right of redemption
24 that the defendants, or any of them, may have in the Property;

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1 7. Oregon Housing or any other party to this action may purchase the
2 Property at any sale, and Oregon Housing may credit bid up to the aggregate amount of its
3 judgment without advancing any cash;

4 8. Upon sale, the purchaser of the Property will be let into possession, and if
5 any person or persons in possession refuses to surrender possession to the purchaser, the
6 purchaser shall have the benefit of all remedies that the law may afford to secure such
7 possession, including extraordinary writ of assistance; and

8 9. Oregon Housing may apply for subsequent supplemental judgments to
9 enforce and collect on this judgment, including supplemental judgments seeking Oregon
10 Housing's reasonable attorneys' fees, costs, and disbursements.

11 **DECLARATION OF AMOUNT DUE SECURED BY THE DEED OF TRUST LIEN**

12 **THAT IS THE SUBJECT OF THIS FORECLOSURE JUDGMENT,**

13 **PURSUANT TO 2015 LAWS, CHAPTER 291**

14 a. Judgment Creditor

15 Oregon Housing and Community Services Department,
16 State of Oregon
17 c/o Miller Nash Graham & Dunn LLP
18 Attn: Tony Kullen
19 111 S.W. Fifth Avenue, Suite 3400
20 Portland, Oregon 97204

21 b. Attorney for Judgment Creditor

22 Tony Kullen, OSB No. 090218
23 Jeanne Kallage Sinnott, OSB No. 075151
24 Miller Nash Graham & Dunn LLP
25 111 S.W. Fifth Avenue, Suite 3400
26 Portland, Oregon 97204
 Telephone: (503) 224-5858
 Fax: (503) 224-0155
 E-mail: tony.kullen@millernash.com
 jeanne.sinnott@millernash.com

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c. Judgment Debtor

Daniel J. Baune
6303 S.E. 86th Avenue
Portland, Oregon 97266

Birthdate of Judgment Debtor: Unknown
Social Security Number: xxx-xx-3037
Driver's License Number: Unknown

d. Attorney for Debtors

Unknown

e. Other than judgment creditor, no other person or public body is entitled to any portion of a payment made on the judgment.

f. Principal Amount of Judgment: \$120,269.17

g. Prejudgment Interest: \$31,382.86 through September 24, 2015, plus interest accruing on the principal amount from September 24, 2015, until entry of judgment, at the rate of 6.050 percent per annum until fully paid.

h. Escrow Advances for taxes and insurance through September 24, 2015: \$6,424.40

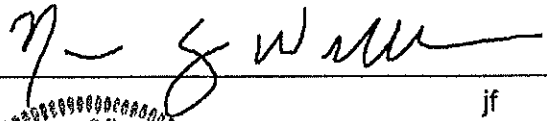
i. Property Preservation Fees through September 24, 2015: \$189.20

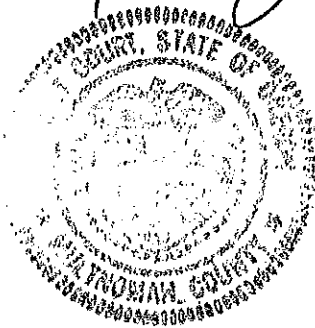
j. Prevailing Party Fee: \$275

k. Oregon Housing's Costs, Disbursements, and Attorneys' Fees: To be determined under ORCP 68.

l. Postjudgment Interest: Simple interest at the rate of 9 percent per annum until fully paid.

Signed: 12/2/2015 09:25 AM


_____ jf



CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL.

Dated 1/25/17



Secretary/Clerk

1 Submitted by:

2 Tony Kullen, OSB No. 090218
3 tony.kullen@millernash.com
4 MILLER NASH GRAHAM & DUNN LLP
5 111 S.W. Fifth Avenue, Suite 3400
6 Portland, Oregon 97204
7 Telephone : (503) 224-5858
8 Fax: (503) 224-0155
9 *Attorney for Plaintiff Oregon Housing and Community*
10 *Services Department, State of Oregon*

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing General Judgment of Foreclosure on the attorney or party listed below on the date set forth below by the method(s) indicated:

Conventional Paper or E-mail Service, pursuant to ORCP 9:

- 5 Daniel J. Baune 6303 S.E. 86th Avenue Portland, Oregon 97266 Attorney pro se
6 7 8
9 Mari Redman Ives Richard Anderson Law PC 8625 S.W. Cascade Avenue, Suite 450 Beaverton, Oregon 97008 Attorney for Oregon Affordable Housing Assistance Corporation
10 11 12
13 The Bank of New York Mellon Corporation, as trustee for CWHEQ, Inc., Home Equity Loan Asset Backed Certificates, Series 2006-S9 c/o The Corporation Trust Company 1209 N. Orange Street Wilmington, Delaware 19801
14 15 16
17 All Occupants of the Real Property 6303 S.E. 86th Avenue Portland, Oregon 97266
18 19 20

DATED this 30th day of November, 2015.

s/ Tony Kullen
Tony Kullen, OSB No. 090218
Of Attorneys for Plaintiff Oregon Housing and Community Services Department, State of Oregon