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

BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A. AS TRUSTEE FOR  
MORTGAGE ASSETS MANAGEMENT  
SERIES I TRUST,

Case No. 18CV41540

**WRIT OF EXECUTION**

Plaintiff,

v.

THE ESTATE OF ALEUIT FRANCESCA  
aka MARIANNE FRANCIS; UNKNOWN  
HEIRS, ASSIGNS AND DEVISEES OF  
ALEUIT FRANCESCA aka MARIANNE  
FRANCIS; SECRETARY OF HOUSING  
AND URBAN DEVELOPMENT; OREGON  
DEPARTMENT OF REVENUE and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
7700 AVENUE OF THE SUN, WHITE CITY,  
OREGON 97503,

Defendant.

TO THE JACKSON COUNTY SHERIFF:

On 4/9/2019, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the JACKSON 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: BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS MANAGEMENT SERIES I TRUST c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 7700 AVENUE OF  
2 THE SUN, WHITE CITY, OREGON 97503 ("Subject Property"), and legally described as:  
3 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

4 The total amount due and owing on the Judgment as of 4/16/2019;

5 Judgment:	Principal	\$203,838.52
6 Pre-Judgment:	Interest 3.310%, \$16.74/day	\$451.98 3/13/2019 through 4/9/2019
7	Attorney Fees	\$3,075.00
8	Costs	\$3,034.59
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest 9%, \$52.02/day	\$364.12 4/10/2019 through 4/16/2019
11	Attorney Fees	\$260.00
12	Costs	\$0.00

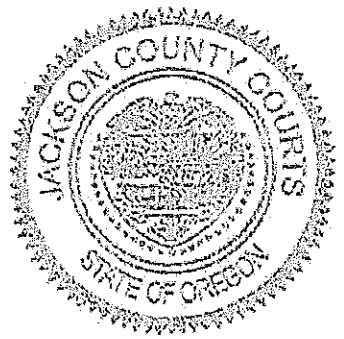
13 **TOTAL: \$211,324.21**


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

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By the signature of the attorney for the judgment creditor, the person that requested 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.

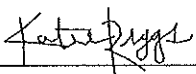


  
Signed: 4/17/2019 03:20 PM

Presented by:

ALDRIDGE PITE, LLP

M. Thomas  
Court Clerk

By:   
Katie Riggs, OSB #095861  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

**EXHIBIT A**

LOT 7, TRAUNESIAN SANCTUARY (UNRECORDED), IN JACKSON COUNTY, OREGON, WHICH LOT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A SURVEY STAKE ON THE SOUTH SIDE OF A PRIVATE ROAD KNOWN AS THE AVENUE OF THE SUN, SAID STAKE BEING AT THE NORTHEAST CORNER OF THE SOUTH THIRTY ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH, ALONG THE EAST SECTION LINE, 25 FEET, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH, ALONG THE EAST SECTION LINE, 210 FEET, TO THE SOUTHEAST CORNER OF LOT 6, TRAUNESIAN SANCTUARY (UNRECORDED); THENCE WESTERLY, PARALLEL WITH THE NORTH SECTION LINE, 210 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST SECTION LINE, 210 FEET; THENCE EASTERLY, 210 FEET, TO THE TRUE POINT OF BEGINNING

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

BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A. AS TRUSTEE FOR  
MORTGAGE ASSETS MANAGEMENT  
SERIES I TRUST,

Plaintiff,

v.

THE ESTATE OF ALEUIT FRANCESCA  
aka MARIANNE FRANCIS; UNKNOWN  
HEIRS, ASSIGNS AND DEVISEES OF  
ALEUIT FRANCESCA aka MARIANNE  
FRANCIS; SECRETARY OF HOUSING  
AND URBAN DEVELOPMENT; OREGON  
DEPARTMENT OF REVENUE and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
7700 AVENUE OF THE SUN, WHITE CITY,  
OREGON 97503,

Defendants.

Case No. 18CV41540

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

ORCP Rule 69

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 THE ESTATE OF ALEUIT  
FRANCESCA aka MARIANNE FRANCIS; UNKNOWN HEIRS, ASSIGNS AND DEVISEES  
OF ALEUIT FRANCESCA aka MARIANNE FRANCIS; SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT; OREGON DEPARTMENT OF REVENUE and ALL OTHER  
PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 7700 AVENUE OF THE  
SUN, WHITE CITY, OREGON 97503, the records on file herein, and pursuant to the Motion for

1 General Judgment and Declaration of Amount Due by Default by Plaintiff BANK OF NEW  
2 YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE FOR MORTGAGE ASSETS  
3 MANAGEMENT SERIES I TRUST ("Plaintiff"),

4 **IT IS HEREBY ADJUDGED:**

5 1. Plaintiff's security interest in the real property located at 7700 AVENUE OF THE  
6 SUN, WHITE CITY, OREGON 97503 ("Subject Property"), as evidenced by the Deed of Trust  
7 recorded January 17, 2008 in the official records of JACKSON County as instrument number  
8 2008-002126 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
9 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
10 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
11 legally described as follows:

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

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

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

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

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule

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

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

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

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

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

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DECLARATION OF AMOUNT DUE BY DEFAULT

(THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The total amount of the unpaid principal balance, interest, and other amounts owed is \$203,838.52.
2. Simple interest at the variable rate currently at 3.310% (\$16.74 *per diem*) after 3/13/2019, through the date of judgment.
3. Attorney fees of \$3,075.00, plus \$260.00, through the date of sale.
4. Costs of \$3,034.59, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.
6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

Signed: 4/9/2019 07:32 AM

**IT IS SO ADJUDGED**



Circuit Court Judge – Judge Timothy C. Gerking  
**CERTIFICATE OF READINESS**

This proposed Order or Judgment is ready for judicial signature because:

1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's 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:
  - 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.



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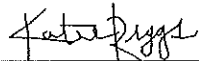
c.  After conferring about objections, [ **role and name of objecting party** ] agreed to independently file any remaining objection.

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



4/1/2019

Date: \_\_\_\_\_

Katie Riggs (OSB # 095861)  
(858) 750-7600  
(619) 326-2430  
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff

## EXHIBIT A

LOT 7, TRAUNESIAN SANCTUARY (UNRECORDED), IN JACKSON COUNTY, OREGON, WHICH LOT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A SURVEY STAKE ON THE SOUTH SIDE OF A PRIVATE ROAD KNOWN AS THE AVENUE OF THE SUN, SAID STAKE BEING AT THE NORTHEAST CORNER OF THE SOUTH THIRTY ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE NORTH, ALONG THE EAST SECTION LINE, 25 FEET, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH, ALONG THE EAST SECTION LINE, 210 FEET, TO THE SOUTHEAST CORNER OF LOT 6, TRAUNESIAN SANCTUARY (UNRECORDED); THENCE WESTERLY, PARALLEL WITH THE NORTH SECTION LINE, 210 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST SECTION LINE, 210 FEET; THENCE EASTERLY, 210 FEET, TO THE TRUE POINT OF BEGINNING