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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.

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GSAA HOME EQUITY
TRUST 2006-20, ASSET-BACKED
CERTIFICATES, SERIES 2006-20,

Case No. 17CV33120

WRIT OF EXECUTION

Plaintiff,

v.

MARK R. FRANZKE; GAIL L. FRANZKE;
UNITED STATES OF AMERICA; OREGON
DEPARTMENT OF REVENUE; CACH,
LLC; AMERICAN EXPRESS BANK, FSB;
CAPITAL ONE BANK USA, N.A.; EGP
INVESTMENTS, LLC; ASSOCIATION OF
UNIT OWNERS OF WILLAMETTE
SHORES CONDOMINIUM; JOHN'S
LANDING OWNERS ASSOCIATION; AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
5620 SW RIVERSIDE LN #1, PORTLAND,
OR 97239,

Defendant.

TO THE MULTNOMAH COUNTY SHERIFF:

On October 25, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MULTNOMAH County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: U.S. BANK NATIONAL

1 ASSOCIATION, AS TRUSTEE FOR GSAA HOME EQUITY TRUST 2006-20, ASSET-
2 BACKED CERTIFICATES, SERIES 2006-20 c/o Aldridge Pite, LLP, 111 SW Columbia St.,
3 Ste. 950, Portland, OR 97201.

4 The real property to be sold at public auction is commonly known as 5620 SW
5 RIVERSIDE LN #1, PORTLAND, OR 97239 ("Subject Property"), and legally described as:

6 UNIT 60, WILLAMETTE SHORES CONDOMINIUM, AS SET FORTH IN
7 CONDOMINIUM DECLARATION RECORDED SEPTEMBER 24, 1990 AS B 2346; P 1065,
8 PORTLAND, MULTNOMAH COUNTY, OREGON, TOGETHER WITH THOSE LIMITED
9 COMMON ELEMENTS APPURTENANT TO SAID UNIT AS SET FORTH IN SAID
10 DECLARATION, AND TOGETHER WITH AN UNDIVIDED FRACTIONAL OWNERSHIP
11 OF THE GENERAL COMMON ELEMENTS OF SAID CONDOMINIUM AS SET FORTH IN
12 THE SAID DECLARATION AND IN ANY SUBSEQUENT AMENDMENTS THERETO AS
13 APPURTENANT TO SAID UNIT.

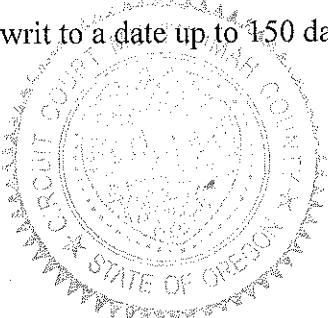
14 The total amount due and owing on the Judgment as of November 28, 2018;


15	Judgment:	Principal	\$378,783.39
16	Pre-Judgment:	Interest(6.63853%,\$51.925575/day)	\$4,413.67 (8/2/2018 through
17			10/25/2018)
18		Attorney Fees	\$4,565.50
19		Costs	\$8,427.80
20		Prevailing Party Fee	\$85.00
21	Post-Judgment:	Interest(9.000%,\$97.71/day)	\$3,180.26 (10/26/2018 through
22			11/28/2018)
23		Attorney Fees	\$305.00
24		Costs	\$0.00

25 **TOTAL: \$399,760.62**

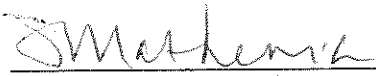
1 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
2 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
3 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
4 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
5 holder of the certificate of sale.

6 By the signature of the attorney for the judgment creditor, the person that requested
7 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
8 making a return on the writ to a date up to 150 days after receipt.



12/27/18


13 Presented by:
14 ALDRIDGE PITE, LLP

15
16 By: 
17 { Hunter Zook, OSB #095578
18 { Katie Riggs, OSB #095861
19 { Sarah Mathenia, OSB #120681
20 { Shannon K. Calt, OSB #121855
21 { Christina Andreoni, OSB #160875
22 of Attorneys for Judgment Creditor
23 (858) 750-7600
24 (503) 222-2260 (facsimile)
25 orecourtnotices@aldridgepite.com

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR GSAA HOME EQUITY
TRUST 2006-20, ASSET-BACKED
CERTIFICATES, SERIES 2006-20,

Plaintiff,

v.

