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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 FOR CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., HOME EQUITY ASSET TRUST 2005-9, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2005-9,

Plaintiff,

vs.

TIMOTHY M. SEPICH; U.S. BANK NATIONAL ASSOCIATION AS INDENTURE TRUSTEE FOR HOME EQUITY MORTGAGE TRUST 2007-1; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 18CV12316

WRIT OF EXECUTION IN FORECLOSURE

2018 APR -8 AM 10:52

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 12/6/2018. 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 FOR CREDIT SUISSE FIRST BOSTON MORTGAGE ACCEPTANCE CORP., HOME EQUITY ASSET TRUST 2005-9, HOME EQUITY PASS-THROUGH CERTIFICATES, SERIES 2005-9
c/o Andreanna Smith
Attorney for Plaintiff

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

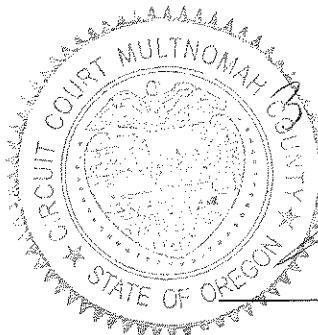
3 With the adjudicated amount due of \$261,713.67, plus pre-judgment interest of note rate of
4 7.5%, in the amount of \$2,938.18, plus post judgment interest at the statutory rate of 9.0% per
5 annum from 12/6/2018 to 2/6/2019 in the amount of \$4,048.91, and continuing with a per diem
6 of \$64.25, currently totaling \$268,700.76.

7 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
8 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
9 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
10 about September 7, 2005, the date of the Deed of Trust, and also the interest that the Defendant
11 had thereafter, in the real property described as follows:

12 SEE ATTACHED EXHIBIT 1

13 and commonly known as: 12912 NE Morris St, Portland, OR 97230.

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



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Dated: 4/30/2019 and submitted by:

McCarthy & Holthus, LLP

Brady Godbout

-
- John Thomas OSB No. 024691
 - Andreanna Smith OSB No. 131336
 - Brady Godbout OSB No. 132708
 - Cruz Turcott OSB No. 165531
 - Jeremy Clifford OSB No. 142987
 - Michael Scott OSB No. 973947
- 920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bgodbout@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

LOT 5, BLOCK 9, MURIEL HEIGHTS, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND
STATE OF OREGON.

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MORTGAGE
ACCEPTANCE CORP., HOME EQUITY
ASSET TRUST 2005-9, HOME EQUITY
PASS-THROUGH CERTIFICATES,
SERIES 2005-9,

Case No.: 18CV12316

GENERAL JUDGMENT OF
FORECLOSURE

Plaintiff,

vs.

TIMOTHY M. SEPICH; U.S. BANK
NATIONAL ASSOCIATION AS
INDENTURE TRUSTEE FOR HOME
EQUITY MORTGAGE TRUST 2007-1;
OCCUPANTS OF THE PROPERTY;

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion.

All Defendants ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Multnomah County, Oregon, and is commonly known as 12912 NE Morris St, Portland, OR 97230 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 1N2E26BD-06600 / R224162.

3 b. Pursuant to ORS 88.010 (1)(a), Plaintiff seeks a judicial declaration of the amount of debt
4 secured by the lien being foreclosed, which is \$230,645.98 unpaid principal balance as of
5 March 30, 2018, plus interest, reasonable attorney's fees, and costs pursuant to ORCP 68 and
6 continued accruing interest and amounts recoverable under the terms of the Loan through the
7 date of entry of judgment.

8 c. Plaintiff is entitled to enforce the note dated September 7, 2005 and made, delivered, and
9 executed by TIMOTHY M SEPICH to OWNIT MORTGAGE SOLUTIONS, INC. in the
10 amount of \$242,250.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
11 possession and by indorsement set forth on the Note.

12 d. A deed of trust was made, executed, and delivered by Defendant TIMOTHY M. SEPICH on
13 or about September 7, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on
14 September 19, 2005 as Instrument No. 2005-179213 in the official records of Multnomah
15 County, Oregon. The assignment to Plaintiff The Deed of Trust is a valid and perfected lien
16 against all of the Property for and securing the Amount Due. The lien of the Plaintiff is
17 superior to any interest, lien, or claim of the Defendants and shall remain in effect until
18 issuance of a Sheriff's Deed.

