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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

2019 JAN 28 AM 11:53

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QA5,

Case No.: 17CV08411

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

PHILLIP M. TOWNLEY, MICHELLE D. TOWNLEY; MIDLAND FUNDING LLC; STATE OF OREGON; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 26, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QA5

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 \$696,079.94, plus pre judgment interest at the per diem of
2 \$57.53 from October 25, 2017 to March 25, 2018 in the amount of \$8,744.56, plus post judgment
3 interest at the statutory rate of 5.875% per annum from March 26, 2018 to January 8, 2019 in the
4 amount of \$32,672.96, and continuing with a per diem of \$113.45, currently totaling
5 \$737,497.46.

6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about April 26, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
10 thereafter, in the real property described in the attached *Exhibit 1* and commonly known as: 4682
11 SE Deer Creek Pl, Gresham, OR 97080.

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

11/17/19

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19 Dated: 1/14/19 and submitted by:

20 **McCarthy & Holthus, LLP**

21
22 John Thomas OSB No. 024691
23 Jeremy Clifford OSB No. 142987
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

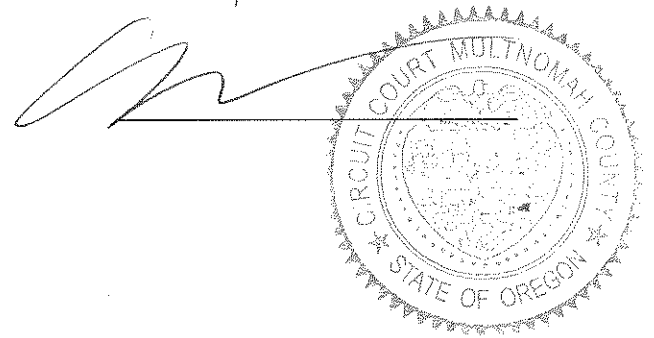


EXHIBIT 1

EXHIBIT 1

Legal Description

A tract of land in the Southwest one-quarter of Section 22, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, Multnomah County, Oregon, and being described as follows:

Beginning at a point on the Southerly right of way line of SE Deer Creek Place, said point being the Easterly corner common to Lots 164 and 165, PERSIMMON NO. 5, recorded in Book 1241, Pages 13-16, Multnomah County Plat Records; thence South $48^{\circ}59'31''$ West, along the line common to said Lots 164 and 165 and its Southwesterly extension, 142.75 feet to a 5/8 inch iron rod; thence South $12^{\circ}04'50''$ East 211.00 feet to a 5/8 inch iron rod; thence North $56^{\circ}09'16''$ East 172.20 feet to the Southeast corner of said Lot 164; thence North $12^{\circ}04'50''$ West, along the Easterly line of said Lot 164, a distance of 212.60 feet to the Southerly right of way line of SE Deer Creek Place and a point of non-tangent curvature; thence Southwesterly, along the arc of a 41.00 foot radius curve right (the radius point of which bears North $31^{\circ}36'58''$ West), through a central angle of $50^{\circ}47'56''$, 36.35 feet (chord bears South $83^{\circ}47'00''$ West 35.17 feet) to the point of beginning.

End of Legal Description

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CIRCUIT COURT OF OREGON FOR MULTNOMAH COUNTY

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QA5,

Plaintiff,

v.

PHILLIP M. TOWNLEY; MICHELLE D TOWNLEY; MIDLAND FUNDING, LLC; STATE OF OREGON, EMPLOYMENT DEPARTMENT; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 17CV08411

GENERAL JUDGMENT

DEFAULT JUDGMENT IN PART AND STIPULATED GENERAL JUDGMENT DETERMINING AMOUNT OWED IN PART AND FORECLOSURE

SPECIALLY ASSIGNED TO JUDGE ROBERTS

(Clerk's Action Required)

THIS MATTER came before the Court upon the stipulation of the parties herein before the undersigned Judge of the above entitled court for Declaration Determining Amount of Debt and Foreclosure herein, the plaintiff, DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QA5, appearing and being represented by JAIMIE A. FENDER, Attorney of Robinson Tait, defendant State of Oregon, Employment Department, being represented by Assistant Attorney General Daniel J. Rice, and having stipulated to

DEFAULT JUDGMENT IN PART AND STIPULATED GENERAL JUDGMENT DETERMINING AMOUNT OWED IN PART AND FORECLOSURE-1
60128-31489-111D-OR

Law Offices
ROBINSON TAIT, P.S.

