

RECEIVED
CLACKAMAS COUNTY SHERIFF

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

9 21ST MORTGAGE CORPORATION AS
10 MASTER SERVICER FOR CHRISTIANA
11 TRUST, A DIVISION OF WILMINGTON
12 SAVINGS FUND SOCIETY, FSB AS
13 TRUSTEE FOR KNOXVILLE 2012 TRUST,

14 Plaintiff,

15 vs.

16 MATTHEW P. DIETZ; DAVID PREIM;
17 DEUTSCHE BANK NATIONAL TRUST
18 COMPANY, AS TRUSTEE, ASSET-
19 BACKED CERTIFICATES, SERIES 2006-3,
20 ITS SUCCESSORS IN INTEREST AND/OR
21 ASSIGNS; HARTFORD NATIONAL TITLE,
22 INC.; AND PERSONS OR PARTIES
23 UNKNOWN CLAIMING ANY RIGHT,
24 TITLE, LIEN, OR INTEREST IN THE
25 PROPERTY DESCRIBED IN THE
26 COMPLAINT HEREIN,

27 Defendants.

Case No.: CV15080555

WRIT OF EXECUTION IN
FORECLOSURE

28
TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 4/21/2017. A supplemental judgment was entered and docketed in this case on 10/31/2018. A true copy of the Judgment and Supplemental Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

1 21ST MORTGAGE CORPORATION AS MASTER SERVICER FOR CHRISTIANA
2 TRUST, A DIVISION OF WILMINGTON SAVINGS FUND SOCIETY, FSB AS
3 TRUSTEE FOR KNOXVILLE 2012 TRUST

4 c/o Jeremy Clifford
5 Attorney for Plaintiff
6 McCarthy & Holthus, LLP
7 920 SW 3rd Ave, 1st Floor
8 Portland, OR 97204

9 With the adjudicated amount due of \$824,294.85, plus pre-judgment interest at the per diem rate
10 of \$145.29 from 2/28/2017 to 4/20/2017 in the amount of \$7,555.08, plus post judgment interest
11 at the statutory rate of 9.0% per annum from 4/21/2017 to 1/7/2019 in the amount of
12 \$128,401.16, continuing with a per diem of \$205.11, plus supplemental judgment entered with
13 this court on 10/31/2018 in the amount of \$473.00, plus post-supplemental judgment interest at
14 9% per annum, \$0.12 per diem, from 10/31/2018 through 1/7/2019 in the amount of \$7.93,
15 currently totaling \$960,251.09.

16 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
17 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
18 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
19 about June 18, 2007, the date of the Deed of Trust, and also the interest that the Defendant had
20 thereafter, in the real property described as follows:

21 *Attached as Exhibit 1*

22 and commonly known as: 25660 Kimberly Dr, West Linn, OR 97068.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

6 Dated: January 16, 2019.



8
9 Dated: 1/3/19 and submitted by:

10 **McCarthy & Holthus, LLP**

11
12 John Thomas OSB No. 024691
13 x Jeremy Clifford OSB No. 142987
14 920 SW 3rd Ave, 1st Floor
15 Portland, OR 97204
16 Phone: (971) 201-3200
17 Fax: (971) 201-3202
18 jclifford@mccarthyholthus.com
19 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 18, TUALATIN RIVER BLUFF, IN THE CITY OF WEST LINN,
CLACKAMAS COUNTY, OREGON.

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

21ST MORTGAGE CORPORATION AS
MASTER SERVICER FOR CHRISTIANA
TRUST, A DIVISION OF WILMINGTON
SAVINGS FUND SOCIETY, FSB AS
TRUSTEE FOR KNOXVILLE 2012 TRUST,

Plaintiff,

v.

