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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF MARION

DEUTSCHE BANK TRUST COMPANY  
AMERICAS AS TRUSTEE FOR  
RESIDENTIAL ACCREDIT LOANS, INC  
PASS THROUGH CERTIFICATES 2005-  
Q04

Case No. 17CV46534

Plaintiff,

WRIT OF EXECUTION

vs.

MICHAEL A. ROTH; TAMMY HASH;  
MSNI ADVANTAGE, LP; UNITED  
STATES OF AMERICA; OREGON ONE,  
INC.; STATE OF OREGON; RACHEL  
KATIE ROTH; ACCTCORP  
INTERNATIONAL OF SALEM; PARTIES  
IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

WHEREAS, on February 5, 2019, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 real property upon execution (subject to redemption) all of the interest which the defendants had on September 23, 2005, the

1- WRIT OF EXECUTION  
JLF No. 17-120733

*JANEWAY LAW FIRM, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360) 260-2253 (800)970-5647  
Fax (360) 260-2285  
ksutherland@logs.com

1 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in  
2 the real property described in the judgment:

3  
4 LOT 49, CHINOOK FIVE-F, COUNTY OF MARION AND STATE OF OREGON.

5 and commonly known as 8389 Konaway Loop S, Salem, OR 97306 to satisfy the sum of  
6 \$1,691,582.20, as of April 13, 2022, together with additional post judgment interest of 9.00% from  
7 that date (\$324.15 per day), and costs of this execution, making due return within 60 days after  
8 you receive this writ.

9 Deutsche Bank Trust Company Americas as Trustee for Residential Accredit Loans, Inc  
10 Pass Through Certificates 2005-QO4 is the Judgment Creditor, and its address for purpose of this  
11 writ only is: C/O Janeway Law Firm, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,  
12 WA 98683 (360) 260-2253. Janeway Law Firm, LLC is the attorney for the Judgment Creditor.  
13

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18 **Circuit Court Judge Channing Bennett**

19 Submitted by:  
20 Attorneys for Plaintiff,  
21 JANEWAY LAW FIRM, LLC

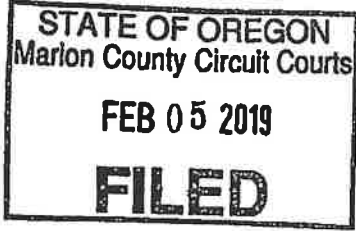
22 By: 

23 James A. Craft #090146 [jcraft@janewaylaw.com]  
24 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
25 (360) 260-2253; Fax (360) 260-2285

26 2- WRIT OF EXECUTION  
27 JLF No. 17-120733

28 *JANEWAY LAW FIRM, LLC*  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF MARION

DEUTSCHE BANK TRUST COMPANY  
AMERICAS AS TRUSTEE FOR RESIDENTIAL  
ACCREDIT LOANS, INC PASS THROUGH  
CERTIFICATES 2005-QO4,

Case No. 17CV46534

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

MICHAEL A. ROTH; TAMMY HASH; MSNI  
ADVANTAGE, LP; UNITED STATES OF  
AMERICA; OREGON ONE, INC.; STATE OF  
OREGON; RACHEL KATIE ROTH; ACCTCORP  
INTERNATIONAL OF SALEM; PARTIES IN  
POSSESSION,

Defendants.

Default having being granted against Defendants, Michael A. Roth, Tammy Hash, MSNI  
Advantage, LP, United States of America, Oregon One, Inc., State of Oregon and Acctcorp  
International of Salem and Parties In Possession and Defendant Rachel Katie Roth having  
stipulated to entry of judgment:

///

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 17-120733

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

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It is hereby

**ORDERED AND ADJUDGED:**

1. The real property to which this judgment relates (hereafter the "Property") is situated in Marion County, Oregon is commonly known as 8389 Konaway Loop S, Salem, OR 97306 and is legally described as follows:

Lot 49, CHINOOK FIVE-F, County of Marion and State of Oregon.

2. The Deed of Trust executed and delivered by Defendant, Michael A. Roth, a married man ("Borrower") on or about September 23, 2005 and recorded on September 30, 2005 as Reel 2545, Page 1 in the official records of Marion County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.

3. The Plaintiff is the holder of the original note dated September 23, 2005 and made by Michael A. Roth in the amount of \$854,000.00. A copy of the Note was attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").

4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.

5. Defendant Rachel Katie Roth claims an interest in the subject property by reason of the following valid and perfected lien:

Child Support Lien's Lien recoded as Dated 5/20/2010, Case No. 10C31416, Marion County Records.

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6. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants, including Defendant Rachel Katie Roth, and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.
7. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
8. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion County Sheriff's Office in accordance with the process for sale upon execution.
9. The proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants, including but not limited to Defendant Rachel Katie Roth in the priority as their interest may appear in the public record or to the clerk of the court to be distributed to such party or parties as may establish their right thereto.
10. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
11. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession.
12. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

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13. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$927,451.76	
Prejudgment interest at 5.125% through January 9, 2019 (accruing thereafter until entry of judgment at \$130.22 per diem)			\$266,138.53
Late Charges		\$0.00	
Other Costs and fees (recoverable)		114,193.74	
	Property Inspections	\$1,325.00	
	Property Preservation	\$90.00	
	BPO Costs	\$395.00	
	Hazard Insurance Advances	\$52,058.00	
	Tax Advances	\$60,646.01	
	Forbearance	\$-320.27	
Subtotal			\$1,041,645.50
Total plus Prejudgment Interest			\$1,307,784.03

14. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$376.00
	Lis Pendens Recording Fee	\$51.00	
	Prevailing Party Fee	\$325.00	
Attorney fees			\$3,050.00
Total			\$3,426.00

15. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

16. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

Verified Correct Copy of Original 2/5/2019.

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17. Execution may issue against the subject property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or other applicable law.

18. 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.

19. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 13 through 15 plus such additional amounts as provided in ORS 18.936 or other applicable law.

20. No money award of any form shall be awarded against Defendant Rachel Katie Roth as a result of the entry of this judgment.

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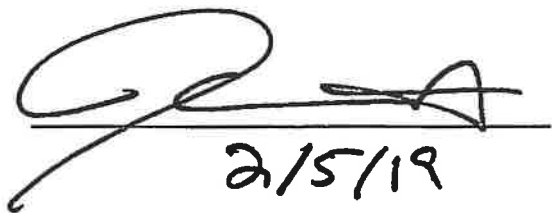
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21. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.



2/15/19

Submitted by:  
Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

By: 

- James A. Craft #090146 [jcraft@logs.com]
  - Kelly D. Sutherland #87357 [ksutherland@logs.com]
  - Gadi Shahak #180865 [gshahak@logs.com]
  - Holger Uhl #950143 [huhl@logs.com]\*
- 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
(360)260-2253; Fax (360)260-2285

So Stipulated:

/s/ Rachel Katie Roth  
~~KATHY ROTH~~  
Rachel Katie Roth

Dated: 2/4/2019