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

U.S. BANK NATIONAL ASSOCIATION, AS
SUCCESSOR TRUSTEE TO BANK OF
AMERICA, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO LASALLE
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE C-BASS MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-CB5,

Plaintiff,

v.

THE ESTATE OF DOUGLAS HEDRICK;
TAMMY M. HEDRICK; THE HEIRS AND
DEVISEES OF DOUGLAS HEDRICK;
CAPITAL ONE BANK USA, N.A.; CHASE
BANK USA, N.A.; DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE FOR THE HOLDERS OF
MORGAN STANLEY ABS CAPITAL I INC.,
TRUST 2007-NC2, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-
NC2; THE UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No.: 17CV18998

WRIT OF EXECUTION IN
FORECLOSURE

TO THE KLAMATH COUNTY SHERIFF:

1 A Judgment of Foreclosure was entered and docketed in this case on February 27, 2018.
2 A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
3 Plaintiff:

4 U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF
5 AMERICA, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO LASALLE BANK
6 NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN
7 ASSET-BACKED CERTIFICATES, SERIES 2007-CB5

8 c/o Jeremy Clifford
9 Attorney for Plaintiff

10 McCarthy & Holthus, LLP
11 920 SW 3rd Ave, 1st Floor
12 Portland, OR 97204

13 With the adjudicated amount due of \$177,176.85, plus pre judgment interest at the per diem of
14 \$43.88 from January 6, 2018 to February 26, 2018 in the amount of \$770.64, plus post judgment
15 interest at the statutory rate of 9.0% per annum from February 27, 2018 to December 6, 2018 in
16 the amount of \$12,373.44, continuing with a per diem of \$43.88, currently totaling **\$190,320.93**.

17 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
18 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
19 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
20 about September 25, 2006, the date of the Deed of Trust, and also the interest that the Defendant
21 had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R879945
22 and commonly known as: 5721 Ferndale Place, Klamath Falls, OR 97603.

23 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
24 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
25 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
26 You are to make the return within 60 days after you receive this Writ. Should the sale be
27 continued, the writ may be automatically extended for 30 days.
28

1 DATED: 5th day of December, 2018.



John M. Powell

Title PCA

By: Marcela Flores

Court Clerk

6 Dated: December 4, 2018, and submitted by:

7 **McCarthy & Holthus, LLP**

8 s/ Jeremy Clifford

9 John Thomas OSB No. 024691
10 x Jeremy Clifford OSB No. 142987
11 920 SW 3rd Ave, 1st Floor
12 Portland, OR 97204
13 Phone: (971) 201-3200
14 Fax: (971) 201-3202
15 jclifford@mccarthyholthus.com
16 Of Attorneys for Plaintiff

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 37 IN BLOCK 4 OF TRACT 1299 SECOND ADDITION TO FERNDALE, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON.

End of Legal Description

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CIRCUIT COURT OF OREGON FOR KLAMATH COUNTY

U.S. BANK NATIONAL ASSOCIATION, AS
SUCCESSOR TRUSTEE TO BANK OF
AMERICA, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO LASALLE
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR THE C-BASS MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-CB5,

Plaintiff,

v.

THE ESTATE OF DOUGLAS HEDRICK;
TAMMY M. HEDRICK; THE HEIRS AND
DEVISEES OF DOUGLAS HEDRICK;
CAPITAL ONE BANK USA, N.A.; CHASE
BANK USA, N.A.; DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE FOR THE HOLDERS OF
MORGAN STANLEY ABS CAPITAL I INC.,
TRUST 2007-NC2, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-
NC2; THE UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN.

Defendants.

NO. 17CV18998

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

1
2 THIS MATTER having come on for hearing this day before the undersigned Judge of the
3 above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the
4 plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO BANK OF
5 AMERICA, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO LASALLE BANK
6 NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN ASSET-
7 BACKED CERTIFICATES, SERIES 2007-CB5, appearing and being represented by Craig Peterson,
8 Attorney of Robinson Tait, and after considering the pleadings and affidavits on file herein, findings
9 of fact and conclusion of law being unnecessary under Civil Rule 69D, the court finds that the
10 allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact,
11 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
12 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
13
14

