

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL.

DATED: 12/10/2021

Jessica White
COURT CLERK

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

WATERSIDE CONDOMINIUM
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

ASSETS NOW LLC; PARTIES IN
POSSESSION OR CLAIMING A RIGHT TO
POSSESSION,

Defendants.

Case No. 21CV14051

WRIT OF EXECUTION IN
FORECLOSURE OF
RESIDENTIAL REAL
PROPERTY

1223 21 00044

TO THE SHERIFF OF MULTNOMAH COUNTY:

WHEREAS, on November 11, 2021, in the above-entitled court, a General Judgment of Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto and made part hereof;

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of residential real property upon execution (subject to redemption), all of the interest which the defendant had on June 4, 2019, the date the homeowner's association lien was recorded, and was re-recorded on April 9, 2021,

1 and also all of the interest which the defendant had thereafter, in the real property described in
2 the judgment, described as follows:

3
4 Unit 327, WATERSIDE CONDOMINIUM, in the City of Portland, County of
5 Multnomah and State of Oregon.

6
7 TOGETHER WITH the limited common elements and the undivided interest in
8 the general common elements appurtenant thereto, as set forth in Declaration of
9 Condominium Ownership recorded June 29, 2007, Recorder's No. 2007-116897
10 and re-recorded July 10, 2007, Recorder's No. 2007-123106, TOGETHER WITH
11 all subsequent amendments and modifications appertaining to said unit.

12
13 The property is commonly known as 707 N Hayden Island Drive # 327, Portland, OR 97217
14 ("Property").

15 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendants which
16 accrued from date of judgment to date of sale; and the cost of this writ, making due return within
17 60 days after you receive this writ. The proceeds from the sale shall be applied in accordance
18 with the judgment.

19 The balance as of November 11, 2021, exclusive of post judgment attorney fees and
20 post judgment dues and assessments is as follows:

21 ///

22 ///

23 ///

1	1. Principal Amount:	\$ 33,744.88
2	2. Pre-Judgment Interest:	\$ 2,978.70
3	3. Assessments and Late Fees 4/1/21 – 9/17/21:	\$ 6,018.58
4	4. Amount of Costs and Disbursements:	\$ 1,420.82
5	5. Amount of Attorney Fees:	\$ 4,575.00
6	6. Amount of Post-Judgment Interest (through November 11, 2021:	\$ 0.00
7	7. Subtotal through November 11, 2021 (per diem thereafter \$22.56)	\$ 48,737.98
8	8. Total amount through November 11, 2021:	\$ 48,737.98

The mailing address of the judgment creditor is:

Waterside Condominium Association
 c/o Vial Fotheringham LLP
 Ashley M. Yorra,
 17355 SW Boones Ferry Rd. Suite A
 Lake Oswego, OR 97035

Submitted by:

VIAL FOTHERINGHAM LLP

By: /s/ Ashley M. Yorra
 Ashley M. Yorra, OSB# 085194
 Of Attorneys for Plaintiff

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

WATERSIDE CONDOMINIUM
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

Case No. 21CV14051

v.

**GENERAL JUDGMENT OF
FORECLOSURE**

ASSETS NOW LLC; PARTIES IN
POSSESSION OR CLAIMING A RIGHT
TO POSSESSION,

Defendants.

(PRIMA FACIE HEARING BEFORE
JUDGE ERIC L. DAHLIN)

A prima facie attorney fee hearing was held before Judge Dahlin on October 22, 2021 at 9:00 am. In the hearing, Judge Dahlin granted the General Judgment of Foreclosure for all amounts requested, except for ten dollars (\$10.00) of the cost of photocopies. This exclusion of the photocopy costs is reflected in the Judgment totals below. Based on the record of the Court an Order for Default was entered against Defendants Assets Now LLC and Parties in Possession or Claiming a Right to Possession, ("Defendants"). THEREFORE:

IT IS HEREBY ORDERED AND ADJUDGED:

1. The real property to which this judgment relates ("Property") is situated in Multnomah County, Oregon and is legally described as:

1 Unit 327, WATERSIDE CONDOMINIUM, in the City of Portland, County of
2 Multnomah and State of Oregon.

3 TOGETHER WITH the limited common elements and the undivided interest in the
4 general common elements appurtenant thereto, as set forth in Declaration of
5 Condominium Ownership recorded June 29, 2007, Recorder's No. 2007-116897
6 and re-recorded July 10, 2007, Recorder's No. 2007-123106, TOGETHER WITH
7 all subsequent amendments and modifications appertaining to said unit.

8 and is more commonly known as 707 N Hayden Island Drive # 327, Portland, Oregon 97217.

9 2. Plaintiff's Claim of Lien ("Lien"), recorded on June 4, 2019, in the real property
10 records of Multnomah County, Oregon as Instrument No. 2019-055831 and re-recorded on April
11 9, 2021 in the real property records of Multnomah County, Oregon as Instrument No. 2021-
12 058013, is a valid and subsisting lien against all of the property for the amount of Plaintiff's
13 judgment as provided herein. Plaintiff's lien is a continuing lien and the amount increases as
14 additional unpaid assessments accrue.