901 11th Avenue, Suite 100
Seattle, WA 98101
206.466.6766

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2 foreclosure, defendants Phillip M. Townley, Michelle D. Townley and Midland Funding LLC having
3 been defaulted, and that plaintiff is entitled to a Declaration Determining Amount of Debt and
4 Foreclosure as a matter of law, and that the Declaration Determining Amount of Debt and
5 Foreclosure should be entered in favor of the plaintiff forthwith as more particularly hereafter set
6 forth. Therefore,

7
8 IT IS HEREBY ORDERED THAT:

9 1. It is determined that Plaintiff, DEUTSCHE BANK TRUST COMPANY AMERICAS,
10 AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED
11 PASS-THROUGH CERTIFICATES, SERIES 2007-QA5 is owed the sum of \$567,550.00, together
12 with interest at a rate as provided in the Note from March 1, 2014 through October 24, 2017 in the
13 amount of \$94,543.20 (this amount encompasses the \$79,263.14 in interest plead in paragraph 4.5 of
14 Plaintiff's Complaint and the daily accrual of interest at the contract rate thereafter) with additional pre-
15 Declaration Determining Amount of Debt and Foreclosure interest at the per diem rate of \$57.53 as
16 provided in the Note to the date of entry of the Declaration Determining Amount of Debt and
17 Foreclosure; plus reasonable attorneys' fees in the amount of \$3,318.75, plus \$29,473.95 in escrow
18 advances as plead for in Plaintiff's Complaint; plus allowable costs of \$1,193.98 as itemized in the bill
19 of disbursements and an additional amount for post- Declaration Determining Amount of Debt and
20 Foreclosure sheriff's fees. Said Declaration Determining Amount of Debt and Foreclosure is to bear
21 interest until paid at the contract rate; and.

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25 2. Plaintiff's Deed of Trust on real property in Multnomah County, Oregon, legally
26 described as follows:

27 A TRACT OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 22,
28 TOWNSHIP 1 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN

1 THE CITY OF GRESHAM, MULTNOMAH COUNTY, OREGON, AND BEING
2 DESCRIBED AS FOLLOWS:

3 BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SE
4 DEER CREEK PLACE, SAID POINT BEING THE EASTERLY CORNER
5 COMMON TO LOTS 164 AND 165, PERSIMMON NO. 5, RECORDED IN BOOK
6 1241, PAGES 13-16, MULTNOMAH COUNTY PLAT RECORDS; THENCE
7 SOUTH 48°59'31" WEST, ALONG THE LINE COMMON TO SAID LOTS 164
8 AND 165 AND ITS SOUTHWESTERLY EXTENSION, 142.75 FEET TO A 5/8
9 INCH IRON ROD; THENCE SOUTH 12°04'50" EAST 211.00 FEET TO A 5/8
10 INCH IRON ROD; THENCE NORTH 56°09'16" EAST 172.20 FEET TO THE
11 SOUTHEAST CORNER OF SAID LOT 164; THENCE NORTH 12°04'50" WEST,
12 ALONG THE EASTERLY LINE OF SAID LOT 164, A DISTANCE OF 212.60
13 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SE DEER CREEK
14 PLACE AND A POINT OF NON-TANGENT CURVATURE; THENCE
15 SOUTHWESTERLY, ALONG THE ARC OF A 41.00 FOOT RADIUS CURVE
16 RIGHT (THE RADIUS POINT OF WHICH BEARS NORTH 31°36'58" WEST),
17 THROUGH A CENTRAL ANGLE OF 50°47'56", 36.35 FEET (CHORD BEARS
18 SOUTH 83°47'00" WEST 35.17 FEET) TO THE POINT OF BEGINNING.

