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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2004-6,

Plaintiff,

vs.

MARK H. ELLICOTT, III, an individual;  
ACCURATE COLLECTION SERVICE LLC;  
CAVALRY PORTFOLIO SERVICES LLC;  
and ALL OTHER UNKNOWN PARTIES  
CLAIMING ANY RIGHT, TITLE, LIEN OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 1213 3RD  
STREET, OREGON CITY, OR 97045,

Defendants.

**CASE NO.: 18CV55179**

**WRIT OF EXECUTION**

TO THE SHERIFF OF CLACKAMAS COUNTY OREGON:

WHEREAS, on March 27, 2019, by consideration of the Clackamas County Circuit Court,  
there was entered a General Judgment of Foreclosure. Said General Judgment of Foreclosure was  
duly enrolled and docketed in the Court Administrator's Office in said County on March 27, 2019,  
a true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

Judgment Creditor

THE BANK OF NEW YORK MELLON FKA THE  
BANK OF NEW YORK, AS TRUSTEE FOR THE  
BENEFIT OF THE CERTIFICATEHOLDERS OF THE

CWABS INC., ASSET-BACKED CERTIFICATES,  
SERIES 2004-6

Judgment Creditor Address: c/o ZBS LAW, LLP  
5 Centerpoint Dr. Suite 400  
Lake Oswego, OR 97035

NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
commanded to sell the real property as by said General Judgment of Foreclosure according to law  
(subject to redemption) all of the interest that the borrower Mark Ellicott, III, had on the 28<sup>th</sup> Day  
of April, 2004, the date of the Mortgage, and also all of the interest that borrower had thereafter,  
in the real property described in the Judgment as:

ALL OF LOT 6, BLOCK 20 "A", FALLS VIEW ADDITION, IN THE CITY OF  
OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON.  
APN: 22E31DA07100.

The street address of the real property to be levied upon is 1213 3rd Street, Oregon City,  
OR 97045.

THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
THE DATE OF SUBMISSION (August 11, 2022) IS AS FOLLOWS:

Base Judgment and Interest:	\$143,659.73
Attorney Fees and Costs:	\$4,258.00
Prevailing Party Fee:	\$300.00
Pre-Judgment Interest from 03/01/2019 – 03/27/2019 at 3.25% (\$11.15 per diem)	\$301.05
Post-Judgment Interest from 03/28/2019 – 08/11/2022 at 9.0% (\$36.62 per diem)	\$45,152.46

1 Total due as of August 11, 2022: \$193,671.24, with interest to continue to accrue at  
2 9.0% (\$36.62 per diem) until the date of sale.

3 The proceeds of sale shall be applied, delivered, and distributed according to ORS 18.950.

4 *Dated: August 18, 2022.*

5 By: *Wendy Jackson*



6 Submitted by:

7 *Amber L. Labrecque*

8 Amber L. Labrecque, OSB No. 094593

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10  
11 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.  
12 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,  
13 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING  
14 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST  
15 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

16 *Court Administrator relies on the information*  
17 *provided by the person seeking issuance of*  
18 *this writ of execution and is not liable for any*  
19 *errors or omissions in the information*

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

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE BENEFIT OF THE  
CERTIFICATEHOLDERS OF THE CWABS  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2004-6,

Plaintiff,

vs.

MARK H. ELLICOTT, III, an individual;  
ACCURATE COLLECTION SERVICE LLC;  
CAVALRY PORTFOLIO SERVICES LLC;  
and ALL OTHER UNKNOWN PARTIES  
CLAIMING ANY RIGHT, TITLE, LIEN OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 1213 3RD  
STREET, OREGON CITY, OR 97045,

Defendants.

**CASE NO. 18CV55179**

**GENERAL JUDGMENT OF  
FORECLOSURE BY DEFAULT  
(WITHOUT MONEY AWARD –  
JUDGMENT DOES NOT  
CREATE A LIEN)**

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1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff, The Bank  
2 of New York Mellon fka The Bank of New York, as trustee for the benefit of the Certificateholders  
3 of the CWABS Inc., Asset-Backed Certificates, Series 2004-6 (“Plaintiff”) and against defendants  
4 Mark H. Ellicott III (“Borrower”), Accurate Collection Service LLC (“ACS”), and Cavalry Portfolio  
5 Services LLC (“Cavalry”, collectively “Defendants”), and that Plaintiff has filed a Statement for  
6 Attorney Fees, Costs, and Disbursements,

7 **IT IS HEREBY ORDERED AND ADJUDGED:**

8 **1.**

9 Plaintiff is awarded judgment against Defendants and all persons claiming through or under  
10 Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien  
11 or claim in the real property described above and every portion thereof excepting only any  
12 satisfactory right of redemption as Defendants, or any of them, may have therein.

