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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 exemption.

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

U.S. BANK NATIONAL ASSOCIATION,
NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUEWATER
INVESTMENT TRUST 2018-A,

**CASE NO.: 18CV04367
WRIT OF EXECUTION**

Plaintiff,

vs.

THE ESTATE OF DAVID N. STEFAN, a
deceased individual; ALL UNKNOWN
HEIRS AND DEVISEES OF THE ESTATE
OF DAVID N. STEFAN, a deceased
individual; and ALL OTHER UNKNOWN
PARTIES CLAIMING ANY RIGHT, TITLE,
LIEN OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
11323 NE FREMONT COURT, PORTLAND,
OR 97220,

STATE OF OREGON)
) ss.
County of Multnomah)

TO THE SHERIFF OF MULTNOMAH COUNTY OREGON:

WHEREAS, on December 4, 2018, by consideration of the Multnomah County Circuit Court, there was entered a General Judgment of Foreclosure as to defendants THE ESTATE OF

WRIT OF EXECUTION - 1-

ZIEVE, BRODNAX & STEELE, LLP
Jeffrey A. Myers, Esq.
Janaya L. Carter, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
aharrington@zbslaw.com
jcarter@zbslaw.com

1 DAVID N. STEFAN, a deceased individual; ALL UNKNOWN HEIRS AND DEVISEES OF
2 THE ESTATE OF DAVID N. STEFAN, a deceased individual; and ALL OTHER UNKNOWN
3 PARTIES CLAIMING ANY RIGHT, TITLE, LIEN OR INTEREST IN THE REAL
4 PROPERTY COMMONLY KNOWN AS 11323 NE FREMONT COURT, PORTLAND, OR
5 97220, collectively ("Defendants"), said General Judgment of Foreclosure was duly enrolled and
6 docketed in the Court Administrator's Office in said County on December 4, 2018; a true copy of
7 the General Judgment of Foreclosure is attached hereto and made a part hereof.

8 Judgment Creditor: U.S. BANK NATIONAL ASSOCIATION, NOT
9 INDIVIDUALLY BUT SOLELY AS TRUSTEE FOR
10 BLUEWATER INVESTMENT TRUST 2018-A
11 c/o Zieve, Brodnax, & Steele, LLP
12 One World Trade Center
13 121 SW Salmon St., 11th Floor
14 Portland, OR 97204
15 714-484-7920

16 Judgment Creditor Address: Jeffrey A. Myers
17 c/o Zieve, Brodnax, & Steele, LLP
18 One World Trade Center
19 121 SW Salmon St., 11th Floor
20 Portland, OR 97204
21 714-484-7920

22 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
23 commanded to sell the real property as by said General Judgment of Foreclosure according to
24 law (subject to redemption) all of the interest that the Borrowers had on the 7th day of August,
25 2013, the date of the Mortgage, and also all of the interest that borrower and Defendants had
26 thereafter, in the real property described in the Judgment as:

27 LOT 38, BLOCK 2, VIEW RIDGE, IN THE CITY OF PORTLAND, COUNTY OF
28 MULTNOMAH AND STATE OF OREGON
APN: R296306

WRIT OF EXECUTION - 2-

ZIEVE, BRODNAX & STEELE, LLP

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1 The street address of the real property to be levied upon 11323 NE Fremont Court,
2 Portland, OR 97220.

3 The above referenced property shall be sold to satisfy the following sums: The principal
4 balance amount of \$178,779.42; plus interest through August 31, 2018 in the amount of
5 \$29,549.98; plus fees through August 31, 2018 in the amount of \$29,345.03; plus attorney's fees
6 and costs in the amount of \$6,458.25; plus prevailing party fee in the amount of \$300.00; plus
7 additional pre-judgment interest accruing after August 31, 2018 through December 4, 2018 at the
8 rate of 4.375% per annum of \$1,888.60 (\$19.88 per diem x 95 days); plus post-judgment interest
9 accruing after December 4, 2018 through December 13, 2018 at a rate of 9% per annum of
10 \$546.66 (\$60.74 per diem x 9 days) for a total of \$246,867.94 with interest to continue to accrue
11 at the rate of 9.0% per annum (\$60.74 per diem) until the date of sale; Thus,

12 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
13 THE DATE OF SUBMISSION (December 13, 2018) IS AS FOLLOWS:

14	Base Judgment plus Interest and Fees:	\$237,674.43
15	Attorney Fees and Costs:	\$6,458.25
16	Prevailing Party Fee:	\$300.00
17	Additional Pre-Judgment Interest:	\$1,888.60
18	Post-Judgment Interest from	
19	12/5/18 – 12/13/2018 at 9.0%	
20	(\$60.74 per diem)	\$546.66
21	Total due as of December 13, 2018:	\$246,867.94, with interest to continue to

22 //

23 //

24 //

25 //

26 WRIT OF EXECUTION - 3-

ZIEVE, BRODNAX & STEELE, LLP

Jeffrey A. Myers, Esq.
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1 **accrue at 9.0% (\$60.74 per diem) until the date of sale.**

2 The proceeds of sale shall be applied, delivered, and distributed according to ORS
3 18.950.



1/30/19

[Handwritten signature]

9 Submitted by:

11 ~~Jeffrey A. Myers, OSB No. 094561~~

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

U.S. BANK NATIONAL ASSOCIATION,
NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUEWATER
INVESTMENT TRUST 2018-A,

Plaintiff,

vs.

