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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS INDENTURE TRUSTEE
FOR THE REGISTERED HOLDERS OF
SAXON ASSET SECURITIES TRUST 2005-
2 MORTGAGE LOAN ASSET BACKED
NOTES, SERIES 2005-2,

Plaintiff,

v.

ALEXANDER W. OTIS; DARLYNN A.
OTIS; CITIBANK SOUTH DAKOTA N.A.;
ASSET SYSTEMS, INC.; CACH, LLC and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3502 3RD STREET, TILLAMOOK, OR
97141,

Defendant.

Case No. 17CV56435

WRIT OF EXECUTION

TO THE TILLAMOOK COUNTY SHERIFF:

On September 12, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the TILLAMOOK 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: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF SAXON ASSET SECURITIES TRUST 2005-2 MORTGAGE LOAN ASSET BACKED NOTES, SERIES 2005-2 c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR

1 97201.

2 The real property to be sold at public auction is commonly known as 3502 3RD
3 STREET, TILLAMOOK, OR 97141 ("Subject Property"), and legally described as:

4 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

5 The total amount due and owing on the Judgment as of September 23, 2018;

| | | |
|-------------------|--------------------------------|--|
| 6 Judgment: | Principal | \$172,969.25 |
| 7 Pre-Judgment: | Interest(7.45000%,\$18.84/day) | \$376.80 (8/24/2018 through 9/12/2018) |
| 8 | Attorney Fees | \$4,792.50 |
| 9 | Costs | \$1,821.57 |
| 10 | Prevailing Party Fee | \$300.00 |
| 11 Post-Judgment: | Interest(9.000%,\$44.45/day) | \$ 44.45 (9/13/2018 through 9/23/2018) |
| 12 | Attorney Fees | \$305.00 |
| 13 | Costs | \$0.00 |
| 14 | | |

15 **TOTAL: \$181,054.91**

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

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

Emily Huselcmeier

Presented by:
ALDRIDGE PITE, LLP

By: *S Mathenia*
{ } Hunter Zook, OSB #095578
{ } Katie Riggs, OSB #095861
{x} Sarah M. Mathenia, OSB #120681
{ } Shannon K. Calt, OSB #121855
{ } Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com



EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at a point North 82° 51' East 184.8 feet from the intersection of the North line of the county road right of way between Tillamook City and Fairview, and the West line of the Haynes Donation Land Claim for the place of beginning;
thence North 1° 07' East 210 feet;
thence North 82° 51' East 50 feet;
thence South 1° 07' West 210 feet to the right of way of the said county road;
thence South 82° 51' West 50 feet to the place of beginning, all in Section 30, Township 1 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon.

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

DEUTSCHE BANK TRUST COMPANY
AMERICAS, AS INDENTURE TRUSTEE
FOR THE REGISTERED HOLDERS OF
SAXON ASSET SECURITIES TRUST 2005-
2 MORTGAGE LOAN ASSET BACKED
NOTES, SERIES 2005-2,

Plaintiff,

v.

ALEXANDER W. OTIS; DARLYNN A.
OTIS; CITIBANK SOUTH DAKOTA N.A.;
ASSET SYSTEMS, INC.; CACH, LLC and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3502 3RD STREET, TILLAMOOK, OR
97141,

Defendants.

Case No. 17CV56435

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

ORCP Rule 69

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

Based upon the Court's Order of Default against defendants Alexander W. Otis; Darlynn A. Otis; Citibank South Dakota N.A.; Asset Systems, Inc.; Cach, LLC; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest In The Real Property Commonly Known as 3502 3rd Street, Tillamook, OR 97141, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Deutsche Bank Trust Company Americas. as Indenture Trustee for The Registered Holders Of Saxon Asset Securities Trust 2005-2 Mortgage Loan Asset Backed Notes, Series 2005-2 ("Plaintiff"),

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 3502 3rd Street,
3 Tillamook, OR 97141 ("Subject Property"), as evidenced by the Deed of Trust recorded May 17,
4 2005 in the official records of Tillamook County as instrument number 2005-004145 ("Deed of
5 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
6 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
7 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

8
9 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

10
11 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
12 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
13 in the manner provided by law;

14 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
15 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
16 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
17 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

18 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
19 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
20 68(C), which amount may be added to the outstanding obligation due and owing under the Note
21 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
22 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
23 by sale of the Subject Property as directed under this Judgment;

24 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
26 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

3 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
4 sale of the Subject Property as directed under this Judgment.

5 7. The Sheriff shall make a return on the writ of execution to the court administrator
6 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
7 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
8 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
9 parties as may establish their right thereto. The Defendants and all persons claiming through or
10 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
11 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
12 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
13 every part of the Subject Property when the time for redemption has elapsed;

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

19 DECLARATION OF AMOUNT DUE BY DEFAULT

20 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
21 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

22 1. The total amount of the unpaid principal balance, interest, and other amounts
23 owed is \$172,969.25.

24 2. Simple interest at the variable rate currently at 7.45000% (\$18.84200000 *per*
25 *diem*) after August 23, 2018, through the date of judgment.
26

- 1 3. Attorney fees of \$4,792.50, plus \$305.00, through the date of sale.
- 2 4. Costs of \$1,821.57, plus costs accrued through the date of sale.
- 3 5. Prevailing party fee: \$300.00.
- 4 6. Post-judgment interest thereafter on the total amount above, #1-5, at the contract
- 5 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

6 **IT IS SO ADJUDGED**

Signed: 9/12/2018 11:53 AM

Circuit Court Judge Mari Garric Trevino

12 **CERTIFICATE OF READINESS**

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

- 14 1. Each party affected by this order or judgment has stipulated to the order or judgment,
- 15 as shown by each party's signature on the document being submitted.
- 16 2. Each party affected by this order or judgment has approved the order or judgment, as
- 17 shown by each party's signature on the document being submitted or by written
- 18 confirmation of approval sent to me.
- 19 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - 20 a. No objection has been served on me;
 - 21 b. I received objections that I could not resolve with a party despite reasonable
 - 22 efforts to do so. I have filed a copy of the objections I received and indicated
 - 23 which objections remain unresolved.
 - 24 c. After conferring about objections, [**role and name of objecting party**]
 - 25 agreed to independently file any remaining objection.
- 26 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- otherwise.
- 5. This is a proposed judgment that includes an award of punitive damages and notice

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has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.

6. Other: _____

Presented By:
ALDRIDGE PITE, LLP

/s/ Sarah M. Mathenia

Date: September 11, 2018

- { } Hunter Zook, OSB #095578
- { } Katie Riggs, OSB #095861
- {X} Sarah M. Mathenia, OSB #120681
- { } Shannon K. Calt, OSB #121855
- { } Christina Andreoni, OSB #160875

of Attorneys for Plaintiff
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thence North 1° 07' East 210 feet;
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thence South 82° 51' West 50 feet to the place of beginning, all in Section 30, Township 1 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon.

