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CLACKAMAS COUNTY SHERIFF

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

U.S. BANK N.A., IN ITS CAPACITY AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF HOME EQUITY ASSET
TRUST 2006-2, HOME EQUITY PASS-
THROUGH CERTIFICATES, SERIES 2006-2,

Plaintiff,

vs.

MARINELA VARGA; STEFAN M. VARGA;
HUDSON & KEYSE, LLC; ATLANTIC
CREDIT AND FINANCE INC.; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

Case No.: 16CV41926

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on January 14, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

1 U.S. BANK N.A., IN ITS CAPACITY AS TRUSTEE FOR THE REGISTERED
2 HOLDERS OF HOME EQUITY ASSET TRUST 2006-2, HOME EQUITY PASS-THROUGH
3 CERTIFICATES, SERIES 2006-2

4 c/o Grace Chu
5 Attorney for Plaintiff

6 McCarthy & Holthus, LLP
7 920 SW 3rd Ave, 1st Floor
8 Portland, OR 97204

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.

9 With the adjudicated amount due of \$468,154.96, plus pre judgment interest at the per diem of
10 \$46.96 from 4/30/2021 to 1/14/2022 in the amount of \$12,162.64, plus post judgment interest at
11 the statutory rate of 9.0% per annum from 1/14/2022 to 5/30/2022 in the amount of \$15,988.65,
12 and continuing with a per diem of \$118.43, currently totaling \$496,306.25.

13 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
14 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
15 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
16 about November 22, 2005, the date of the Deed of Trust, and also the interest that the Defendant
17 had thereafter, in the real property described in the attached Exhibit 1, APN: 01755915 and
18 commonly known as: 13773 Bean Court, Oregon City, OR 97045.

19 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
20 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
21 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
22 You are to make the return within 60 days after you receive this Writ. Should the sale be
23 continued, the writ may be automatically extended for 30 days.

24 **DATED:** 15th day of June, 2022.

25 Court Administrator relies on the information
26 provided by the person seeking issuance of
27 this writ of execution and is not liable for any
28 errors or omissions in the information

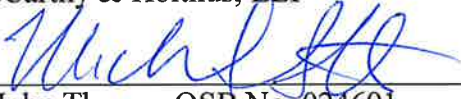
Wendy Watson
Title

By: Wendy Watson



1 Dated: May 24, 2002 and submitted by:

2 McCarthy & Holthus, LLP

3 

4 John Thomas OSB No. 024691

5 Michael Scott OSB No. 973947

6 Grace Chu, OSB No. 220848

7 920 SW 3rd Ave, 1st Floor

8 Portland, OR 97204

9 Phone: (971) 201-3200

10 Fax: (971) 201-3202

11 gchu@mccarthyholthus.com

12 Of Attorneys for Plaintiff

Exhibit 1

LEGAL DESCRIPTION

Lot 32, TRILLIUM PARK NO. 2, in the City of Oregon City, County of Clackamas and State of Oregon.

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

U.S. BANK N.A., IN ITS CAPACITY AS
TRUSTEE FOR THE REGISTERED
HOLDERS OF HOME EQUITY ASSET
TRUST 2006-2, HOME EQUITY PASS-
THROUGH CERTIFICATES, SERIES 2006-2,

Plaintiff,

vs.

MARINELA VARGA; STEFAN M. VARGA;
HUDSON & KEYSE, LLC; ATLANTIC
CREDIT AND FINANCE INC.; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

Case No.: 16CV41926

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

- a. Defendants HUDSON & KEYSE, LLC and ATLANTIC CREDIT AND FINANCE INC., ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

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b. An Order granting Summary Judgment has been entered with regard to Defendants MARINELA VARGA and STEFAN M. VARGA.

c. Defendants PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN have been dismissed from this action.