MARK R. FRANZKE; GAIL L. FRANZKE;
UNITED STATES OF AMERICA; OREGON
DEPARTMENT OF REVENUE; CACH,
LLC; AMERICAN EXPRESS BANK, FSB;
CAPITAL ONE BANK USA, N.A.; EGP
INVESTMENTS, LLC; ASSOCIATION OF
UNIT OWNERS OF WILLAMETTE
SHORES CONDOMINIUM; JOHN'S
LANDING OWNERS ASSOCIATION; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
5620 SW RIVERSIDE LN #1, PORTLAND,
OR 97239,

Defendants.

Case No. 17CV33120

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY STIPULATION AND
DEFAULT**

1. MARK R. FRANZKE -- Defaulted
2. GAIL L. FRANZKE -- Defaulted
3. UNITED STATES OF AMERICA -- Defaulted
4. OREGON DEPARTMENT OF REVENUE -- Stipulated
5. CACH, LLC -- Defaulted
6. AMERICAN EXPRESS BANK, FSB -- Defaulted
7. CAPITAL ONE BANK USA, N.A. -- Defaulted
8. EGP INVESTMENTS, LLC -- Defaulted
9. ASSOCIATION OF UNIT OWNERS OF WILLAMETTE SHORES CONDOMINIUM -- Defaulted
10. JOHN'S LANDING OWNERS ASSOCIATION -- Defaulted
11. ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 5620 SW RIVERSIDE LN #1, PORTLAND, OR 97239 -- Defaulted

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Specially Assigned to Judge Litzenberger

1 Cross-Claimant OREGON DEPARTMENT OF REVENUE having stipulated to entry of
2 judgment and defaults having been entered against Defendants MARK R. FRANZKE; GAIL L.
3 FRANZKE; UNITED STATES OF AMERICA; CACH, LLC; AMERICAN EXPRESS BANK,
4 FSB; CAPITAL ONE BANK USA, N.A.; EGP INVESTMENTS, LLC; ASSOCIATION OF
5 UNIT OWNERS OF WILLAMETTE SHORES CONDOMINIUM; JOHN'S LANDING
6 OWNERS ASSOCIATION; and ALL OTHER PERSONS OR PARTIES UNKNOWN
7 CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY
8 COMMONLY KNOWN AS 5620 SW RIVERSIDE LN #1, PORTLAND, OR 97239
9 ("Defendants");

11 **IT IS HEREBY ORDERED AND ADJUDGED:**

12
13 1. Plaintiff's security interest in the real property located at 5620 SW Riverside Ln
14 #1, Portland, OR 97239 ("Subject Property"), as evidenced by the Deed of Trust recorded in the
15 official records of County as instrument number 2006-168295 ("Deed of Trust"), is a viable first
16 priority lien, superior to the interests of all the Defendants and the Cross-Claimant. All rights,
17 claims, ownerships, liens, titles and demands of all Defendants and the Cross-Claimant are
18 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
19 legally described as follows:

20 UNIT 60, WILLAMETTE SHORES CONDOMINIUM, AS SET FORTH IN
21 CONDOMINIUM DECLARATION RECORDED SEPTEMBER 24, 1990 AS B
22 2346; P 1065, PORTLAND, MULTNOMAH COUNTY, OREGON, TOGETHER
23 WITH THOSE LIMITED COMMON ELEMENTS APPURTENANT TO SAID
24 UNIT AS SET FORTH IN SAID DECLARATION, AND TOGETHER WITH AN
25 UNDIVIDED FRACTIONAL OWNERSHIP OF THE GENERAL COMMON
ELEMENTS OF SAID CONDOMINIUM AS SET FORTH IN THE SAID
DECLARATION AND IN ANY SUBSEQUENT AMENDMENTS THERETO AS
APPURTENANT TO SAID UNIT.