MATTHEW P. DIETZ; DAVID PREIM;
DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE, ASSET-BACKED
CERTIFICATES, SERIES 2006-3, ITS
SUCCESSORS IN INTEREST AND/OR
ASSIGNS; HARTFORD NATIONAL TITLE,
INC.; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. CV15080555

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, 21ST MORTGAGE CORPORATION AS MASTER SERVICER FOR CHRISTIANA

1 TRUST, A DIVISION OF WILMINGTON SAVINGS FUND SOCIETY, FSB AS TRUSTEE FOR
2 KNOXVILLE 2012 TRUST, appearing and being represented by CRAIG PETERSON, Attorney of
3 Robinson Tait, defendant David Priem being self-represented, the court having granted plaintiff's
4 Motion for Summary Judgment against defendant Priem, defendant Mathew P. Dietz having
5 stipulated to foreclosure, and the remaining defendants having been defaulted or dismissed, and that
6 the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set
7 forth. Therefore,
8

9
10 IT IS HEREBY ORDERED AND ADJUDGED THAT:

11 1. Plaintiff, 21ST MORTGAGE CORPORATION AS MASTER SERVICER FOR
12 CHRISTIANA TRUST, A DIVISION OF WILMINGTON SAVINGS FUND SOCIETY, FSB AS
13 TRUSTEE FOR KNOXVILLE 2012 TRUST be awarded judgment in the sum of \$634,000.11, together
14 with interest at a rate as provided in the Note from April 1, 2014 through February 27, 2017 in the
15 amount of \$151,975.08 with additional pre-judgment interest at the per diem rate of \$145.29 as provided
16 in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,050.00,
17 litigation fees in the amount of \$4,274.50 plus other recoverable amounts of \$32,907.07 which includes
18 the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable
19 costs of \$4,088.09 as itemized in the bill of disbursements and an additional amount for post-judgment
20 sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate,
21 whichever is greater; and,
22

23
24
25 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
26 described as follows:

27 LOT 18, TUALATIN RIVER BLUFF. IN THE CITY OF WEST LINN,
28 CLACKAMAS COUNTY, OREGON.

1
2 which was recorded on June 22, 2007, under Auditor's File No. 2007-055207, records of Clackamas
3 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
4 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
5 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
6 Sheriff of Clackamas County in the manner provided for by law, and the proceeds therefrom shall be
7 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
8 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
9 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
10 defendants Deutsche Bank National Trust Company, As Trustee, Asset-Backed Certificates, Series
11 2006-3, Its Successors In Interest And/Or Assigns, Hartford National Title, Inc., and Persons Or Parties
12 Unknown Claiming Any Right, Title, Lien, Or Interest In The Property Described In The Complaint
13 Herein and of any one claiming by, through or under them; and
14

15
16 3. Deutsche Bank National Trust Company, As Trustee, Asset-Backed Certificates, Series
17 2006-3, Its Successors In Interest and/or Assigns, Hartford National Title, Inc., and Persons Or Parties
18 Unknown Claiming Any Right, Title, Lien, Or Interest In The Property Described In The Complaint
19 Herein subsequent to June 18, 2007, the date of the Deed of Trust which is foreclosed herein, be
20 forever barred and estopped from claiming or asserting any right, title, lien or interest in or to said
21 property or any part thereof, save and except for the right of redemption as allowed by law; and
22

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24 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
25 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
26 law, and to all right, title and interest in any rents and profits generated or arising from the property
27 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
28

1 purchaser may apply for
2 secure possession, including writ of assistance, if defendants or any of them or any other party or person
3 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
4 possession; and

5 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
6 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
7 pay the remaining proceeds as directed by the court in the order of distribution.
8

9
10 **DECLARATION DETERMINING AMOUNT OF DEBT**
11 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

12 Judgment Creditor: 21ST MORTGAGE CORPORATION AS
13 MASTER SERVICER FOR CHRISTIANA
14 TRUST, A DIVISION OF WILMINGTON
15 SAVINGS FUND SOCIETY, FSB AS
16 TRUSTEE FOR KNOXVILLE 2012 TRUST
17 c/o Robinson Tait, P.S.
18 901 Fifth Avenue, Suite 400
19 Seattle, WA 98164
20 (206) 676-9640

