

pk #45
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2019 FEB 22 AM 9: 51

1 After recording return to:
2 Daniel Ross, OSB No. 112979
3 Weinstein & Riley, P.S.
4 2001 Western Avenue, Suite 400
5 Seattle, Washington 98121

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 exoneration.

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

8 THE BANK OF NEW YORK MELLON
9 FKA THE BANK OF NEW YORK, AS
10 TRUSTEE (CWABS 2006-ABC1),

11 Plaintiff,

12 vs.

13 MONIQUE L. SAMPSON; TWAUNA
14 YOAKUM; HSBC MORTGAGE
15 SERVICCES, INC.; SOUTHERN OREGON
16 CREDIT & COLLECTION SERVICES;
17 JOHN AND JANE DOES, I THROUGH V,
18 OCCUPANTS OF THE SUBJECT REAL
19 PROPERTY,

20 Defendants.

Case No. 18CV17972

WRIT OF EXECUTION

(Clerk's Action Required)

21 TO THE SHERIFF OF MULTNOMAH COUNTY, OREGON:

22 WHEREAS, on November 30, 2018, a Correct General Judgment of Foreclosure
23 and Money Award *Nunc pro tunc to July 30, 2018* was enrolled and docketed in this
24 cause, a true copy of which is attached and made a part hereof; in favor of Plaintiff, The
25 Bank of New York Mellon Fka The Bank of New York, As Trustee (CWABS 2006-
ABC1), whose mailing address is, c/o Weinstein & Riley, P.S.. 2001 Western Ave., Suite


WRIT OF EXECUTION - 1
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1 400, Seattle, WA 98121 regarding the real property commonly known as 8253 N. Bliss St.,
2 Portland, OR 97203, legally described property as follows:

3 LOT 74, CHARLESTON PARK PLACE, IN THE CITY OF PORTLAND,
4 COUNTY OF MULTNOMAH AND STATE OF OREGON.

5 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
7 execution (subject to redemption), all of the interest that defendants had on June 21, 2011, the
8 date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the real
9 property described in the judgment, to satisfy the principal judgment amount of \$184,337.04,
10 together with interest accrued to June 30, 2018, of \$74,149.20, and thereafter at the per diem
11 rate of \$32.83; other recovery amounts of \$23,400.80; costs and disbursements in the sum of
12 \$3,106.02, and attorneys' fees of \$3,050.00, which bear interest at 9% per annum, and the
13 costs of this writ, making due return within 60 days after you receive this writ. The total
14 amount due on money award including interest as of December 14, is \$293,525.67.

15
16 1/8/19 

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18 Presented by:
19 

20
21 Daniel Ross, OSB No. 112979
22 Attorneys for Plaintiff
23 Weinstein & Riley, P.S.
2001 Western Avenue, Suite 400
Seattle, Washington 98121
DanielR@w-legal.com



24 WRIT OF EXECUTION - 2
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWABS 2006-ABC1),

Plaintiff,

vs;

MONIQUE L. SAMPSON; TWAUNA
YOAKUM; HSBC MORTGAGE
SERVICCES, INC.; SOUTHERN OREGON
CREDIT & COLLECTION SERVICES;
JOHN AND JANE DOES, I THROUGH V,
OCCUPANTS OF THE SUBJECT REAL
PROPERTY,

Defendants.

Case No.: 18CV17972

CORRECTED GENERAL
JUDGMENT OF FORECLOSURE
AND MONEY AWARD
Nunc pro tunc to July 30, 2018

(Clerk's Action Required)

THIS MATTER came on before the undersigned Judge on the Motion of the Plaintiff for entry of a General Judgment of Foreclosure. An Order of Default as Defendants Monique L. Sampson, Twauna Yoakum; HSBC Mortgage Services, Inc., Southern Oregon Credit & Collection Services; and Western Credit & Collection Services was entered on July 2, 2018. A Notice of Dismissal of Defendants John and Jane Does, I through V, Occupants of the Subject Real Property was filed on July 11, 2018. The Court,

CORRECTED GENERAL JUDGMENT
OF FORECLOSURE - I

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1 having read and considered the Affidavits in support of entry of judgment, and further
2 appearing that said Defendants were not at the time of said service in the military service
3 of the United States; it further appearing that the Defendants are not believed to be
4 financially incapable as defined by ORS 125.005(3), are not minors, a protected or
5 incapacitated person, or a respondent as defined by ORS 125.005.

6 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

7 1. The real property to which this Judgment relates is commonly known as
8 8253 N. Bliss St., Portland, OR 97203, situated in Multnomah County, Oregon, legally
9 described as follows:

10 LOT 74, CHARLESTON PARK PLACE, IN THE CITY OF
11 PORTLAND, COUNTY OF MULTNOMAH AND STATE OF
12 OREGON.

13 (hereinafter the "Property").