Page 2 - GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

1 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
2 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
3 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
4 every part of the Subject Property when the time for redemption has elapsed;

5 8. Plaintiff or any other party to this action may become a purchaser at the
6 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
7 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
8 successor in interest may apply to this Court for a writ of assistance to gain possession of the
9 subject property if Defendants or any other party or person refuses to surrender possession;

10
11 **DECLARATION OF AMOUNT DUE BY DEFAULT**

12 **ORS 88.010(1)**
(PURSUANT TO ~~SR 368~~, THIS IS A JUDGMENT OF FORECLOSURE AND DOES
13 **NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

- 14
- 15 1. The amount of the judgment is \$378,783.39.
 - 16 2. Simple interest at the variable rate currently at 6.63853% (\$51.925575 *per diem*)
17 after August 1, 2018 through the date of judgment.
 - 18 3. Attorney fees of \$4,565.50, plus \$305.00, through the date of sale.
 - 19 4. Costs of \$8,427.80, ~~plus costs accrued through the date of sale.~~ ^u
 - 20 5. Prevailing party fee: ~~\$300.00~~. \$85.00 ^u
 - 21 6. Post-judgment interest thereafter on the total amount above, #1-5, at the contract
22 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

23 **AS TO THE CROSS-CLAIM BY OREGON DEPARTMENT OF REVENUE**

- 24 1. Defendant and Cross-Claimant OREGON DEPARTMENT OF REVENUE, is
25

1 granted judgment by default on its cross-claim against Defendants Gail L. Franzke, Mark R.
2 Franzke, United States of America, Cach LLC, American Express Bank, FSB, Capital One Bank
3 USA, NA, EGP Investments, LLC, Association of Unit Owners of Willamette Shores
4 Condominium, and John's Landing Owners Association. Pursuant to ORS 88.050, the liens in
5 favor of Oregon Department of Revenue resulting from the following distraint warrants are
6 foreclosed: 1)Distraint Warrant, No. R072221949, dated October 28, 2013, against Gail L.
7 Franzke, recorded in the County Clerk Lien Records for Multnomah County on October 30, 2013
8 at Recording No. 2013-143766; and 2) Distraint Warrant, No. R073802444, dated February 20,
9 2014, against Mark R. Franzke, recorded in the County Clerk Lien Records for Multnomah
10 County on February 21, 2014 at Recording No. 2014-016281. The balance due on Distraint
11 Warrant, No. R072221949 is \$12,536.49, including interest through October 4, 2017, plus
12 additional interest at the daily rate of \$2.46 per day thereafter. The balance due on Distraint
13 Warrant, No. R073802444 is \$17,134.66, including interest through October 4, 2017, plus
14 additional interest at the daily rate of \$4.18 per day thereafter. The above liens of Stipulating
15 Cross-Claimant are adjudged to be immediately junior to the lien held by Plaintiff, and Oregon
16 Department of Revenue is entitled to recover any excess sales proceeds accordingly.

17 **IT IS SO ADJUDGED**

18 Signed: 10/18/2018 02:11 PM

19 
20 **Circuit Court Judge Marilyn E. Litzenberger**

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22 ¹ See *Private Capital Group, LLC v. Harris*, 273 Or App 529, 548-49 (2015)(requiring fees, costs and expenses incurred after entry of
the General Judgment to be established by Supplemental Judgment).

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<Stipulations on next page.>

STIPULATED TO AND SUBMITTED BY:

/s/ Sarah M. Mathenia Date August 21, 2018
Sarah M. Mathenia, OSB No. 120681
Aldridge Pite, LLP
Of Attorneys for Plaintiff

Daniel Rice Date 8/22/2018
Daniel J. Rice, OSB No. 084536
Assistant Attorney General
Of Attorneys for Defendant Oregon Department of Revenue

By signing above the Parties hereby acknowledge the following: (1) that they were provided a reasonable period of time to review and consider this Stipulated Judgment; (2) that they were advised to and have sought and received the advice of their attorney prior to signing this Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so; (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment; (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a manner that is understandable to them, and that they indeed understand the entirety of this Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that they hereby release the rights and claims set forth above in exchange for the consideration set forth in this Stipulated Judgment.

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- 1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this Order or Judgment has approved the Order or

Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing 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;
 - c. After conferring about objections, [**Opposing Party**] agreed to independently file any remaining objection with the Court.
4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.