15 3. The interest of each of the Defendants subject to this judgment and any successor
16 in interest in the property is foreclosed and terminated excepting only any statutory right of
17 redemption as provided by Oregon law.

18 4. The Plaintiff's Lien is superior to any interest, lien, or claim of the remaining
19 Defendants, and shall remain in effect until issuance of a Sheriff's Deed.

20 5. The Property is hereby ordered to be sold by the Multnomah County Sheriff's
21 Office in accordance with the process for sale upon execution.

22 6. Plaintiff, or any junior lien holders, may become purchaser at the sale of the
23 property.
24

1 7. The purchaser at the sale is entitled to exclusive and immediate possession of the
2 Property from and after the date of the sale and is entitled to such remedies as are available at law
3 or in equity to secure possession.

4 8. The purchaser at the sale may apply to the Court for a writ of assistance if any
5 Defendant or any person holding possession under or through such Defendants shall refuse to
6 surrender possession to the purchaser immediately on the purchaser's demand for possession.

7 9. The proceeds of sale shall be applied first toward the costs of the sale; then to any
8 assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment to the
9 date of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the surplus, if
10 any, to the party or parties who may establish their right thereto.

11 10. Since the amount of the lien referenced herein includes only assessments, attorney
12 fees, and costs incurred to the date of judgment, and regular assessments, fees and costs increase
13 the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more
14 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale
15 but are not included in this judgment.

16 11. Plaintiff is now due and owing the following amounts:

Lien Principal:	\$33,744.88
Pre-judgment Interest:	\$2,978.70
Total:	\$36,723.58

17 12. Continuing assessments and late fees now due and owing to Plaintiff:

Assessments and Late fees from April 1, 2021 to September 17, 2021:	\$6,018.58
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18 13. Attorney Fees and Costs are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):	\$4,575.00
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Costs:		\$1,075.82
Photocopies:	\$11.24	
Postage and Shipping:	\$68.38	
Publication Costs:	\$427.20	
Filing Fees:	\$283.00	
Recording Costs:	\$101.00	
Process Service Fees:	\$165.00	
Corporate Service on SOS	\$20.00	
Prevailing Party Fee:		\$345.00
Subtotal:		\$5,995.82
Total:		\$48,737.98

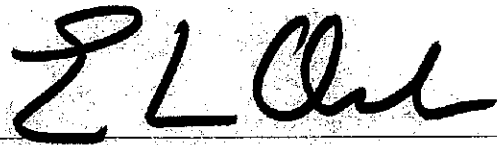
14. Post-judgment simple interest for all past-due assessments shall accrue from the date of judgment at the rate of eighteen percent (18%) per annum until paid, and post judgment interest on all attorney fees and costs shall accrue from the date of judgment at the rate of nine percent (9%) until paid.

15. The amounts declared due in paragraphs 11, 12, and 13 of this judgment shall collectively declare the secured amount due under this Judgment of Foreclosure.

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

17. The court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

11/3/2021 11:17:28 AM



Circuit Court Judge Eric L. Dahlin

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SUBMITTED BY:

By: /s/ Ashley M. Yorra
Ashley M. Yorra, OSB# 085194
Attorney for Plaintiff

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WATERSIDE CONDOMINIUM
ASSOCIATION, an Oregon non-profit
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Plaintiff,

v.

ASSETS NOW LLC; PARTIES IN
POSSESSION OR CLAIMING A
RIGHT TO POSSESSION,

Defendants.

Case No. 21CV14051

CERTIFICATE OF READINESS

This proposed order or judgment is ready for judicial signature because:

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

2. Each opposing 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 each party 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.

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.

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WATERSIDE CONDOMINIUM
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Plaintiff,

v.

ASSETS NOW LLC; PARTIES IN
POSSESSION OR CLAIMING A
RIGHT TO POSSESSION,

Defendants.

Case No. 21CV14051

DECLARATION OF MAILING

I, Tyra Harker, hereby declare that I served copies of the GENERAL JUDGMENT OF FORECLOSURE, DECLARATION OF AMOUNT DUE, STATEMENT FOR ATTORNEY FEES AND COSTS FOR PLAINTIFF, and CERTIFICATE OF READINESS, as well as this Declaration of Service, to the following parties:

Wing C. Cheung
7173 SW Manor Way, Unit E
Aloha, OR 97078

Parties in Possession
7173 SW Manor Way, Unit E
Aloha, OR 97078

Man Fung Betty Chan
7173 SW Manor Way, Unit E
Aloha, OR 97078

Wells Fargo Bank, N.A.
c/o Corporation Service Company, R/A
1127 Broadway St. NE, Ste. 310
Salem, OR 97301

1 by mailing copies to said parties at their last known mailing addresses as set forth above, via first
2 class mail, postage prepaid, and deposited in the United States mail at Lake Oswego, Oregon, on
3 the ____ day of October, 2021.
4

5 **I HEREBY DECLARE AND ATTEST THAT THE ABOVE STATEMENTS ARE TRUE**
6 **TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT IT**
7 **IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR**
8 **PERJURY.**

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VIAL FOTHERINGHAM LLP

By: _____
Tyra F. Harker, Department Advisor
for the Firm Vial Fotheringham LLP