15 IT IS HEREBY ORDERED AND ADJUDGED THAT:

16 1. Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO
17 BANK OF AMERICA, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO LASALLE
18 BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN
19 ASSET-BACKED CERTIFICATES, SERIES 2007-CB5 be awarded judgment in the sum of
20 \$125,558.58, together with interest at a rate as provided in the Note from January 1, 2016 through
21 January 5, 2018 in the amount of \$10,731.85 with additional pre-judgment interest at the per diem rate of
22 \$14.82 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
23 amount of \$2,600.00, plus other recoverable amounts of \$35,262.20 which includes the amounts
24 itemized in the declaration of the lender in support of motion for judgment plus allowable costs of
25 \$3,024.22 as itemized in the bill of disbursements and an additional amount for post-judgment sheriff's
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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60128-30703-FILED-CR1890591

Robinson Tait
ROBINSON TAIT, P. S.

201 Fifth Avenue Suite 100
Seattle WA 98101
1 2 0 6 3 - 4 7 6 - 9 6 1 0

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2 fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is
3 greater; and.

4 2. Plaintiff's Deed of Trust on real property in Klamath County, Oregon, legally
5 described as follows:

6 LOT 37 IN BLOCK 4 OF TRACT 1299 SECOND ADDITION TO FERNDALE,
7 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE
8 OF THE CLERK OF KLAMATH COUNTY, OREGON.

9 which was recorded on September 29, 2006, under Auditor's File No. 2006-019691, records of
10 Klamath County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
11 described real estate and the whole thereof as security for the payment of the judgment herein set
12 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
13 sold by the Sheriff of Klamath County in the manner provided for by law, and the proceeds therefrom
14 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other
15 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and
16 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
17 interest of the defendant and of any one claiming by, through or under them; and
18
19

20 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
21 property described above or any part thereof subsequent to September 25, 2006, the date of the Deed
22 of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any
23 right, title, lien or interest in or to said property or any part thereof, save and except for the right of
24 redemption as allowed by law; and
25

26 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
27 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
28

1 law, and to all right, title and interest in any rents and profits generated or arising from the property
2 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
3 secure possession, including writ of assistance, if defendants or any of them or any other party or person
4 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
5 possession; and
6
7

8 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
9 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
10 pay the remaining proceeds as directed by the court in the order of distribution.
11

12 **DECLARATION DETERMINING AMOUNT OF DEBT**
13 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

14 Judgment Creditor:

15 U.S. BANK NATIONAL ASSOCIATION, AS
16 SUCCESSOR TRUSTEE TO BANK OF
17 AMERICA, NATIONAL ASSOCIATION,
18 SUCCESSOR BY MERGER TO LASALLE
19 BANK NATIONAL ASSOCIATION, AS
20 TRUSTEE FOR THE C-BASS MORTGAGE
21 LOAN ASSET-BACKED CERTIFICATES,
22 SERIES 2007-CB5
23 c/o Robinson Tait, P.S.
24 901 Fifth Avenue, Suite 400
25 Seattle, WA 98164
26 (206) 676-9640

27 Attorney for Judgment Creditor:

28 Craig Peterson
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 Judgment Creditor's
Attorney, who is entitled to any
portion of the judgment:

None

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|---|--------------|
| Principal Balance: | \$125,558.58 |
| Simple Interest on the Principal Balance from January 1, 2016 to January 5, 2018: | \$10,731.85 |
| Other Amounts Due Under Terms of Loan: | \$35,262.20 |
| Attorneys' Fees and Costs: | |
| Attorneys' Fee: | \$2,600.00 |
| Total Costs: | \$3,024.22 |
| Total Attorney Fees and Costs: | \$5,624.22 |
| <i>TOTAL DEBT OWED</i> | \$177,176.85 |

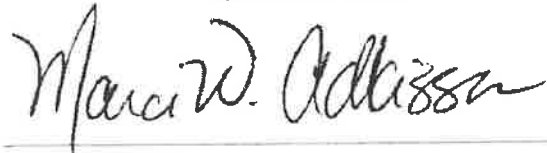
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Pre-Judgment: Additional pre-judgment interest accrues from January 6, 2018 to the date of entry of judgment at the per diem rate of \$14.82. in accordance with the Note

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

Signed: 2/27/2018 10:22 AM



Circuit Court Judge Marci W. Adkisson

Submitted by:



Craig Peterson, OSB #120365
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 Lisa McMahon-Myhran, OSB #000849
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