

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR C-BASS MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-CB4,

Plaintiff,

v.

LOUISE M. SCHROEDER; RANDY C.
RUBIN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
NORMAN E. SCHROEDER; DAVID
NORMAN SCHROEDER; BRYAN
NORMAN SCHROEDER; STATE OF
OREGON; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1922 COMMERCIAL STREET
NORTHEAST, SALEM, OR 97301,

Defendant.

Case No. 17CV49961

WRIT OF EXECUTION

TO THE MARION COUNTY SHERIFF:

On October 31, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MARION 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 ASSOCIATION, AS TRUSTEE FOR C-BASS MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-CB4 c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950,

1 Portland, OR 97201.

2 The real property to be sold at public auction is commonly known as 1922
3 COMMERCIAL STREET NORTHEAST, SALEM, OR 97301 ("Subject Property"), and legally
4 described as:

5 SEE EXHIBIT A LEGAL DESCRIPTION ATTACHED

6 The total amount due and owing on the Judgment as of November 5, 2018;

7 Judgment:	Principal	\$282,445.66
8 Pre-Judgment:	Interest(9.375%,\$43.600365/day)	\$ 4,520.24 (7/26/18 through 10/31/18)
9	Attorney Fees	\$ 4,315.00
10	Costs	\$ 3,564.65
11	Prevailing Party Fee	\$300.00
12 Post-Judgment:	Interest(9.375%,\$43.600365/day)	\$233.00 (11/1/18 through 11/5/18)
13	Attorney Fees	\$305.00
14	Costs	\$0.00

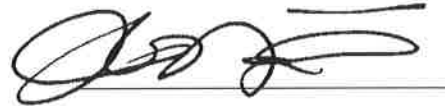
15 **TOTAL: \$295,683.55**

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.

21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

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

Signed: 11/9/2018 10:41 AM



Jamie Nightingale, Court Clerk

8 Presented by:

9 ALDRIDGE PITE, LLP

10 
11 By: _____
12 Katie Riggs, OSB #095861
13 *of Attorneys for Judgment Creditor*
14 (858) 750-7600
15 (503) 222-2260 (facsimile)
16 orecourtnotices@aldridgepite.com

LEGAL DESCRIPTION

Lot 8, Block 10, RIVERSIDE ADDITION, in the City of Salem, County of Marion and State of Oregon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR C-BASS MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-CB4,

Plaintiff,

v.

LOUISE M. SCHROEDER; RANDY C.
RUBIN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
NORMAN E. SCHROEDER; DAVID
NORMAN SCHROEDER; BRYAN
NORMAN SCHROEDER; STATE OF
OREGON; and ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1922 COMMERCIAL STREET
NORTHEAST, SALEM, OR 97301,

Defendants.

Case No. 17CV49961

**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 Louise M. Schroeder; David Norman Schroeder; Bryan Norman Schroeder; State of Oregon; and All Other Persons or Parties Unknown claiming any Right, Title, Lien, or Interest in the real property commonly known as 1922 Commercial Street Northeast, Salem, OR 97301, the Stipulated Limited Judgment of Foreclosure against Defendant Randy C. Rubin, as Personal Representative of The Estate of Norman E. Schroeder; the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff U.S. Bank National Association, as Trustee for C-BASS Mortgage Loan Asset-Backed Certificates, Series 2007-CB4 ("Plaintiff"),

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 1922 Commercial Street Northeast, Salem, OR 97301 ("Subject Property"), as evidenced by the Deed of Trust recorded January 12, 2007 in the official records of Marion County as instrument number Reel: 2760 pg: 233 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

SEE EXHIBIT A LEGAL DESCRIPTION ATTACHED

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

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

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

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

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
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 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



Date: 10/29/2018

Katie Riggs, OSB #095861
of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

LEGAL DESCRIPTION

Lot 8, Block 10, RIVERSIDE ADDITION, in the City of Salem, County of Marion and State of Oregon.