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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

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE FOR  
RESIDENTIAL ACCREDIT LOANS, INC.,  
MORTGAGE ASSET-BACKED PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
QA7,

Plaintiff,

vs.

REBECCA HOWE AKA REBECCA H.  
HOWE; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
HYPERION CAPITAL GROUP, LLC; BANK  
OF AMERICA, N.A.; OCCUPANTS OF THE  
PROPERTY LOCATED AT 5503 SW  
CORBETT AVE., PORTLAND, OR 97239;  
OCCUPANTS OF THE PROPERTY  
LOCATED AT 5505 SW CORBETT AVE.,  
PORTLAND, OR 97239,

Defendants.

Case No.: 17CV07289

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE MULTNOMAH COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 1/4/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff.

1 DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR  
2 RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-  
3 THROUGH CERTIFICATES, SERIES 2005-QA7

4 c/o Jeremy Clifford  
5 Attorney for Plaintiff  
6 McCarthy & Holthus, LLP  
7 920 SW 3rd Ave, 1st Floor  
8 Portland, OR 97204

9 With the adjudicated amount due of \$219,662.70, plus pre-judgment interest at the note rate of  
10 3.5%, \$18.552462 per diem, from 12/22/2017 through 1/3/2018 in the amount of \$185.52, plus  
11 post judgment interest at the statutory rate of 9.0% per annum from 1/5/2018 to 12/22/2018 in  
12 the amount of \$19,027.71, continuing with a per diem of \$54.21, currently totaling \$238,875.93.

13 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
14 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
15 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
16 about March 7, 2005, the date of the Deed of Trust, and also the interest that the Defendant had  
17 thereafter, in the real property described as follows:

18 *Attached as Exhibit 1*

19 and commonly known as: 5503 & 5505 SW Corbett Avenue, Portland, OR 97239.

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



Dated: 12/19/2018 and submitted by:

**McCarthy & Holthus, LLP**

*Brady Godbout*

- 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](mailto:jclifford@mccarthyholthus.com)

Of Attorneys for Plaintiff

# EXHIBIT 1

Lot 1, Block 5, SWEENEY'S ADDITION, 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

DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS TRUSTEE FOR  
RESIDENTIAL ACCREDIT LOANS, INC.,  
MORTGAGE ASSET-BACKED PASS-  
THROUGH CERTIFICATES, SERIES  
2005-QA7,

Plaintiff,

v.

REBECCA HOWE AKA REBECCA H.  
HOWE; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
HYPERION CAPITAL GROUP, LLC;  
BANK OF AMERICA, N.A.; OCCUPANTS  
OF THE PROPERTY LOCATED AT 5503  
SW CORBETT AVE., PORTLAND, OR  
97239; OCCUPANTS OF THE PROPERTY  
LOCATED AT 5505 SW CORBETT AVE.,  
PORTLAND, OR 97239,

Defendants.

Case No.: 17CV07289

GENERAL JUDGMENT OF  
FORECLOSURE

I.

THIS MATTER came before the Court on Plaintiff's motion.

Defendants REBECCA HOWE AKA REBECCA H. HOWE; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; HYPERION CAPITAL GROUP, LLC; BANK OF  
AMERICA, N.A.; OCCUPANTS OF THE PROPERTY LOCATED AT 5503 SW  
CORBETT AVE., PORTLAND, OR 97239; OCCUPANTS OF THE PROPERTY  
LOCATED AT 5505 SW CORBETT AVE., PORTLAND, OR 97239 ("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,

1 respondents as defined in ORS 125.005, minors, or in the military service of the United  
2 States;

3 2.