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

a. The real property to which this judgment relates is located and situated in Clackamas County, Oregon, and is commonly known as 13773 Bean Court, Oregon City, OR 97045 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 01755915.

b. Plaintiff is entitled to enforce the note dated November 22, 2005 and made, delivered, and executed by Stefan M. Varga and Marinela Varga to American Mortgage Express Financial DBA Millennium Funding Group in the amount of \$294,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

c. A deed of trust was made, executed, and delivered by Defendants Stefan M. Varga and Marinela Varga on or about November 22, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on December 6, 2005 as Instrument No. 2005-121499 in the official records of Clackamas County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

d. The Borrowers failed to make the payment that was due for July 1, 2013 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

1	a) Unpaid principal balance:	\$278,687.33
2	b) Prejudgment interest accruing from	\$135,619.13
3	6/1/2013 through 4/30/2021 and	
4	continuing until the entry of	
	judgment at variable rates:	
5	c) Additional amounts due under the	\$48,571.52
	terms of the loan:	
6	d) Attorney fees and costs:	\$5,191.98
7	e) Prevailing party fee (ORS 20.190	\$85.00
8	(1)(a)):	
9	Total:	\$468,154.96

10 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
11 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
12 per annum. The interest of the Defendants and any successor in interest in the Subject
13 Property is foreclosed and terminated excepting only any statutory right of redemption as
14 provided by Oregon law.

- 15 e. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 16 f. All right, title and interest in the Subject Property that Defendants Stefan M. Varga and
17 Marinela Varga had as of the date of the Deed of Trust or thereafter acquired is hereby
18 ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process
19 for sale upon execution, and the proceeds of sale shall be applied:
- 20 1) First, to the costs of sale not incurred by Plaintiff;
 - 21 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
22 entry of judgment through the date of the sale and any incurred costs of sale;
 - 23 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
24 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
25 such party or parties as they may establish their right thereto.

- 1 g. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 h. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 i. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 j. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.

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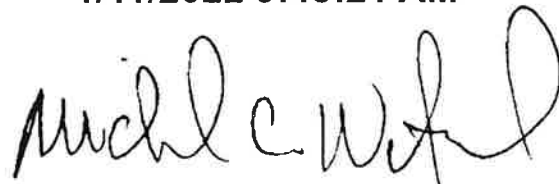
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k. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:

- 1) Atlantic Credit and Finance Inc. may have an interest in the subject property by virtue of Judgment entered July 10 2008, as Case no. LV07090440.
- 2) Hudson and Keyese, LLC may have an interest in the subject property by virtue of a judgment entered April 23, 2009, as Case No. LV08080350.

1/11/2022 9:43:21 AM



Circuit Court Judge Michael C. Wetzel

I hereby certify that the requirements of UTCR 5.100 have been satisfied.

On 5/7/21, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

Served on:

not less than 3 days prior to submission to the court.

Accompanied by a stipulation by ___ that no objection exists as to the judgment or order.

Mailed to:

1 Marinela Varga
13773 Bean Court
Oregon City, OR 97045

2
3
4 Stefan M. Varga
13773 Bean Court
Oregon City, OR 97045

5
6 not less than 7 days prior to submission to the court with a notice of the time period to
7 object.

8 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

11 Each opposing party affected by this order or judgment has approved the order or
12 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

13 I have served a copy of this order or judgment on all parties entitled to service and:

14 No objection has been served on me.

15 I received objections that I could not resolve with the opposing party despite
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

16 After conferring about objections, _____ agreed to independently file
any remaining objection.

17 The relief sought is against an opposing party who has been found in default.

18 An order of default is being requested with this proposed judgment.

19 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
20 otherwise.

1 [] This is a proposed judgment that includes an award of punitive damages and notice
2 has been served on the Director of the Crime Victims' Assistance Section as required
3 by subsection (4) of this rule.

4 [] Other: _____

5 Dated: 5/18/21 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ John Thomas

8 John Thomas OSB No. 024691

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 jthomas@mccarthyholthus.com

14 Of Attorneys for Plaintiff

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