19 which was recorded on April 27, 2007, under Auditor's File No. 2007-075715, records of Multnomah
20 County, Oregon, be determined and decreed to be a first and paramount lien upon the above
21 described real estate and the whole thereof as security for the payment of the Declaration
22 Determining Amount of Debt and Foreclosure herein set forth, and that said Deed of Trust be
23 foreclosed and the property therein described is hereby ordered sold by the Sheriff of Multnomah
24 County in the manner provided for by law, and the proceeds therefrom shall be applied to the
25 payment of the Declaration Determining Amount of Debt and Foreclosure, interest, attorneys' fees
26 and costs, and such other sums as plaintiff has advanced prior to the Declaration Determining
27 Amount of Debt and Foreclosure, and that such sums shall constitute a first and specific lien and
28 charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
defendant and of any one claiming by, through or under them; and

3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
property described above or any part thereof subsequent to April 26, 2007, the date of the Deed of

1 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
2 title, lien or interest in or to said property or any part thereof, save and except for the right of
3 redemption as allowed by law; and
4

5 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
6 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
7 law, and to all right, title and interest in any rents and profits generated or arising from the property
8 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
9 secure possession, including writ of assistance, if defendants or any of them or any other party or person
10 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
11 possession; and
12

13
14 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
15 payment of costs under ORS 18.950(3) and satisfaction of the Declaration Determining Amount of
16 Debt and Foreclosure, the court administrator shall pay the remaining proceeds as directed by the
17 court in the order of distribution.
18

19
20 **DECLARATION DETERMINING AMOUNT OF DEBT**
21 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

22 Creditor: DEUTSCHE BANK TRUST COMPANY
23 AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC.,
24 MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QA5
25 c/o Robinson Tait, P.S.
26 901 Fifth Avenue, Suite 400
27 Seattle, WA 98164
28 (206) 676-9640

Attorney for Creditor: Jaimie A. Fender
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164

(206) 676-9640

The name of any person or public body,
other than the Creditor's
Attorney, who is entitled to any
portion of the Declaration Determining
Amount of Debt and Foreclosure t:

None

Principal Balance: \$567,550.00

Simple Interest on the Principal Balance
from March 1, 2014 to October 24, 2017 \$94,543.20

Other Amounts Due Under Terms of Loan: \$29,473.95
Escrow Balance: \$29,473.95

Attorneys' Fees and Costs: \$4,512.79

Attorneys' Fee: \$3,318.75

Total Costs: \$1,193.98

Total: \$4,512.73

TOTAL DEBT OWED \$696,079.94

Pre- Declaration Determining Amount of Debt and Foreclosure: Additional Pre-Declaration
Determining Amount of Debt and Foreclosure interest accrues from October 25, 2017, to the
date of entry of Declaration Determining Amount of Debt and Foreclosure at the per diem rate
of \$57.53, in accordance with the Note

Post- Declaration Determining Amount of Debt and Foreclosure: Interest Accrues on the total
of the amounts listed above in accordance with the contract rate in the Note.

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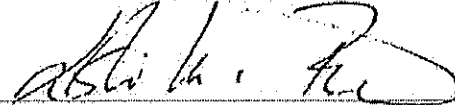
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2 6. The State of Oregon, Employment Department is granted judgment against all other
3 Defendants on its cross-claim for foreclosure of its warrant recorded in Multnomah County on
4 October 26, 2015 as Recording No. 2015-136578. The warrant is foreclosed pursuant to ORS 88.050.
5 The amount due on the warrant is \$10,444.82 through May 31, 2017, plus additional interest
6 thereafter under ORS 657.310 of \$80.70 per month on the first day of each month or partial month
7 during which the sum remains unpaid. The State of Oregon, Employment Department shall be
8 entitled to payment of the warrant debt amount from the excess proceeds of sale, if any.
9

10
11
12 This ____ day of _____, 2018.

Signed: 3/23/2018 04:52 PM



Circuit Court Judge Leslie Roberts

16 Submitted and stipulated to by:

17 //s// *Jaimie A Fender*

18
19 Jaimie A. Fender, OSB #120832
20 Attorneys for Plaintiff
21 Email: jfender@robinsontait.com
22 Tel: (971) 282-4376
23 Fax: (206) 676-9659

24 //s// *Daniel J. Rice*

25 Daniel J. Rice, OSB# 084536
26 Attorneys for State of Oregon, Employment Department
27 Email: Daniel.Rice@doj.state.or.us
28 Tel: (503) 934-4400


CERTIFICATE OF PLEASING UTCR 5.100

This proposed order or judgment is ready for judicial signature because

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting 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.
 - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4. The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

3-13-18



Attorney, OSB

120365