14 2. The Deed of Trust dated November 16, 2005, was made and delivered by the
15 Defendant Monique L. Sampson, to Mortgage Electronic Registration Systems, Inc., a
16 separate corporation that is acting solely as a nominee for Encore Credit Corp., a California
17 corporation, and its successors and assigns, and recorded on January 6, 2006, as File No.
18 2006-003044 in the official records of Multnomah County, Oregon, and is a valid and
19 perfected lien against all of the real property for the amount of Plaintiff's Judgment as
20 provided herein.

21 3. The Deed of Trust was subsequently assigned to Plaintiff, The Bank
22 of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of
23 CWABS Inc., Asset-Backed Certificates, Series 2006-ABC1 under an Assignment of Deed
24 CORRECTED GENERAL JUDGMENT
25 OF FORECLOSURE - 2

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1 of Trust dated June 21, 2011, recorded by the Clerk of Multnomah County, Oregon, on June
2 27, 2011, as File No. 2011-071984.

3 4. On or about February 29, 2009, Monique L. Sampson executed a Loan
4 Modification Agreement in favor of Countrywide Home Loan Servicing, LP, the servicer
5 at the time, wherein the principal balance was increased to \$184,337.04, the adjustable
6 interest rate was reduced, and the interest only term was executed for a ten (10) year
7 period. Except as modified, the terms of the Deed of Trust remain in full force and effect
8 and shall continue to be a first lien on the subject property. *See* Affidavit in Support of
9 Judgment.
10

11 5. The Note is endorsed in blank by Encore Credit Corporation and Plaintiff,
12 The Bank of New York Mellon FKA The Bank of New York, as Trustee (CWABS 2006-
13 ABC1), is now the true, actual and legal holder of said Note, and beneficiary of the Deed
14 of Trust. *Id.*

15 6. The interest of each of the Defendants and any successor in the Property is
16 foreclosed and terminated excepting only any statutory right of redemption as provided by
17 Oregon law.

18 7. The lien of the Plaintiff is superior to any interest, lien, or claim of the
19 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

20 8. The Defendants are not entitled to a homestead exception as against
21 Plaintiff's Judgment.
22

23 9. All rights, title and interest that Defendant Monique L. Sampson had as of
24 the date of the Deed of Trust, or thereafter acquired in the subject Property, is hereby
CORRECTED GENERAL JUDGMENT
OF FORECLOSURE - 3

1 ordered to be sold by the Multnomah County Sheriff in accordance with the process for
2 sale upon execution, and the proceeds of sale shall be applied in the following order: first,
3 to the costs of sale; second to the satisfaction of the amounts awarded to Plaintiff herein;
4 third, any surplus, to the Defendants in the priority as their interest may appear or to the
5 Clerk of the Court to be distributed to such party or parties as may establish their right
6 thereto.

7
8 10. Plaintiff shall be entitled to recover any advances that plaintiff may be
9 required to pay after the entry of judgment herein for taxes, assessment, other items
10 constituting liens against the property, insurance and/or repairs for the protection and
11 preservation of the subject property;

12 11. Plaintiff or any other junior lienholders may become the purchaser at the
13 sale of the Property.

14 12. The purchaser at the sale is entitled to such remedies as are available at law
15 or in equity to secure possession.

16 13. The purchaser at the sale may apply to the Court for a writ of assistance if
17 any Defendants or any other party or person holding possession shall refuse to surrender
18 possession to the purchaser immediately on the purchaser's demand for possession.

19 14. Plaintiff is awarded Judgment of the following amounts due and owing
20 under the Note and Deed of Trust:

21	Principal	\$184,337.04
22	Prejudgment interest	\$74,149.20
23	from 8/1/2010 to 6/30/2018 at the rate of 6.500 %, with a per diem rate of	

24 CORRECTED GENERAL JUDGMENT
25 OF FORECLOSURE - 4

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1	\$32.83 thereafter		
2	Other Costs and fees (recoverable)		\$23,400.80
3	Property Tax	\$16,447.70	
4	Hazard Insurance	\$6,401.10	
	Property Inspection	\$142.00	
	Property Preservation	\$410.00	
5	Subtotal (Principal and Costs)		\$207,737.84
	Total (plus prejudgment interest)		\$281,887.04

6 15. Attorneys fees and costs are awarded to Plaintiff as follows:

