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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

THE BANK OF NEW YORK MELLON, FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF THE
CWALT, INC., ALTERNATIVE LOAN
TRUST 2007-23CB MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-
23CB,

CASE NO.: 17CV44063
WRIT OF EXECUTION

Plaintiff,

vs.

ESTATE OF GHEORGHE VIDICAN;
UNKNONW HEIRS OF GHEORGHE
VIDICAN; and ALL OTHER UNKNOWN
PARTIES CLAIMING ANY RIGHT, TITLE,
LIEN OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
1804 NE 114TH AVENUE, PORTLAND, OR
97220,

Defendants.

2019 APR -2 AM 10:19

STATE OF OREGON)
) ss.
County of Multnomah)

TO THE SHERIFF OF MULTNOMAH COUNTY OREGON:

WHEREAS, on October 12, 2018, by consideration of the Multnomah County Circuit
Court, there was entered a General Judgment of Foreclosure as to defendants ESTATE OF

1 GHEORGHE VIDICAN; UNKNONW HEIRS OF GHEORGHE VIDICAN; and ALL OTHER
2 UNKNOWN PARTIES CLAIMING ANY RIGHT, TITLE, LIEN OR INTEREST IN THE
3 REAL PROPERTY COMMONLY KNOWN AS 1804 NE 114TH AVENUE, PORTLAND, OR
4 97220, collectively (“Defendants”), said General Judgment of Foreclosure was duly enrolled and
5 docketed in the Court Administrator’s Office in said County on October 12, 2018; a true copy of
6 the General Judgment of Foreclosure is attached hereto and made a part hereof.

7 Judgment Creditor: THE BANK OF NEW YORK MELLON, FKA THE
8 BANK OF NEW YORK AS TRUSTEE FOR THE
9 CERTIFICATEHOLDERS OF THE CWALT, INC.,
10 ALTERNATIVE LOAN TRUST 2007-23CB
11 MORTGAGE PASS-THROUGH CERTIFICATES,
12 SERIES 2007-23CB
13 c/o Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 SW Salmon St., 11th Floor
Portland, OR 97204
714-484-7920

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

18 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
19 commanded to sell the real property as by said General Judgment of Foreclosure according to
20 law (subject to redemption) all of the interest that the Borrowers had on the 22nd day of May,
21 2007, the date of the Mortgage, and also all of the interest that borrower and Defendants had
22 thereafter, in the real property described in the Judgment as:

23
24 LOT 10, BLOCK 1, WARNERS ADDITION, IN THE CITY OF PORTLAND, COUNTY OF
25 MULTNOMAH AND STATE OF OREGON
26

1 APN: R298262

2 The street address of the real property to be levied upon 1804 NE 114th Avenue, Portland,
3 OR 97220.

4 The above referenced property shall be sold to satisfy the following sums: The principal
5 balance amount of \$193,712.54; plus interest and fees through July 8, 2018 in the amount of
6 \$149,879.33; plus attorney's fees and costs in the amount of \$7,020.38; plus prevailing party fee
7 in the amount of \$300.00; plus additional pre-judgment interest accruing after July 8, 2018
8 through October 12, 2018 at the rate of 6.875% per annum of \$3,466.55 (\$36.49 per diem x 95
9 days); plus post-judgment interest accruing after October 12, 2018 through January 24, 2019 at a
10 rate of 9% per annum of \$9,088.56 (\$87.39 per diem x 104 days) for a total of \$363,467.36 with
11 interest to continue to accrue at the rate of 9.0% per annum (\$87.39 per diem) until the date of
12 sale; Thus,

13 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
14 THE DATE OF SUBMISSION (January 24, 2019) IS AS FOLLOWS:

15 Base Judgment plus Interest and Fees:	\$343,591.87
16 Attorney Fees and Costs:	\$7,020.38
17 Prevailing Party Fee:	\$300.00
18 Additional Pre-Judgment Interest:	\$3,466.55
19 Post-Judgment Interest from	
20 10/12/18 – 1/24/2019 at 9.0%	
21 (\$87.39 per diem)	\$9,088.56

22 //

23 **Total due as of January 24, 2019: \$363,467.36, with interest to continue to**
24 **accrue at 9.0% (\$87.39 per diem) until the date of sale.**

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27 WRIT OF EXECUTION

- 3 -

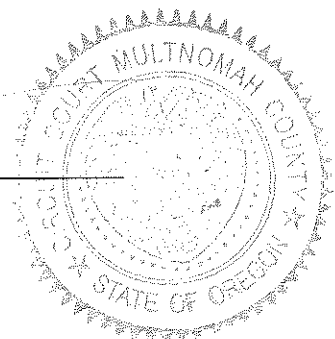
28 **ZIEVE, BRODNAX & STEELE, LLP**
Jeffrey A. Myers, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
JMYERS@ZBSLAW.COM

1 The proceeds of sale shall be applied, delivered, and distributed according to ORS

2 18.950.

