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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, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET-BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC3,

Plaintiff,

v.

DAMIAN ALVARES ACAPITO; UNITED ADVANTAGE NW FEDERAL CREDIT UNION; JACKSON RODRIGUES AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

Case No.: 17CV17566

WRIT OF EXECUTION IN FORECLOSURE

2019 APR - 8 AM 10:53

**TO THE MULTNOMAH COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on December 13, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET-BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC3

c/o Jeremy Clifford  
Attorney for Plaintiff

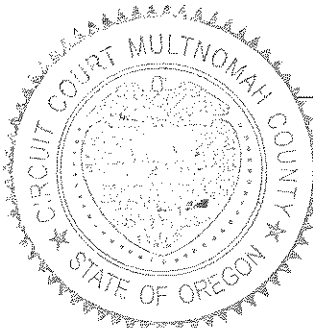
1 McCarthy & Holthus, LLP  
2 920 SW 3rd Ave, 1st Floor  
3 Portland, OR 97204

4 With the adjudicated amount due of \$197,589.86, plus pre judgment interest at the per diem of  
5 \$16.96 from October 24, 2017 to December 12, 2017 in the amount of \$848.00, plus post  
6 judgment interest at the statutory rate of 9.0% per annum from December 13, 2017 to December  
7 6, 2018 in the amount of \$17,516.90, and continuing with a per diem of \$48.93, currently  
8 totaling \$215,954.76.

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 July 28, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
13 thereafter, in the real property described in the attached Exhibit 1, having APN # R108529 and  
14 commonly known as: 6222 SE 84th Ave, Portland, OR 97266.

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

20 1/2/19



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1 Dated: December 4, 2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 \_\_\_\_\_  
4  John Thomas OSB No. 024691  
5  Jeremy Clifford OSB No. 142987  
6 920 SW 3rd Ave, 1st Floor  
7 Portland, OR 97204  
8 Phone: (971) 201-3200  
9 Fax: (971) 201-3202  
10 jclifford@mccarthyholthus.com  
11 Of Attorneys for Plaintiff  
12  
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# EXHIBIT 1

# EXHIBIT 1

## Legal Description

LOT 15, BLOCK 3, ARLETA PARK NO. 4, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH  
AND STATE OF OREGON.

End of Legal Description

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CIRCUIT COURT OF OREGON FOR MULTNOMAH COUNTY

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET-BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC3,

Plaintiff,

vs.

DAMIAN ALVAREZ ACAPITO; UNITED ADVANTAGE NW FEDERAL CREDIT UNION; JACKSON RODRIGUES; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 17CV17566

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, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR ASSET-BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1  
60128-31703-JUD-OR1844017

*Law Offices*  
ROBINSON TAIT, P.S.

100 Fifth Avenue, Suite 300  
Seattle WA 98101  
(206) 466-9610

1  
2 2006-NC3, appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, and  
3 after considering the pleadings and affidavits on file herein, findings of fact and conclusion of law  
4 being unnecessary under Civil Rule 69D, the court finds that the allegations contained in the  
5 plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to  
6 judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff  
7 forthwith as more particularly hereafter set forth. Therefore,  
8

9 IT IS HEREBY ORDERED AND ADJUDGED THAT:

10 1. Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER  
11 POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 MASTR  
12 ASSET-BACKED SECURITIES TRUST 2006-NC3 MORTGAGE PASS-THROUGH  
13 CERTIFICATES, SERIES 2006-NC3 be awarded judgment in the sum of \$180,958.99, together with  
14 interest at a rate as provided in the Note from June 1, 2016 through October 23, 2017 in the amount of  
15 \$8,516.43 with additional pre-judgment interest at the per diem rate of \$16.96 as provided in the Note to  
16 the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,600.00, plus other  
17 recoverable amounts of \$3,329.53 which includes the amounts itemized in the declaration of the lender  
18 in support of motion for judgment plus allowable costs of \$2,184.91 as itemized in the bill of  
19 disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest  
20 until paid at the statutory rate or at the contract rate, whichever is greater; and.  
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23 2. Plaintiff's Deed of Trust on real property in Multnomah County, Oregon, legally  
24 described as follows:  
25

