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

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

Case No. 19CV55066

WRIT OF EXECUTION

Plaintiff,

v.

THE ESTATE OF DONNA GRACE COOK;
THE UNKNOWN HEIRS, ASSIGNS AND
DEWISEES OF DONNA GRACE COOK;
WILLIAM ARTHUR COOK; MICHAEL
DAVID COOK; PATRICE ANNE COOK;
MARY ALICE COOK; THE SECRETARY
OF HOUSING AND URBAN
DEVELOPMENT; STATE OF OREGON;
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4800 RHODODENDRON LOOP,
FLORENCE, OREGON 97439,

Defendant.

TO THE LANE COUNTY SHERIFF:

On February 2, 2021, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE 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

1 SERIES I TRUST c/o Aldridge Pite, LLP, 1050 SW 6th Ave, Suite 1100 Portland, Oregon
2 97204.

3 The real property to be sold at public auction is commonly known as 4800
4 RHODODENDRON LOOP, FLORENCE, OREGON 97439 ("Subject Property"), and legally
5 described as:

6 LOT 4, BLOCK 2, RHODODENDRON TERRACE, AS PLATTED AND RECORDED
7 IN BOOK 67, PAGE 16, LANE COUNTY OREGON PLAT RECORDS, IN LANE
8 COUNTY, OREGON.

9 The total amount due and owing on the Judgment as of October 26, 2021:

10 Judgment:	Principal	\$272,635.46
11 Pre-Judgment:	Interest (\$25.6955 <i>per diem</i>)	\$6,346.78 (6/1/2020 through 2/2/2021)
12	Attorney Fees	\$2,900.00
13	Costs	\$3,642.50
14	Prevailing Party Fee	\$345.00
15 Post-Judgment:	Interest (\$70.55 <i>per diem</i>)	\$18,766.30 (2/3/2021 through 10/26/21)
16	Attorney Fees	\$260.00
17	Costs	\$0.00

18 **TOTAL: \$304,896.04**

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

24 *///*

25 *///*

26 Page 2 - WRIT OF EXECUTION

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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.



Cebby Eduardo
Court Clerk
OCT 27 2021

Presented by:
ALDRIDGE PITE, LLP

By: /s/ Michael J. Page
Michael J. Page, OSB #194328
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 LANE**

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

Plaintiff,

v.

THE ESTATE OF DONNA GRACE COOK;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF DONNA GRACE COOK;
WILLIAM ARTHUR COOK; MICHAEL
DAVID COOK; PATRICE ANNE COOK;
MARY ALICE COOK; THE SECRETARY
OF HOUSING AND URBAN
DEVELOPMENT; STATE OF OREGON; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
4800 RHODODENDRON LOOP,
FLORENCE, OREGON 97439,

Defendants.

Case No. 19CV55066

**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 Donna Grace Cook, The Unknown Heirs, Assigns and Devisees of Donna Grace Cook, William Arthur Cook, Michael David Cook, Patrice Anne Cook, Mary Alice Cook, The Secretary of Housing and Urban Development, State of Oregon, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 4800 Rhododendron Loop, Florence, Oregon 97439, the records on file herein, and pursuant to the Renewed Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Bank of New York

1 Mellon Trust Company, N.A. as Trustee for Mortgage Assets Management Series I Trust
2 (“Plaintiff”),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff’s security interest in the real property located at 4800 Rhododendron
5 Loop, Florence, Oregon 97439 (“Subject Property”), as evidenced by the Deed of Trust recorded
6 June 30, 2008 in the official records of Lane County as instrument number 2008-038342 (“Deed
7 of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
8 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien
9 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

10
11 Lot 4, Block 2, RHODODENDRON TERRACE, as platted and recorded in Book 67,
12 Page 16, Lane County Oregon Plat Records, in Lane County, Oregon.

13
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 – 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 \$325.00, 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;

22 DECLARATION OF AMOUNT DUE BY DEFAULT

23 THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A
24 MONEY AWARD AGAINST ANY DEFENDANT

25 1. The total amount of the unpaid principal balance, interest, and other amounts
26

1 owed is \$272,635.46.

2 2. Simple interest at the variable rate currently at 4.0700% (\$25.6955 *per diem*) after
3 May 31, 2020, through the date of judgment.

4 3. Attorney fees of \$2,900.00 plus \$260.00, through the date of sale.

5 4. Costs of \$3,642.50, plus costs accrued through the date of sale.

6 5. Prevailing party fee: \$345.00.

7 6. Post-judgment interest thereafter on the total judgment amount above, numbers 1-
8 5, at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of
9 sale.

10 **IT IS SO ADJUDGED**

Signed: 1/29/2021 03:43 PM



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14 **Charles D. Carlson, Circuit Court Judge**

15 **CERTIFICATE OF READINESS**

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

- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment,
18 as shown by each party's signature on the document being submitted.
- 19 2. Each party affected by this order or judgment has approved the order or judgment, as
20 shown by each party's signature on the document being submitted or by written
21 confirmation of approval sent to me.
- 22 3. I have served a copy of this order or judgment on all parties 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 received and indicated
26 which objections remain unresolved.
c. After conferring about objections, [**role and name of objecting party**]
agreed to independently file any remaining objection.

Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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- 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/ Michael J. Page

Date: January 15, 2021

Michael J. Page OSB #194328
Of Attorneys for Plaintiff
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