19 e. The Borrower failed to make the payment that was due for July 1, 2017 and has not cured the
20 default. The amount of debt secured by the Deed of Trust that is now due and owing is
21 comprised of the following amounts (the "Amount Due"). On Plaintiff's Declaratory Relief
22 Claim, the Court declares the Amount Due and Owing as follows.

23 a) Unpaid principal balance: \$230,645.98

24
25 b) Prejudgment interest accruing from \$24,417.41
26 6/1/2017 through 10/3/2018 and
27 continuing until the entry of
28 judgment at the current Note rate of
7.5%

1	c) Additional amounts due under the terms of the loan:	\$3,132.04
2		
3	d) Attorney Fees and Costs	\$3,433.24
4	e) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
5		
6	Total:	\$261,713.67

7 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
8 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
9 per annum. The interest of the Defendants and any successor in interest in the Subject
10 Property is foreclosed and terminated excepting only any statutory right of redemption as
11 provided by Oregon law.

12 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

13 g. All right, title and interest in the Subject Property that Defendant TIMOTHY M. SEPICH
14 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by
15 the Multnomah County Sheriff's Office in accordance with the process for sale upon
16 execution, and the proceeds of sale shall be applied:

- 17 1) First, to the costs of sale not incurred by Plaintiff;
- 18 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
19 entry of judgment through the date of the sale and any incurred costs of sale;
- 20 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
21 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
22 such party or parties as they may establish their right thereto.

23 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
24 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
25 the date of entry of judgment through the date of the sale and any incurred costs of sale.

26 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
27 Property from and after the date of the sale and is entitled to such remedies as are available at
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1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
3 possession to the purchaser immediately upon the purchaser's demand for possession.

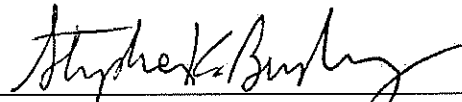
4 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
5 entitled to any further or other judgment, including a judgment for the deficiency.

6 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
7 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
8 terminated.

9 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
10 Deed of Trust are as follows:

- 11 1) Defendant U.S. BANK NATIONAL ASSOCIATION AS INDENTURE TRUSTEE
12 FOR HOME EQUITY MORTGAGE TRUST 2007-1 may claim a junior interest in
13 Subject Property by virtue of a deed of trust recorded on September 15, 2006 as
14 Instrument No. 2006-172029 in the official records of Multnomah County, Oregon.
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Signed: 12/5/2018 08:20 AM

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

23 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

24 This proposed Judgment Of Foreclosure is ready for judicial signature because:

25 Each opposing party affected by this order or judgment has stipulated to the order or
26 judgment, as shown by each opposing party's signature on the document being
27 submitted.

1 [] Each opposing party affected by this order or judgment has approved the order or
2 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

3 [] I have served a copy of this order or judgment on all parties entitled to service and:

4 [] No objection has been served on me.

5 [] I received objections that I could not resolve with the opposing party despite
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

6 [] After conferring about objections, _____ agreed to independently file
any remaining objection.

7 [] The relief sought is against an opposing party who has been found in default.

8 [X] An order of default is being requested with this proposed judgment.

9 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
10 otherwise.

11 [] This is a proposed judgment that includes an award of punitive damages and notice
12 has been served on the Director of the Crime Victims' Assistance Section as required
by subsection (4) of this rule.

13 [] Other: _____

14 Dated: 10/30/2018 and submitted by:

15 **McCarthy & Holthus, LLP**

16 s/ Andreanna C. Smith

17 Andreanna Smith OSB No. 131336

18 920 SW 3rd Ave, 1st Floor

19 Portland, OR 97204

20 Phone: (971) 201-3200

21 Fax: (971) 201-3202

22 ansmith@mccarthyholthus.com

23 Of Attorneys for Plaintiff

EXHIBIT "1"

LOT 5, BLOCK 9, MURIEL HEIGHTS, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.