26 LOT 15, BLOCK 3, ARLETA PARK NO. 4, IN THE CITY OF PORTLAND.  
27 COUNTY OF MULTNOMAH AND STATE OF OREGON.  
28

1  
2 which was recorded on August 11, 2006, under Auditor's File No. 2006-149876, records of  
3 Multnomah County, Oregon, be adjudged and decreed to be a first and paramount lien upon the  
4 above described real estate and the whole thereof as security for the payment of the judgment herein  
5 set forth, and that said Deed of Trust be foreclosed and the property therein described is hereby  
6 ordered sold by the Sheriff of Multnomah County in the manner provided for by law, and the  
7 proceeds therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and  
8 costs, and such other sums as plaintiff has advanced prior to judgment, and that such sums shall  
9 constitute a first and specific lien and charge upon said real estate, prior and superior to any right,  
10 title, estate, lien or interest of the defendant and of any one claiming by, through or under them; and  
11

12  
13 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the  
14 property described above or any part thereof subsequent to July 28, 2006, the date of the Deed of  
15 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,  
16 title, lien or interest in or to said property or any part thereof, save and except for the right of  
17 redemption as allowed by law; and  
18

19 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the  
20 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to  
21 law, and to all right, title and interest in any rents and profits generated or arising from the property  
22 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to  
23 secure possession, including writ of assistance, if defendants or any of them or any other party or person  
24 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for  
25 possession; and  
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1  
2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
4 pay the remaining proceeds as directed by the court in the order of distribution.  
5

6  
7 **DECLARATION DETERMINING AMOUNT OF DEBT**  
8 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

9 Judgment Creditor: U.S. BANK NATIONAL ASSOCIATION, AS  
10 TRUSTEE UNDER POOLING AND SERVICING AGREEMENT DATED AS OF  
11 DECEMBER 1, 2006 MASTR ASSET-BACKED SECURITIES TRUST 2006-NC3  
12 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC3  
13 c/o Robinson Tait, P.S.  
14 901 Fifth Avenue, Suite 400  
15 Seattle, WA 98164  
16 (206) 676-9640

17 Attorney for Judgment Creditor: Craig Peterson  
18 Robinson Tait, P.S.  
19 901 Fifth Avenue, Suite 400  
20 Seattle, WA 98164  
21 (206) 676-9640

22 The name of any person or public body,  
23 other than the Judgment Creditor's  
24 Attorney, who is entitled to any  
25 portion of the judgment: None

26 Principal Balance: \$180,958.99

27 Simple Interest on the Principal Balance  
28 from June 1, 2016  
to October 23, 2017: \$8,516.43

Other Amounts Due Under Terms of Loan: \$3,329.53

Attorneys' Fees and Costs:  
Attorneys' Fee: \$2,600.00  
Total Costs: \$2,184.91

Total Attorney Fees and Costs: \$4,784.91

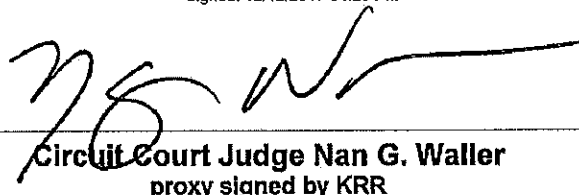
1  
2 *TOTAL DEBT OWED*

\$197,589.86

3  
4 Pre-Judgment: Additional pre-judgment interest accrues from October 24, 2017, to the date of  
entry of judgment at the per diem rate of \$16.96, in accordance with the Note

5  
6 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.

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10 Signed: 12/12/2017 04:20 PM

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13 **Circuit Court Judge Nan G. Waller**  
proxy signed by KRR

14 Submitted by:

15 

16  Craig Peterson, OSB #120365

17 Email: cpeterson@robinsontait.com

18  Lisa McMahon-Myhran, OSB #000849

19 Email: lmcmahon@robinsontait.com

20  Jaimie Fender, OSB #120832

21 Email: jfender@robinsontait.com

22  Kimberly Hood, OSB #123008

23 Email: KHood@robinsontait.com

24 Robinson Tait, P.S.

25 Attorneys for Plaintiff

26 Tel: (206) 676-9640

27 Fax: (206) 676-9659

28  
GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 5  
60128-31703-JUD-OR1844017

*Law Offices*  
**ROBINSON TAIT, P.S.**

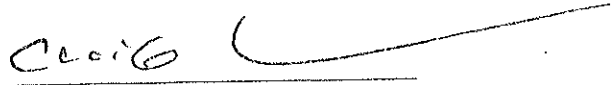
801 Fifth Avenue, Suite 100  
Seattle WA 98164  
(206) 676-9640

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.

Date: 12-7-17

  
\_\_\_\_\_  
Attorney, OSB 120365