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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN
TRUST 2007-2,

Plaintiff,

vs.

RASHAD BAUMAN; STEVEN M. SMITH;
OCCUPANTS OF THE PROPERTY
Defendants.

Case No.: 17CV42782

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 12/13/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN TRUST 2007-2
c/o Jeremy Clifford
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$477,234.49, plus pre-judgment interest at Note rate of 2.0%, \$18.52 from 10/30/2018 through 12/13/2018, in the amount of \$814.88, plus post judgment

1 interest at the statutory rate of 9.0%, per annum from 12/14/2018 to 1/11/2019 in the amount of
2 \$3,300.36, and continuing with a per diem of \$117.87, currently totaling \$481,349.73.

3 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
4 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
5 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
6 about December 20, 2006, the date of the Deed of Trust, and also the interest that the Defendant
7 had thereafter, in the real property described in the attached *Exhibit 1*.

8 and commonly known as: 14724 SE Loren Ln, Milwaukie, OR 97267.

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

14 Dated: January 16, 2019.



15
16
17 Dated: 1/7/2019 and submitted by:

18 **McCarthy & Holthus, LLP**

19 *Brad Godbout*

20 _ John Thomas OSB No. 024691
21 _ Andreanna Smith OSB No. 131336
22 Brady Godbout OSB No. 132708
23 _ Cruz Turcott OSB No. 165531
24 _ Jeremy Clifford OSB No. 142987
25 _ Michael Scott OSB No. 973947
26 920 SW 3rd Ave, 1st Floor
27 Portland, OR 97204
28 Phone: (971) 201-3200
Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

EXHIBIT 1

Lot 1, THIESSEN HEIGHTS, Clackamas County, Oregon.

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
HARBORVIEW MORTGAGE LOAN
TRUST 2007-2,

Plaintiff,

vs.

RASHAD BAUMAN; STEVEN M. SMITH;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV42782

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants RASHAD BAUMAN, STEVEN M. SMIT, and OCCUPANTS OF THE PROPERTY ("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, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

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

- a. The real property to which this judgment relates is located and situated in Clackamas County, Oregon, and is commonly known as 14724 SE Loren Ln, Milwaukie, OR 97267 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 01797247.
- b. Plaintiff is entitled to enforce the note dated December 20, 2006 and made, delivered, and executed by Rashad Bauman to American Home Mortgage in the amount of \$351,950.00

1 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by
2 indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Defendant(s) Rashad Bauman on or
4 about December 20, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on
5 December 26, 2006 as Instrument No. 2006-118307 in the official records of Clackamas
6 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
7 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
8 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for June 1, 2016 and has not cured
10 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
11 comprised of the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$333,501.42
13	b) Deferred principal balance:	\$111,743.79
14	c) Prejudgment interest accruing from	
15	5/1/2016 through 10/30/2018 and	
16	continuing until the entry of	
17	judgment at the current Note rate of	
18	2.0%:	\$16,693.68
19	d) Additional amounts due under the	\$10,533.66
20	terms of the loan:	
21	e) Attorney fees and costs:	\$4,676.94
22	f) Prevailing party fee (ORS 20.190	\$85.00
23	(1)(a)):	
24	Total:	\$477,234.49

25 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
26 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
27 per annum.
28

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

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

5 g. All right, title and interest in the Subject Property that Defendant Rashad Bauman had as of
6 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
7 Clackamas County Sheriff's Office in accordance with the process for sale upon execution,
8 and the proceeds of sale shall be applied:

9 1) First, to the costs of sale not incurred by Plaintiff;

10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;

12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.

15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

18 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
19 Property from and after the date of the sale and is entitled to such remedies as are available at
20 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
21 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
22 possession to the purchaser immediately upon the purchaser's demand for possession.

23 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
24 entitled to any further or other judgment, including a judgment for the deficiency.

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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 12/5/2016 09:44 AM



Circuit Court Judge Michael C. Wetzel

11 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

12 This proposed Judgment Of Foreclosure is ready for judicial signature because:

13 Each opposing party affected by this order or judgment has stipulated to the order or
14 judgment, as shown by each opposing party's signature on the document being
15 submitted.

16 Each opposing party affected by this order or judgment has approved the order or
17 judgment, as shown by signature on the document being submitted or by written
18 confirmation of approval sent to me.

19 I have served a copy of this order or judgment on all parties entitled to service and:

20 No objection has been served on me.

21 I received objections that I could not resolve with the opposing party despite
22 reasonable efforts to do so. I have filed a copy of the objections I received and
23 indicated which objections remain unresolved.

24 After conferring about objections, _____ agreed to independently file
25 any remaining objection.

26 The relief sought is against an opposing party who has been found in default.

27 An order of default is being requested with this proposed judgment.

28 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise.

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

4 [] Other: _____

5 Dated: October 30, 2018, and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 John Thomas OSB No. 024691
9 x Jeremy Clifford OSB No. 142987
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15 Of Attorneys for Plaintiff
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EXHIBIT 1

Lot 1, THIESSEN HEIGHTS, Clackamas County, Oregon.