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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2006-35CB),  
Plaintiff,

Case No. 17CV51661

**WRIT OF EXECUTION**

v.

TAMARA KINGSBERRY-BRANT;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. AS  
NOMINEE FOR COUNTRYWIDE BANK,  
N.A. NATIONAL ASSOCIATION;  
COUNTRYWIDE BANK, N.A. NATIONAL  
ASSOCIATION; SPECIALIZED LOAN  
SERVICING, LLC; WELLS FARGO BANK,  
N.A., A NATIONAL BANKING  
ASSOCIATION; CITIBANK (USA) N.A.;  
AND ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
33536 MILLVIEW WAY, LEBANON, OR  
97355,

Defendant.

TO THE LINN COUNTY SHERIFF:

On January 29, 2019, a Corrected General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2006-35CB) c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

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The real property to be sold at public auction is commonly known as 33536 MILLVIEW WAY, LEBANON, OR 97355 ("Subject Property"), and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The total amount due and owing on the Judgment as of January 29, 2019;

Judgment:	Principal	\$272,241.96
Pre-Judgment:	Interest(6.7500%, \$26.57/day)	\$7,705.30 (4/15/18 through 1/29/19)
	Attorney Fees	\$3,345.00
	Costs	\$3,249.92
	Prevailing Party Fee	\$300.00
	Attorney Fees	\$305.00
<b>TOTAL:</b>		<b>\$287,147.18</b>

In the name of the State of Oregon, you are hereby directed to proceed to notice for sale and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

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By the signature of the attorney for the judgment creditor, the person that requested  
Page 2 – WRIT OF EXECUTION

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issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

Signed: 3/5/2019 02:02 PM



*Cynthia Mitchell*

Cynthia Mitchell, Administrative Authority

Presented by:  
ALDRIDGE PITE, LLP

By: /s/ Sarah M. Mathenia  
{ } Hunter Zook, OSB #095578  
{ } Katie Riggs, OSB #095861  
{X} Sarah M. Mathenia, OSB #120681  
{ } Shannon K. Calt, OSB #121855  
{ } Christina Andreoni, OSB #160875  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
(CWALT 2006-35CB),

Plaintiff,

v.

TAMARA KINGSBERRY-BRANT;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. AS  
NOMINEE FOR COUNTRYWIDE BANK,  
N.A. NATIONAL ASSOCIATION;  
COUNTRYWIDE BANK, N.A. NATIONAL  
ASSOCIATION; SPECIALIZED LOAN  
SERVICING, LLC; WELLS FARGO BANK,  
N.A., A NATIONAL BANKING  
ASSOCIATION; CITIBANK (USA) N.A.;  
and ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
33536 MILLVIEW WAY, LEBANON, OR  
97355,

Defendants.

Case No. 17CV51661

**CORRECTED GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against Defendants TAMARA KINGSBERRY-  
BRANT; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE  
FOR COUNTRYWIDE BANK, N.A. NATIONAL ASSOCIATION; COUNTRYWIDE BANK,  
N.A. NATIONAL ASSOCIATION; SPECIALIZED LOAN SERVICING, LLC; WELLS  
FARGO BANK, N.A., A NATIONAL BANKING ASSOCIATION; CITIBANK (USA) N.A.;  
and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE,  
LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 33536

Page 1 – CORRECTED GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 MILLVIEW WAY, LEBANON, OR 97355, the records on file herein, and pursuant to the  
2 Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff THE  
3 BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE  
4 (CWALT 2006-35CB) ("Plaintiff"),

5 **IT IS HEREBY ADJUDGED:**

6 1. Plaintiff's security interest in the real property located at 33536 MILLVIEW  
7 WAY, LEBANON, OR 97355 ("Subject Property"), as evidenced by the Deed of Trust recorded  
8 October 5, 2006 in the official records of LINN County as Instrument Number 2006-24453  
9 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All  
10 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to  
11 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally  
12 described as follows:

13 ***SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF***

14 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
15 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
16 in the manner provided by law;

17 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
18 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
19 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
20 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

21 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
22 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
23 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
24 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
25 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
26 by sale of the Subject Property as directed under this Judgment;

Page 2 – CORRECTED GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1           5.       Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
2 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
3 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
4 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
5 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

6           6.       Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
7 sale of the Subject Property as directed under this Judgment.

8           7.       The Sheriff shall make a return on the writ of execution to the court administrator  
9 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
10 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
11 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
12 parties as may establish their right thereto. The Defendants and all persons claiming through or  
13 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
14 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
15 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
16 every part of the Subject Property when the time for redemption has elapsed;

17           8.       Plaintiff or any other party to this action may become a purchaser at the  
18 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
19 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
20 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
21 subject property if Defendants or any other party or person refuses to surrender possession;

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- a.  No objection has been served on me:
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c.  After conferring about objections, [ **role and name of objecting party**] agreed to independently file any remaining objection.
4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
5.  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 (5) of this rule.
6.  Other: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP

/s/ Sarah M. Mathenia  
Sarah M. Mathenia, OSB #120681  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
smathenia@aldridgepite.com  
*Of Attorneys for Plaintiff*

Date: January 21, 2019



Exhibit A

LOT 12, MILLVIEW ACRES, LINN COUNTY, OREGON.