3/13/19

[Handwritten signature]



6 Submitted by:

7 /s/ JEFFREY A. MYERS

8 Jeffrey A. Myers, OSB No. 094561

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4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MULTNOMAH**
6

7 THE BANK OF NEW YORK MELLON, FKA
8 THE BANK OF NEW YORK AS TRUSTEE
9 FOR THE CERTIFICATEHOLDERS OF THE
10 CWALT, INC., ALTERNATIVE LOAN
11 TRUST 2007-23CB MORTGAGE PASS-
12 THROUGH CERTIFICATES, SERIES 2007-
13 23CB,

14 Plaintiff,

15 vs.

16 ESTATE OF GHEORGHE VIDICAN;
17 UNKNOWN HEIRS OF GHEORGHE
18 VIDICAN; and ALL OTHER UNKNOWN
19 PARTIES CLAIMING ANY RIGHT, TITLE,
20 LIEN OR INTEREST IN THE REAL
21 PROPERTY COMMONLY KNOWN AS
22 1804 NE 114TH AVENUE, PORTLAND, OR
23 97220.

24 Defendants.
25
26

CASE NO. 17CV44063

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

27 ///

28 ///

///

1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff, The Bank
2 of New York Mellon FKA The Bank of New York, as trustee for the certificateholders of the
3 CWALT, Inc., Alternative Loan Trust 2007-23CB Mortgage Pass-Through Certificates, Series
4 2007-23CB ("Plaintiff") and against defendants Estate of Gheorghe Vidican ("Estate"); Unknown
5 Heirs of Gheorghe Vidican ("Heirs"); and All Other Unknown Parties claiming any right, title,
6 lien or interest in the real property ("AOP", together with Estate and Heirs, collectively
7 "Defendants"), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and
8 Disbursements,

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

10 **1.**

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

15 **2.**

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

17 **3.**

18 The Deed of Trust executed by Borrower and recorded on May 22, 2007, in the Multnomah
19 County Recorder's Office as instrument number 2007-091777, is a valid mortgage lien for the
20 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
21 Multnomah County, Oregon commonly referred to as 1804 NE 114th Avenue, Portland, OR 97220,
22 with a legal description as follows:

23 LOT 10, BLOCK 1, WARNERS ADDITION, IN THE CITY OF PORTLAND, COUNTY
24 OF MULTNOMAH AND STATE OF OREGON.

25 APN: R298262.

26 **4.**

1 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
2 property, and all other interest in the property gained by him thereafter, or so much interest as may
3 be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Multnomah
4 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

5 **5.**

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

10 **6.**

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

15 **7.**

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

22 **SECURED DEBT**

23 1. Judgment Creditor:

24 The Bank of New York Mellon FKA The Bank of
25 New York, as trustee for the certificateholders of the
26 CWALT, Inc., Alternative Loan Trust 2007-23CB
27 Mortgage Pass-Through Certificates, Series 2007-
28 23CB
c/o Zieve, Brodnax, & Steele, LLP

One World Trade Center
121 Southwest Salmon St., 11th Floor
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

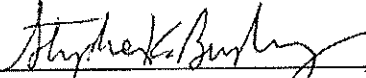
3. Person or public body entitled to any portion of money award herein: None

4. Total Amount of Secured Debt:

LENDERS' PRINCIPAL AND INTEREST	
Principal Balance	\$ 193,712.54
Accrued interest on the principal balance through 7/8/18	\$ 110,126.60
Accrued fees on the principal balance through 7/8/18	\$ 39,752.73
Additional pre-judgment interest to accrue from 7/9/18 to the date this judgment is entered, at the note rate of 6.875% (per diem \$36.49)	
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 7/9/18 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 7/8/18 at the rate of 6.875%. (per diem \$36.49)	\$ 343,591.87
ATTORNEYS' FEES AND COSTS	
Attorney Fees	\$ 3,910.00
Attorney Costs	\$ 3,110.38
Total Attorney Fees and Costs	\$ 7,020.38
Prevailing Party Fee	\$ 300.00
TOTAL SECURED DEBT (JUDGMENT)	\$ 350,912.25

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: 10/12/2018 02:30 PM



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

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 9/10/18

14 Janaya L. Carter, OSB No. 032830
15 Attorneys for Plaintiff
16 One World Trade Center
17 121 Southwest Salmon St, 11th Floor
18 Portland, OR 97204
19 (714) 848-7920
20 jcarter@zbslaw.com
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