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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 exception.

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

BANK OF NEW YORK MELLON, F/K/A BANK OF NEW YORK, AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-IM3,

Plaintiff,

vs.

CASSANDRA A. HEAPS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; FINANCE AMERICA, LLC; SHARON ARNOLD; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 130608225

WRIT OF EXECUTION IN FORECLOSURE

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 7/17/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

B BANK OF NEW YORK MELLON, F/K/A BANK OF NEW YORK, AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-IM3
c/o Jeremy Clifford
Attorney for Plaintiff

1 McCarthy & Holthus, LLP
2 920 SW 3rd Ave, 1st Floor
3 Portland, OR 97204

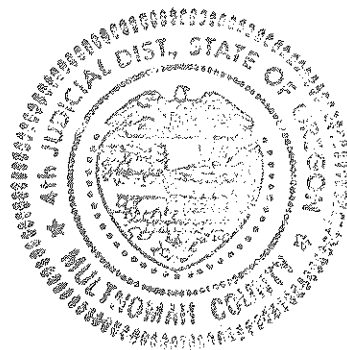
4 With the adjudicated amount due of \$191,746.66, plus pre-judgment interest at note rate
5 of 6.475%, per diem of \$19.13 from 6/26/2018 through 7/16/2018 in the amount of \$401.73, plus
6 post judgment interest at the statutory rate of 9.0% per annum from 7/17/2018 to 1/17/2019 in
7 the amount of \$8,717.75, and continuing with a per diem of \$47.38, currently totaling
8 **\$200,866.14.**

9 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
10 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
11 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
12 about August 11, 2005, the date of the Deed of Trust, and also the interest that the Defendant had
13 thereafter, in the real property described as follows:

14 SEE ATTACHED EXHIBIT 1

15 and commonly known as: 12140 SE Woodward Pl, Portland, OR 97266 and having APN/Parcel
16 No. R313333.

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



2/7/19

Dated: 1/15/19 and submitted by:

McCarthy & Holthus, LLP



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

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Exhibit 1

LEGAL DESCRIPTION OF PROPERTY

Borrower Name:

CASSANDRA A. HEAPS

Property Address: 12140 SE WOODWARD PL
PORTLAND, OR 97266-1051

Date: 08/11/05

REDACTED

Property Description:

Lot 1, WOODWARD COMMONS, in the city of Portland, County of Multnomah and State of Oregon.

4034 10101

VMP MORTGAGE FORMS - (300)531-7291

6/01

APRS

LOAN

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NO. 9831 P. 7

AUG. 12. 2005 11:38AM

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

BANK OF NEW YORK MELLON, F/K/A
BANK OF NEW YORK, AS TRUSTEE, IN
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CASSANDRA A. HEAPS; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; FINANCE AMERICA,
LLC; SHARON ARNOLD; OCCUPANTS
OF THE PROPERTY

Defendants.

Case No.: 130608225

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

- a. Defendants CASSANDRA A. HEAPS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; SHARON ARNOLD; OCCUPANTS OF THE PROPERTY were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;
- b. FINANCE AMERICA, LLC was dismissed from this action having disclaimed interest in the subject matter, now therefore,

2.

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

1 a. The real property to which this judgment relates is located and situated in Multnomah
2 County, Oregon, and is commonly known as 12140 SE Woodward Pl, Portland, OR 97266
3 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. R313333.

5 b. Plaintiff is entitled to enforce the note dated August 11, 2005 and made, delivered, and
6 executed by CASSANDRA A. HEAPS to Finance America, LLC in the amount of
7 \$120,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
8 and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant CASSANDRA A. HEAPS
10 on or about August 11, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on
11 August 16, 2005 as Instrument No. 2005-154643 in the official records of Multnomah
12 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
13 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
14 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for 9/1/2011 and has not cured the
16 default. The amount of debt secured by the Deed of Trust that is now due and owing is
17 comprised of the following amounts (the "Amount Due"):

18 a) Unpaid principal balance: \$113,707.55

19
20 b) Prejudgment interest accruing from \$45,181.33
21 8/1/2011 through 6/25/2018 and
22 continuing until the entry of
23 judgment at the current Note rate of
24 6.475%:

25 c) Additional amounts due under the \$27,905.86
26 terms of the loan:

27 d) Attorney fees and costs: \$4,866.92

28 e) Prevailing party fee (ORS 20.190 \$85.00
(1)(a)):

Total:

\$191,746.66

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

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

f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

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

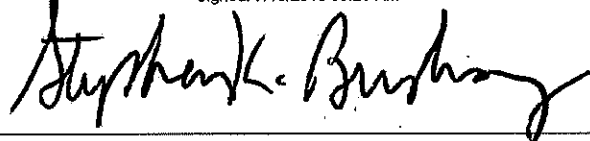
- 1) First, to the costs of sale not incurred by Plaintiff;
- 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
- 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

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

- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
5 terminated.
- 6 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
7 Deed of Trust are as follows:
- 8 1) Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. may
9 claim an interest in Subject Property by virtue of a deed of trust recorded 08/16/2005
10 as Instrument No. 2005-154644 in the official records of Multnomah County, Oregon,
11 securing a promissory note in the amount of \$30,000.00.
- 12 2) Defendant SHARON ARNOLD may claim an interest in Subject Property by virtue
13 of a quitclaim deed recorded 11/07/2005 as Instrument No. 2005-216036.

Signed: 7/13/2018 09:29 AM



Circuit Court Judge Stephen K. Bushong
proxy signed by LD

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

22 On _____, a copy of the Motion For Entry Of Judgment, Declaration Of
23 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of
Foreclosure was:

24 [] Served on:

25
26
27 not less than 3 days prior to submission to the court.

1 Accompanied by a stipulation by that no objection exists as to the judgment or order.

2 Mailed to:

3 Cassandra A. Heaps
4 12140 SE Woodward Pl
5 Portland, OR 97266

6 Mortgage Electronic Registration Systems, Inc.
7 1209 N Orange St
8 Wilmington, DE 19801

9 Occupants of the Property
10 12140 SE Woodward Pl
11 Portland, OR 97266

12 Sharon Arnold
13 12140 SE Woodward PL
14 Portland, OR 97266

15 not less than 7 days prior to submission to the court with a notice of the time period to
16 object.

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

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

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

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

25 No objection has been served on me.

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

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

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

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

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: 6/29/18 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ John Thomas

8 _____
9 John Thomas OSB No. 024691
10 Bryan Kidder OSB No. 140459
11 920 SW 3rd Ave, 1st Floor
12 Portland, OR 97204
13 Phone: (971) 201-3200
14 Fax: (971) 201-3202
15 bkidder@mccarthyholthus.com
16 Of Attorneys for Plaintiff
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4034 D1091

VMP MORTGAGE FORMS • (300)821-7291

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