7	Costs		\$3,106.02
8		Mediation Costs:	\$400.00
9		Title Fees:	\$663.00
10		Filing Fees:	\$560.00
11		Recording Fees:	\$51.51
		Prevailing Party Fee:	\$325.00
		Process Service:	\$1,106.51
12	Attorney Fees		\$3,050.00
13		Reasonable Fee Amount for Uncontested Judicial Foreclosure	\$3,050.00
14	Total		\$6,156.02

15 16. Interest shall accrue on Principal Judgment amount of \$184,337.04 at the
16 interest rate of 6.500%, at a per diem rate of \$32.83, from June 30, 2018. Interest shall
17 accrue on the Other Recovery Amounts at the rate of 9.00% per annum from the date of
18 Judgment. Interest shall accrue on Attorneys Fees and Costs totaling \$6,156.02 at the rate
19 of 9.00% per annum from the date of judgment pursuant to ORS 82.010.

20 17. This Judgment shall not create a personal lien or liability against Defendant
21 Monique L. Sampson, except as is customary or necessary to execute such Judgment and
22 for purposes of redemption. In no event should it be construed as establishing personal
23 liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem

24 CORRECTED GENERAL JUDGMENT
25 OF FORECLOSURE - 5

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1 order granting relief from stay, but only to foreclose the Deed of Trust mortgage. In the
2 event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, Plaintiff
3 shall not be entitled to any further judgment, including a Judgment for deficiency.

4 17. Execution may issue for the aggregate amount found due Plaintiff herein as
5 detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may
6 credit bid up to the Amounts Due plus such additional amounts as provided by ORS
7 18.936 or other applicable law.

8 18. If before sale such amount, including sheriff's fees for the execution, is
9 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and
10 the effect of the judgment as to the amounts due shall be terminated.

11 19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in
12 Foreclosure for the sale of the Property.

13 20. The Court shall retain jurisdiction to enter such additional order or
14 judgment as necessary to enforce this judgment, the writ of execution or for the purchaser
15 at the execution sale to obtain possession.

16
17 **DECLARATION OF AMOUNTS OWING UNDER THE DEED OF TRUST***

18 a.	Judgment Creditor:	Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee (CWABS 2006-ABC1)
19	Address for the purpose of this judgment only:	c/o Weinstein & Riley, P.S. 2001 Western Avenue, Suite 400 Seattle, Washington 98121 Telephone: (206) 269-3490 Facsimile: (206) 269-3493
20	Attorney for Judgment Creditor	Weinstein & Riley, P.S. 2001 Western Avenue, Suite 400

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24 CORRECTED GENERAL JUDGMENT
25 OF FORECLOSURE - 6

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1		Seattle, Washington 98121 Telephone: (206) 269-3490 Facsimile: (206) 269-3493
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3	b.	Judgment Debtors: Monique L. Sampson
4	A.	Address: Monique L. Sampson 6705 SE Nehalem St., Portland, OR 97206-9639
5	B.	Year of date of birth, Monique L. Sampson 1971
6	C.	Social Security Number, Monique L. Sampson Last four digits: 6033
7	D.	Driver's License State and Numbers n/a
8	E.	Attorney for Judgment Debtors n/a
9	c.	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
10	d.	The amount of the judgment exclusive of amounts included in subsection (e) through (h) is: \$184,337.04
11	e.	Prejudgment interest from 8/1/2010 to 6/30/2018 at the rate of 6.500 %, with a per diem rate of \$32.83 thereafter \$74,149.20
12	f.	Post-judgment interest: On Principal Judgment at the rate of 6.500%, at a per diem rate of \$32.83; and on all amounts awarded, at 9.0% per annum pursuant to ORS 82.010 from the date of entry of judgment until the entire amount owing is paid.
13	g.	Monetary obligations that are payable on a periodic basis, any accrued arrearages, required further payments per period and payment dates None known.
14	h.	Costs and disbursements \$23,400.80
15		Attorney fees in the amount of: \$6,156.02

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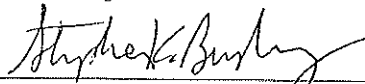
CORRECTED GENERAL JUDGMENT
OF FORECLOSURE - 7

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1 *This section is provided to comply with ORS 18.042 and in no event should it be
2 construed as establishing personal liability for any persons whose debt has been
3 extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
4 foreclose the deed of trust mortgage

Signed: 11/30/2018 12:58 PM



Circuit Court Judge Stephen K. Bushong
proxy signed by (MLO)

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8 Presented by:



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11 Daniel A. Weiss, OSB No. 112979
12 WEINSTEIN & RILEY PS
13 2001 Western Ave Ste 400
14 Seattle, WA 98121
15 (206) 269-3490
16 Attorneys for Plaintiff
17 danielr@w-legal.com

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24 CORRECTED GENERAL JUDGMENT
25 OF FORECLOSURE - 8

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