

1 After recording return to:  
2 Daniel Ross, OSB No. 112979  
3 Weinstein & Riley, P.S.  
4 2001 Western Avenue, Suite 400  
5 Seattle, Washington 98121

6  
7 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
8 FOR UMATILLA COUNTY

9 U.S. BANK, NATIONAL ASSOCIATION,  
10 SUCCESSOR TRUSTEE TO BANK OF  
11 AMERICA, N.A. AS SUCCESSOR TO  
12 LASALLE BANK, N.A., AS TRUSTEE,  
13 FOR MERRILL LYNCH FIRST  
14 FRANKLIN MORTGAGE LOAN TRUST,  
15 MORTGAGE LOAN ASSET-BACKED  
16 CERTIFICATES, SERIES 2007-H1,

Case No. 18CV05342

WRIT OF EXECUTION

(Clerk's Action Required)

17 Plaintiff,

18 vs.

19 TRICIA L. NAYLOR; OCCUPANTS OF  
20 THE SUBJECT REAL PROPERTY,

21 Defendants.

22 TO THE SHERIFF OF UMATILLA COUNTY, OREGON:

23 WHEREAS, on December 3, 2018, an Amended General Judgment of Foreclosure  
24 *nunc pro tunc* to July 2, 2018 was enrolled and docketed in this cause, a true copy of  
25 which is attached and made a part hereof; in favor of Plaintiff, U.S. BANK, NATIONAL  
ASSOCIATION, SUCCESSOR TRUSTEE TO BANK OF AMERICA, N.A. AS  
SUCCESSOR TO LASALLE BANK, N.A., AS TRUSTEE, FOR MERRILL LYNCH

WRIT OF EXECUTION - 1  
46766547

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Facsimile: (206) 269-3493

1 FIRST FRANKLIN MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-  
2 BACKED CERTIFICATES, SERIES 2007-H1, whose mailing address is, c/o Weinstein  
3 & Riley, P.S., 2001 Western Ave, Suite 400, Seattle, WA 98121, regarding the real  
4 property commonly known as 1508 NE Misty Drive, Hermiston, OR 97838, legally  
5 described property as follows:

6 LOT 103, SANDSTONE PHASE 3, AN ADDITION TO THE CITY OF  
7 HERMISTON, UMATILLA COUNTY, OREGON.

8 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
9 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
10 execution (subject to redemption), all of the interest that defendants had on July 11, 2007, the  
11 date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the real  
12 property described in the judgment, to satisfy the principal judgment amount of \$132,817.86,  
13 together with interest accrued to May 16 2018, of \$104,063.87, and thereafter at the per diem  
14 rate of \$34.39; other recovery amounts of \$31,187.78; costs and disbursements in the sum of  
15 \$2,346.97, and attorneys' fees of \$3,050.00, which bear interest at 9% per annum, and the  
16 costs of this writ, making due return within 60 days after you receive this writ.  
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24 WRIT OF EXECUTION - 2  
25 46766547

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1 The total amount due on money award including interest as of July 2, 2018, is \$275,082.81.

dated: January 15, 2019

Johnson  
Court clerk



5 Presented by:

6 *DK*

7 Daniel Ross, OSB No. 112979  
8 Attorneys for Plaintiff  
9 Weinstein & Riley, P.S.  
10 2001 Western Avenue, Suite 400  
11 Seattle, Washington 98121  
12 [DanielR@w-legal.com](mailto:DanielR@w-legal.com)

24 WRIT OF EXECUTION - 3  
25 46766547

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

U.S. BANK, NATIONAL ASSOCIATION,  
SUCCESSOR TRUSTEE TO BANK OF  
AMERICA, N.A. AS SUCCESSOR TO  
LASALLE BANK, N.A., AS TRUSTEE, FOR  
MERRILL LYNCH FIRST FRANKLIN  
MORTGAGE LOAN TRUST, MORTGAGE  
LOAN ASSET-BACKED CERTIFICATES,  
SERIES 2007-H1,

Plaintiff,

vs.

TRICIA L. NAYLOR; OCCUPANTS OF THE  
SUBJECT REAL PROPERTY,

Defendants.

Case No.: 18CV05342

AMENDED GENERAL JUDGMENT  
OF FORECLOSURE

*Nunc pro tunc to July 2, 2018*

(Clerk's Action Required)

THIS MATTER came on before the undersigned Judge on the Motion of the Plaintiff for entry of a General Judgment of Foreclosure. An Order of Default as to Defendant Tricia L. Naylor was entered on May 16, 2018. A Limited Judgment of Dismissal as to Defendants Occupants of the Subject Property was entered on May 16, 2018. The Court, having read and considered the Affidavits in support of entry of judgment, and further appearing that said Defendants were not at the time of said service in the military service of the United States; it further appearing that the Defendants are not

AMENDED GENERAL JUDGMENT  
OF FORECLOSURE - 1

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1 believed to be financially incapable as defined by ORS 125.005(3), are not minors, a  
2 protected or incapacitated person, or a respondent as defined by ORS 125.005.