13 All Other Persons Parties, or Occupants Unknown claiming any legal or equitable right,  
14 title, estate, lien, or interest in the real property (“AOP”) were dismissed February 25, 2019 from  
15 this action.

16 **2.**

17 Writ of execution upon this General Judgment of Foreclosure shall issue.

18 **3.**

19 The Deed of Trust executed by Mark H. Ellicott III (“Borrower”) and recorded on May 5,  
20 2004, in the Clackamas County Recorder’s Office as instrument number 2004-039877, is a valid  
21 mortgage lien for the amount of Plaintiff’s judgment set forth in paragraph 1 against all the real  
22 property, located in Clackamas County, Oregon commonly referred to as 1213 3<sup>rd</sup> Street, Oregon  
23 City, OR 97045, with a legal description as follows:

24 ALL OF LOT 6, BLOCK 20 “A”, FALLS VIEW ADDITION, IN THE CITY OF  
25 OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON.

26 APN: 22E31DA07100.

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4.

Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real property, and all other interest in the property gained by him thereafter, or so much interest as may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Clackamas County, Oregon in the manner provided by law and in accordance with the practice of this Court.

5.

The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as may establish their right thereto.

6.

Defendants and all persons claiming through or under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property described above and every portion thereof excepting only any satisfactory right of redemption as Defendants may have.

7.

Plaintiff or any other party to this suit or third party purchase may become the purchaser at the sale of the real property. The purchaser is entitled to exclusive possession of the real property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, ~~including~~ <sup>purchaser may apply for</sup> writ of assistance, if the Defendants and any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

**SECURED DEBT**

1. Judgment Creditor:

The Bank of New York Mellon fka The Bank of New York, as trustee for the benefit of the Certificateholders of the CWABS Inc., Asset-Backed Certificates, Series 2004-6  
c/o Zieve, Brodnax, & Steele, LLP

One World Trade Center  
121 Southwest Salmon St., 11<sup>th</sup> Floor  
Portland, OR 97204  
714-848-7920

2. Judgment Creditor's Attorney: Scott D. Crawford  
Jeffrey A. Myers  
Zieve, Brodnax, & Steele, LLP  
One World Trade Center  
121 Southwest Salmon St., 11<sup>th</sup> Floor  
Portland, OR 97204  
714-848-7920

3. Person or public body entitled to any portion of money award herein: None

4. Total Amount of Secured Debt:

<b><u>LENDERS' PRINCIPAL AND INTEREST</u></b>	
Principal Balance	\$ 131,947.07
Accrued interest on the principal balance through 2/28/19	\$ 6,407.27
Accrued fees on the principal balance through 2/28/19	\$ 5,305.39
Additional pre-judgment interest to accrue from 3/1/19 to the date this judgment is entered, at the note rate of 3.25% (\$11.15 per diem)	
Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 3/1/19 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
<b>Total Principal and Interest Through 2/28/19 at the rate of 3.25% (\$11.15 per diem)</b>	<b>\$ 143,659.73</b>
<b><u>ATTORNEYS' FEES AND COSTS</u></b>	
Attorney Fees	\$ 3,050.00
Attorney Costs	\$ 1,208.00
<b>Total Attorney Fees and Costs</b>	<b>\$ 4,258.00</b>
Prevailing Party Fee	\$ 300.00
<b>TOTAL SECURED DEBT (JUDGMENT)</b>	<b>\$ 148,217.73</b>

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1 Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment  
2 is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment  
3 against the Borrower.  
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Signed: 3/21/2019 03:46 PM

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11 \_\_\_\_\_  
12 Circuit Court Judge Michael C. Wetzel

13 **UTCR 5.100(2) CERTIFICATE OF READINESS**

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

- 15 1.  Each party affected by this order of judgment has stipulated to the order or judgment,  
16 as shown by each party's signature on the document being submitted.  
17  
18 2.  Each party affected by this order of judgment has approved the order or judgment, as  
19 shown by each party's signature on the document being submitted or by written  
20 confirmation of approval sent to me.  
21  
22 3.  I have served a copy of this order of judgment on each party 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 have received and  
26 indicated which objections remained unresolved.  
27



1 c.  After conferring about objections [role and name of objecting party] agreed to  
2 independently file any remaining objection.

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

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

5 6.  Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or  
6 otherwise.

7 7.  This is a proposed judgment that includes an award of punitive damages and notice as  
8 been served on the Director of the Crime Victims' Assistance Section as required by  
9 subsection (5) of the rule.  
10

11 8.  Other: \_\_\_\_\_

12 Submitted By:

13 /s/ Jeffrey A. Myers 3/12/19  
14 Scott D. Crawford, OR No. 086448  
15 Jeffrey A. Myers, OSB No. 094561  
16 Attorneys for Plaintiff  
scrawford@zbslaw.com  
jmyers@zbslaw.com