THE ESTATE OF DAVID N. STEFAN, a
deceased individual; ALL UNKNOWN
HEIRS AND DEVISEES OF THE ESTATE
OF DAVID N. STEFAN, a deceased
individual; and ALL OTHER UNKNOWN
PARTIES CLAIMING ANY RIGHT, TITLE,
LIEN OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
11323 NE FREMONT COURT,
PORTLAND, OR 97220,

Defendants.

CASE NO. 18CV04367

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

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1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff, U.S.
2 Bank National Association, not individually but solely as Trustee for BlueWater Investment
3 Trust 2018-A ("Plaintiff") and against defendants The Estate of David N. Stefan, All Unknown
4 Heirs and Devisees of the Estate of David N. Stefan, and All Other Persons or Parties Unknown
5 claiming any right, title, lien, or interest in the real property ("Defendants"), and that Plaintiff has
6 filed a Statement for Attorney Fees, Costs, and Disbursements,

7 **IT IS HEREBY ORDERED AND ADJUDGED:**

8 **1.**

9 Plaintiff is awarded judgment against Defendants and all persons claiming through or
10 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
11 interest, lien or claim in the real property described above and every portion thereof excepting
12 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

13 **2.**

14 Writ of execution upon this General Judgment of Foreclosure shall issue.

15 **3.**

16 The Deed of Trust executed by David N. Stefan ("Deceased Borrower") and recorded on
17 August 7, 2013, in the Multnomah County Recorder's Office as instrument number 2013-
18 108331, is a valid mortgage lien for the amount of Plaintiff's judgment set forth in paragraph 1
19 against all the real property, located in Multnomah County, Oregon commonly referred to as
20 11323 NE Fremont Court, Portland, OR 97220, with a legal description as follows:

21 Lot 38, Block 2, VIEW RIDGE, in the City of Portland, County of Multnomah and State
22 of Oregon.

23 APN: R296306.

24 **4.**

25 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
26 property, and all other interest in the property gained by him thereafter, or so much interest as

1 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of
2 Multnomah County, Oregon in the manner provided by law and in accordance with the practice
3 of this Court.

4 **5.**

5 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
6 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
7 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
8 may establish their right thereto.

9 **6.**

10 Defendants and all persons claiming through or under Defendants, as purchasers,
11 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
12 property described above and every portion thereof excepting only any satisfactory right of
13 redemption as Defendants may have.

14 **7.**

15 Plaintiff or any other party to this suit or third party purchase may become the purchaser
16 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
17 property from and after the date of sale and is entitled to such remedies as are available at law to
18 secure possession, including writ of assistance, if the Defendants and any other party or person
19 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
20 possession.

21 **SECURED DEBT**

- 22 1. Judgment Creditor: U.S. Bank National Association, not individually
23 but solely as Trustee for BlueWater Investment
24 Trust 2018-A
25 c/o Zieve, Brodnax, & Steele, LLP
26 One World Trade Center
27 121 Southwest Salmon St., 11th Floor
28 Portland, OR 97204
714-848-7920

2. Judgment Creditor's Attorney: Janaya L. Carter
Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920

3. Person or public body entitled to any portion of money award herein: None

4. Total Amount of Secured Debt:

LENDERS' PRINCIPAL AND INTEREST	
Principal Balance	\$ 178,779.42
Accrued interest on the principal balance through 8/31/18	\$ 29,549.98
Accrued fees on the principal balance through 8/31/18	\$ 29,345.03
Additional pre-judgment interest to accrue from 9/1/18 to the date this judgment is entered, at the note rate of 4.375% (per diem \$19.88)	
Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 9/1/18 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
Total Principal and Interest Through 8/31/18 at the rate of 4.375%. (per diem \$19.88)	\$ 237,674.43
ATTORNEYS' FEES AND COSTS	
Attorney Fees	\$ 4,460.00
Attorney Costs	\$ 1,998.25
Total Attorney Fees and Costs	\$ 6,458.25
Prevailing Party Fee	\$ 300.00
TOTAL SECURED DEBT (JUDGMENT)	\$ 244,432.68

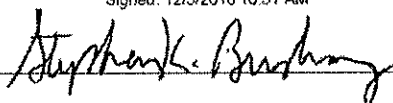
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1 Interest will continue to accrue on the judgment amount at the rate of Said Judgment is
2 meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment
3 against the Borrower.
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Signed: 12/3/2018 10:31 AM



Circuit Court Judge Stephen Bushong
proxy signed by BC

13 **UTCR 5.100(2) CERTIFICATE OF READINESS**

14 This proposed order or judgment is ready for judicial signature because:

- 15 1. Each party affected by this order of judgment has stipulated to the order or judgment,
16 as shown by each party's signature on the document being submitted.
17
18 2. Each party affected by this order of judgment has approved the order or judgment, as
19 shown by each party's signature on the document being submitted or by written
20 confirmation of approval sent to me.
21
22 3. I have served a copy of this order of judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable
25 efforts to do so. I have filed a copy of the objections I have received and
26 indicated which objections remained unresolved.

1 c. After conferring about objections [role and name of objecting party] agreed to
2 independently file any remaining objection.

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

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

5 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
6 otherwise.

7 7. This is a proposed judgment that includes an award of punitive damages and notice as
8 been served on the Director of the Crime Victims' Assistance Section as required by
9 subsection (5) of the rule.
10

11 8. Other: _____

12 Submitted By:

13 /s/ Janaya L. Carter 10/26/18

14 Janaya L. Carter, OSB No. 032830
15 Attorneys for Plaintiff
16 One World Trade Center
17 121 Southwest Salmon St, 11th Floor
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