3 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

4 1. The real property to which this Judgment relates is commonly known as  
5 **1508 NE Misty Drive, Hermiston, OR 97838**, situated in Umatilla County, Oregon, legally  
6 described as follows:

7 LOT 103, SANDSTONE PHASE 3, AN ADDITION TO THE CITY OF  
8 HERMISTON, UMATILLA COUNTY, OREGON.

9 (hereinafter the "Property").

10 2. The Deed of Trust dated July 11, 2007, was made and delivered by the  
11 Defendant, Tricia L. Naylor, to Mortgage Electronic Registration Systems, Inc., ("MERS") a  
12 separate corporation that is acting solely as a nominee for First Franklin Financial Corp., an  
13 Op. Sub. Of MLB&T Co., FSB, and its successors and assigns,, and recorded on July 24,  
14 2007, as File No. 2007-5230106 in the official records of Umatilla County, Oregon, and is a  
15 valid and perfected lien against all of the real property for the amount of Plaintiff's  
16 Judgment as provided herein.

17 3. The Deed of Trust was subsequently assigned to Plaintiff, U.S. Bank,  
18 National Association, Successor Trustee to Bank of America, N.A., as Successor to LaSalle  
19 Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage  
20 Loan Asset-Backed Certificates, Series 2007-H1 under a Corporate Assignment of Deed of  
21 Trust dated May 24, 2011, recorded by the Clerk of Umatilla County, Oregon, on May 27,  
22 2011, as File No. 2011-5780760.

23  
24 AMENDED GENERAL JUDGMENT  
25 OF FORECLOSURE - 2

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1           4.       The Note is endorsed by First Franklin Corp. an Op. Sub. Of MLB&T Co.,  
2 FSB to First Franklin Financial Corporation, then endorsed in blank by First Franklin  
3 Financial Corporation. Plaintiff, U.S. Bank National Association, Successor Trustee to  
4 Bank of America, N.A., as Successor Trustee to LaSalle Bank, N.A., as Trustee, for  
5 Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed  
6 Certificates, Series 2007-H1, is now the true, actual, and legal holder of said Note, and  
7 beneficiary of the Deed of Trust. *Id.*

8           5.       The interest of each of the Defendants and any successor in the Property is  
9 foreclosed and terminated excepting only any statutory right of redemption as provided by  
10 Oregon law.

11           6.       The lien of the Plaintiff is superior to any interest, lien, or claim of the  
12 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

13           7.       The Defendants are not entitled to a homestead exception as against  
14 Plaintiff's Judgment.

15           8.       All rights, title and interest that Defendant Tricia L. Naylor, had as of the  
16 date of the Deed of Trust, or thereafter acquired in the subject Property, is hereby ordered  
17 to be sold by the Umatilla County Sheriff in accordance with the process for sale upon  
18 execution, and the proceeds of sale shall be applied in the following order: first, to the  
19 costs of sale; second to the satisfaction of the amounts awarded to Plaintiff herein; third,  
20 any surplus, to the Defendants in the priority as their interest may appear or to the Clerk of  
21 the Court to be distributed to such party or parties as may establish their right thereto.  
22  
23

1           9.       Plaintiff shall be entitled to recover any advances that plaintiff may be  
2 required to pay after the entry of judgment herein for taxes, assessment, other items  
3 constituting liens against the property, insurance and/or repairs for the protection and  
4 preservation of the subject property;

5           10.       Plaintiff or any other junior lienholders may become the purchaser at the  
6 sale of the Property.

7           11.       The purchaser at the sale is entitled to such remedies as are available at law  
8 or in equity to secure possession.

9           12.       The purchaser at the sale may apply to the Court for a writ of assistance if  
10 any Defendants or any other party or person holding possession shall refuse to surrender  
11 possession to the purchaser immediately on the purchaser's demand for possession.  
12

13           13.       Plaintiff is awarded Judgment and a Money Award of the following  
14 amounts due and owing under the Note and Deed of Trust:

Principal		\$132,817.86
Prejudgment interest from 2/1/2010 to 5/16/18 at the rate of 9.45% per annum, with a per diem rate of \$34.39 thereafter		\$104,063.87
Other Costs and fees (recoverable)		\$31,187.78
Property Tax	\$19,713.78	
Hazard Insurance	\$5,833.00	
Property Inspection	\$971.00	
Property Preservation	\$4,670.00	
Subtotal (Principal and Costs)		\$164,005.64
Total (plus prejudgment interest)		\$268,069.51

23  
24 AMENDED GENERAL JUDGMENT  
25 OF FORECLOSURE - 4

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15. Attorneys fees and costs are awarded to Plaintiff as follows:

Costs			\$2,346.97
	Mediation Costs:	\$400.00	
	Title Fees:	\$533.00	
	Filing Fees:	\$560.00	
	Recording Fees:	\$71.51	
	Prevailing Party Fee:	\$325.00	
	Process Service:	\$457.46	
Attorney Fees			\$3,050.00
	Reasonable Fee Amount for Uncontested Judicial Foreclosure	\$3,050.00	
Total			\$5,396.97

16. Interest shall accrue on Principal Judgment amount of \$132,817.86 at the interest rate of 9.45%, at a per diem rate of \$34.39, from May 16, 2018. Interest shall accrue on the Other Recovery Amounts at the rate of 9.00% per annum from the date of Judgment. Interest shall accrue on Attorneys Fees and Costs totaling \$5,396.97 at the rate of 9.00% per annum from the date of judgment pursuant to ORS 82.010.

17. This Judgment shall not create a personal lien or liability against Defendant Tricia L. Naylor, except as is customary or necessary to execute such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the Deed of Trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, Plaintiff shall not be entitled to any further judgment, including a Judgment for deficiency.

17. Execution may issue for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may



1 credit bid up to the Amounts Due plus such additional amounts as provided by ORS  
2 18.936 or other applicable law.

3 18. If before sale such amount, including sheriff's fees for the execution, is  
4 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and  
5 the effect of the judgment as to the amounts due shall be terminated.

6 19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in  
7 Foreclosure for the sale of the Property.

8 20. The Court shall retain jurisdiction to enter such additional order or  
9 judgment as necessary to enforce this judgment, the writ of execution or for the purchaser  
10 at the execution sale to obtain possession.  
11

12 **DECLARATION OF AMOUNTS OWING UNDER THE DEED OF TRUST\***

13	a.	Judgment Creditor:	Plaintiff, U.S. Bank, National Association, Successor Trustee to Bank of America, N.A., as Successor to LaSalle Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-H1
14		Address for the purpose of this judgment only:	c/o Weinstein & Riley, P.S. 2001 Western Avenue, Suite 400 Seattle, Washington 98121 Telephone: (206) 269-3490 Facsimile: (206) 269-3493
15		Attorney for Judgment Creditor	Weinstein & Riley, P.S. 2001 Western Avenue, Suite 400 Seattle, Washington 98121 Telephone: (206) 269-3490 Facsimile: (206) 269-3493
16	b.	Judgment Debtors:	Tricia L. Naylor
17		A. Address: Tricia L. Naylor	1508 NE Misty Dr., Hermiston, OR 97838

24 AMENDED GENERAL JUDGMENT  
25 OF FORECLOSURE - 6

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1	B.	Year of date of birth, Tricia L. Naylor	
2	C.	Social Security Number, Tricia L. Naylor	Last four digits: 5249
3	D.	Driver's License State and Numbers	n/a
4	E.	Attorney for Judgment Debtors	n/a
5	c.	The name of any person or public body, other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment;	none
6	d.	The amount of the judgment exclusive of amounts included in subsection (e) through (h) is:	\$132,817.86
7	e.	Prejudgment interest from 2/1/2010 to 5/16/18 at the rate of 9.45% per annum, with a per diem rate of \$34.39 thereafter	\$104,063.87
8	f.	Post-judgment interest:	On Principal Judgment at the rate of 9.45%, at a per diem rate of \$34.39; and on all amounts awarded, at 9.0% per annum pursuant to ORS 82.010 from the date of entry of judgment until the entire amount owing is paid.
9	g.	Monetary obligations that are payable on a periodic basis, any accrued arrearages, required further payments per period and payment dates	None known.
10	h.	Costs and disbursements	\$31,187.78
11		Attorney fees in the amount of:	\$5,396.97

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24 AMENDED GENERAL JUDGMENT  
OF FORECLOSURE - 7

25 46766547

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1 \*This section is provided to comply with ORS 18.042 and in no event should it be  
2 construed as establishing personal liability for any persons whose debt has been  
3 extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
4 foreclose the deed of trust mortgage



Signed: 12/3/2018 09:46 AM

*Eva J. Temple*

Eva J. Temple, Circuit Court Judge

CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
FILED *January 15, 2019*  
TRIAL COURT CLERK AND DIRECTOR  
BY *S. Johnson*  
*Court clerk*

Nunc pro tunc July 2, 2018

8 Presented by:

9  
10 *[Signature]*  
11 Daniel A. Ross, OSB No. 112979  
12 WEINSTEIN & RILEY PS  
13 2001 Western Ave Ste 400  
14 Seattle, WA 98121  
15 (206) 269-3490  
16 Attorneys for Plaintiff  
17 [danielr@w-legal.com](mailto:danielr@w-legal.com)

24 AMENDED GENERAL JUDGMENT  
25 OF FORECLOSURE - 8

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