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

- 5 a. The real property to which this judgment relates is located and situated in Multnomah  
6 County, Oregon, and is commonly known as 5503 & 5505 SW Corbett Avenue, Portland,  
7 OR 97239 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and  
8 having APN/Parcel No. R281939.
- 9 b. Plaintiff is entitled to enforce the note dated March 7, 2005 and made, delivered, and  
10 executed by REBECCA HOWE AKA REBECCA H. HOWE to HYPERION CAPITAL  
11 GROUP, LLC in the amount of \$160,000.00 (the "Note"). The Note was transferred to  
12 Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 13 c. A deed of trust was made, executed, and delivered by Defendant REBECCA HOWE AKA  
14 REBECCA H. HOWE on or about March 10, 2005 (the "Deed of Trust"). The Deed of Trust  
15 was recorded on March 11, 2005 as Instrument No. 2005-041776 in the official records of  
16 Multnomah County, Oregon. The Deed of Trust is a valid and perfected lien against all of  
17 the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any  
18 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
19 Sheriff's Deed.
- 20 d. The Borrower failed to make the payment that was due for July 1, 2012 and has not cured the  
21 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
22 comprised of the following amounts (the "Amount Due"). On Plaintiff's Declaratory Relief  
23 claim, the Court declares the Amount Due as follows:

- 24 a) Unpaid principal balance: \$159,332.91
- 25 b) Prejudgment interest accruing from  
26 8/1/2012 through 12/21/2017 and  
27 continuing until the entry of  
28 judgment at the current Note rate of  
3.5%: \$29,707.09

1	c) Additional amounts due under the terms of the loan:	\$28,131.21
2		
3	d) Attorney fees and costs:	\$2,406.49
4	e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
5	<b>Total:</b>	<b>\$219,662.70</b>

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

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

12 f. Granting Plaintiff's claim for Declaratory Relief.

13 g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

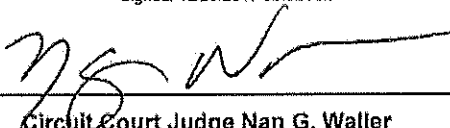
14 h. All right, title and interest in the Subject Property that Defendant REBECCA HOWE AKA  
15 REBECCA H. HOWE had as of the date of the Deed of Trust or thereafter acquired is hereby  
16 ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process  
17 for sale upon execution, and the proceeds of sale shall be applied:

- 18 1) First, to the costs of sale not incurred by Plaintiff;
- 19 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
20 entry of judgment through the date of the sale and any incurred costs of sale;
- 21 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
22 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
23 such party or parties as they may establish their right thereto.

24 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
25 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
26 the date of entry of judgment through the date of the sale and any incurred costs of sale.  
27

- 1 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
2 Property from and after the date of the sale and is entitled to such remedies as are available at  
3 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
4 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
5 possession to the purchaser immediately upon the purchaser's demand for possession.
- 6 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
7 entitled to any further or other judgment, including a judgment for the deficiency.
- 8 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
9 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
10 terminated.

Signed: 12/29/2017 09:32 AM

  
\_\_\_\_\_  
Circuit Court Judge Nan G. Waller  
proxy signed by KRR

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18 I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
19 This proposed Judgment Of Foreclosure is ready for judicial signature because:

- 20  Each opposing party affected by this order or judgment has stipulated to the order or  
21 judgment, as shown by each opposing party's signature on the document being  
submitted.
- 22  Each opposing party affected by this order or judgment has approved the order or  
23 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.
- 24  I have served a copy of this order or judgment on all parties entitled to service and:
  - 25  No objection has been served on me.
  - 26  I received objections that I could not resolve with the opposing party despite  
27 reasonable efforts to do so. I have filed a copy of the objections I received and  
28 indicated which objections remain unresolved.



1           [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

2           [ ] The relief sought is against an opposing party who has been found in default.

3           [ ] An order of default is being requested with this proposed judgment.

4           [x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
5           otherwise.

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

9           [ ] Other: \_\_\_\_\_

10 Dated: December 21, 2017 and submitted by:

11 **McCarthy & Holthus, LLP**

12 s/ Jeremy Clifford

13 Jeremy Clifford OSB No. 142987

14 920 SW 3rd Ave, 1st Floor

15 Portland, OR 97204

16 Phone: (971) 201-3200

17 Fax: (971) 201-3202

18 jclifford@mccarthyholthus.com

19 Of Attorneys for Plaintiff

**EXHIBIT "1"**

## LEGAL DESCRIPTION

Lot 1, Block 5, SWEENEY'S ADDITION, in the City of Portland, County of Multnomah and State of Oregon.