21 Attorney for Judgment Creditor: Craig Peterson
22 Robinson Tait, P.S.
23 901 Fifth Avenue, Suite 400
24 Seattle, WA 98164
25 (206) 676-9640

26 The name of any person or public body,
27 other than the Judgment Creditor's
28 Attorney, who is entitled to any
portion of the judgment: None

Principal Balance: \$634,000.11

Simple Interest on the Principal Balance
from April 1, 2014 to February 27, 2017: \$151,975.08

Other Amounts Due Under Terms of Loan: \$32,907.07

1
2 Attorneys' Fees and Costs:

3 Attorneys' Fee: \$2,050.00
4 Litigation Costs: \$4,274.50
5 Total Costs: \$4,088.09

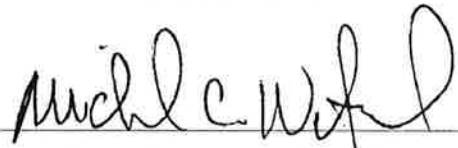
6 Total Attorney Fees and Costs: \$10,412.59

7 *TOTAL DEBT OWED* \$824,294.85

8 Pre-Judgment: Additional pre-judgment interest accrues from February 28, 2017, to the date
9 of entry of judgment at the per diem rate of \$145.29, in accordance with the Note.

10 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
11 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

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13
14
15 Signed: 4/21/2017 09:35 AM

16
17 

18 Circuit Court Judge Michael C. Wetzel

19
20 Submitted by:

21
22 

23 Craig Peterson, OSB #120365
24 Email: cpeterson@robinsontait.com
25 Robinson Tait, P.S.
26 Attorneys for Plaintiff
27 Tel: (206) 676-9640
28 Fax: (206) 676-9659

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60128-24146-JUD-OR1686978

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100
Seattle WA 98161
(206) 676-9610

CERTIFICATE OF READINESS- 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.

4/17/17

Date:

Kimberly M. O'Neil
Attorney, OSB

123008

ST...
CLACKAMAS COUNTY

18 OCT 31 AM 9:04
ENTERED
OCT 31 2018
CLACKAMAS COUNTY

IN THE COURT OF APPEALS OF THE STATE OF OREGON

21ST MORTGAGE CORPORATION, as Master Servicer for Christiana Trust,
a Division of Wilmington Savings Fund Society, FSB as Trustee for Knoxville 2012-1
Plaintiff-Respondent,

v.

MATTHEW P. DIETZ, *et al.*,
Defendants,

and

DAVID PREIM,
Defendant-Appellant.

Clackamas County Circuit Court
CV15080555

A165032

APPELLATE JUDGMENT and SUPPLEMENTAL JUDGMENT

Michael C. Wetzel, Judge.

Submitted on April 06, 2018.

Before Hadlock, Presiding Judge, and DeHoog, Judge, and Aoyagi, Judge.

Attorney for Appellant: David Preim, *pro se*.

Attorney for Respondent: Charles T. Meyer.

AFFIRMED WITHOUT OPINION

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondent

Costs allowed, payable by Appellant.

APPELLATE JUDGMENT and SUPPLEMENTAL JUDGMENT

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
Supreme Court Building, 1163 State St, Salem OR 97301-2563

CV15080555
APLAO
Filing Copy - Affirm on Appeal (Post-Dis
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MONEY AWARD

Creditor: 21st Mortgage Corporation
 Attorney: Charles Meyer, 19100 Von Karman Ave Ste 700, Irvine CA 92612
 Debtor: David Preim
 Attorney: David Preim
 Costs: \$473.00
 Total Amount: \$473.00
 Interest: Simple, 9% per annum, from the date of this appellate judgment.

Appellate Judgment
 Effective Date: October 29, 2018



fmc

**THIS IS THE APPELLATE JUDGEMENT OF
 THE APPELLATE COURTS AND SHOULD
 BE ENTERED PURSUANT TO ORS 19.450.**

APPELLATE JUDGMENT and SUPPLEMENTAL JUDGMENT

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,
 Supreme Court Building, 1163 State St, Salem OR 97301-2563
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