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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
SOUNDVIEW HOME LOAN TRUST 2006-
OPT4, ASSET-BACKED CERTIFICATES,
SERIES 2006-OPT4,

Plaintiff,

vs.

ELAINE A. MOREHEAD, MARK E.
MOREHEAD; PORTLAND GENERAL
ELECTRIC COMPANY; FORD MOTOR
CREDIT COMPANY, LLC; MIDLAND
FUNDING, LLC; STATE OF OREGON,
DEPARTMENT OF REVENUE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No.: 15CV24805
Judge: INSERT_JUDGE_NAME

WRIT OF EXECUTION IN
FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 3, 2016. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
SOUNDVIEW HOME LOAN TRUST 2006-OPT4, ASSET-BACKED CERTIFICATES,
SERIES 2006-OPT4

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 \$189,525.99, plus pre judgment interest at the per diem of
2 \$7.01 from October 15, 2015 to March 2, 2016 in the amount of \$981.40, plus post judgment
3 interest at the statutory rate of 9.0% per annum from March 3, 2016 to October 4, 2018 in the
4 amount of \$44,390.83, and continuing with a per diem of \$46.97, currently totaling \$234,898.22.

5 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
7 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
8 about March 3, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
9 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R78469 and
10 commonly known as: 5195 Tanoak Avenue Southeast, Salem, OR 97306.

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

Signed: 10/3/2018 09:24 AM



Jamie Nightingale, Court Clerk



19 Dated: October 2, 2018, and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Jeremy Clifford

22 _____
23 _ John Thomas OSB No. 024691
24 x Jeremy Clifford OSB No. 142987
25 920 SW 3rd Ave, 1st Floor
26 Portland, OR 97204
27 Phone: (971) 201-3200
28 Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 8, BLOCK 18, IRONWOOD ESTATES NO. 5, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON.

End of Legal Description

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
SOUNDVIEW HOME LOAN TRUST 2006-
OPT4, ASSET-BACKED CERTIFICATES,
SERIES 2006-OPT4,

Plaintiff,

v.

ELAINE A. MOREHEAD; MARK E.
MOREHEAD; PORTLAND GENERAL
ELECTRIC COMPANY; FORD MOTOR
CREDIT COMPANY, LLC; MIDLAND
FUNDING, LLC; STATE OF OREGON,
DEPARTMENT OF REVENUE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. 15CV24805

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the
plaintiff, Deutsche Bank National Trust Company, As Trustee For Soundview Home Loan Trust
2006-OPT4, Asset-Backed Certificates, Series 2006-OPT4, appearing and being represented by Craig

1 Peterson, Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein,
2 findings of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that
3 the allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact,
4 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
5 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
6

7
8 **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

9 1. Plaintiff, Deutsche Bank National Trust Company, As Trustee For Soundview Home
10 Loan Trust 2006-OPT4, Asset-Backed Certificates, Series 2006-OPT4 be awarded judgment in the sum
11 of \$184,225.18, together with interest at a rate as provided in the Note from February 1, 2015 through
12 October 14, 2015 in the amount of \$1,775.21, with additional pre-judgment interest at the per diem rate
13 of \$7.01 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
14 amount of \$2,351.00, plus other recoverable amounts of (\$286.90) which includes the amounts itemized
15 in the declaration of the lender in support of motion for judgment plus allowable costs of \$1,461.50, as
16 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said
17 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.
18

19 2. Plaintiff's Deed of Trust on real property in Marion County, Oregon, legally described
20 as follows:
21

22
23 **LOT 8, BLOCK 18, IRONWOOD ESTATES NO. 5, IN THE CITY OF**
24 **SALEM, COUNTY OF MARION AND STATE OF OREGON.**
25

26 which was recorded on March 14, 2006, under Auditor's File No. Reel: 2685, Page: 55, records of
27 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
28

1 described real estate and the whole thereof as security for the payment of the judgment herein set
2 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
3 sold by the Sheriff of Marion County in the manner provided for by law, and the proceeds therefrom
4 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other
5 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and
6 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
7 interest of Elaine A. Morehead, Mark E. Morehead, Portland General Electric Company, Ford Motor
8 Credit Company, LLC, and Midland Funding, LLC and of any one claiming by, through or under
9 them; and
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12 3. Elaine A. Morehead, Mark E. Morehead, Portland General Electric Company, Ford
13 Motor Credit Company, LLC, and Midland Funding, LLC subsequent to March 3, 2006, the date of the
14 Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting
15 any right, title, lien or interest in or to said property or any part thereof, save and except for the right
16 of redemption as allowed by law; and
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19 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
20 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
21 law, and to all right, title and interest in any rents and profits generated or arising from the property
22 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
23 secure possession, including writ of assistance, if defendants or any of them or any other party or person
24 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
25 possession; and
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2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
4 pay the remaining proceeds as directed by the court in the order of distribution.

5 **DECLARATION DETERMINING AMOUNT OF DEBT**
6 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

7 Judgment Creditor: Deutsche Bank National Trust Company, As
8 Trustee For Soundview Home Loan Trust 2006-
9 OPT4, Asset-Backed Certificates, Series 2006-
10 OPT4
11 c/o Robinson Tait, P.S.
12 710 Second Ave., Suite 710
13 Seattle, WA 98104
14 (206) 676-9640

15 Attorney for Judgment Creditor: Craig Peterson
16 Robinson Tait, P.S.
17 710 Second Ave., Suite 710
18 Seattle, WA 98104
19 (206) 676-9640

20 The name of any person or public body,
21 other than the Judgment Creditor's
22 Attorney, who is entitled to any
23 portion of the judgment: None

24 Principal Balance: \$184,225.18

25 Simple Interest on the Principal Balance
26 from February 1, 2015 to October 14, 2015: \$1,775.21

27 Other Amounts Due Under Terms of Loan: (\$286.90)

28 Attorneys' Fees and Costs:
Attorneys' Fee: \$2,351.00
Total Costs: \$1,461.50

Total Attorney Fees and Costs: \$3,812.50

TOTAL DEBT OWED \$189,525.99

1
2 Pre-Judgment: Additional pre-judgment interest accrues from October 15, 2015, to the date of
3 entry of judgment at the per diem rate of \$7.01, in accordance with the Note


4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
5 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
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Signed: 3/3/2016 11:07 AM



Circuit Court Judge Mary M. James

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11 Submitted by:

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14 _____
15 Craig Peterson, OSB #120365
16 Email: cpeterson@robinsontait.com
17 [] Brandon Smith, OSB #124584
18 Email: bsmith@robinsontait.com
19 [] Jaimie Fender, OSB #120832
20 Email: jfender@robinsontait.com
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