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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 CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2007-OA4 MORTGAGE
PASSTHROUGH CERTIFICATES, SERIES
2007- OA4,

Plaintiff,

v.

BRAD K. HIDAY, an individual; KARA L.
ROSE, an individual; MELINDA HIDAY, an
individual; MIDLAND FUNDING LLC;
TURNING LEAFHOMES, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; BANK
OF AMERICA, N.A. AS SUCCESSOR TO
COUNTRYWIDE BANK, N.A.; and ALL
OTHER UNKNOWN PARTIES CLAIMING
ANY RIGHT, TITLE, LIEN OR INTEREST
IN THE REAL PROPERTY COMMONLY
KNOWN AS 30620 SW ROSE LANE,
WILSONVILLE, OR 97070,

Defendants.

CASE NO.: 18CV51697
WRIT OF EXECUTION

TO THE SHERIFF OF CLACKAMAS COUNTY OREGON:

WHEREAS, on May 23, 2019, by consideration of the Clackamas County Circuit Court,
there was executed a General Judgment of Foreclosure. The General Judgment of Foreclosure was

1 duly enrolled and docketed in the Court Administrator's Office in said County on May 23, 2019,
2 a true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

3 Judgment Creditor

THE BANK OF NEW YORK MELLON FKA THE
4 BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT, INC.,
5 ALTERNATIVE LOAN TRUST 2007-OA4 MORTGAGE
PASSTHROUGH CERTIFICATES, SERIES 2007- OA4

6 Judgment Creditor Address: c/o ZBS LAW, LLP
7 5 Centerpointe Dr. Suite 400
8 Lake Oswego, OR 97035

9 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
10 commanded to sell the real property pursuant to said General Judgment of Foreclosure according
11 to law (subject to redemption) all of the interest that the borrowers had on the 7th of February,
12 2007, the date of the Mortgage, and also all of the interest that borrower had thereafter, in the real
13 property described in the Judgment as:

14 LOT 2, BUCK'S LANDING, IN THE CITY OF WILSONVILLE, CLACKAMAS
15 COUNTY, OREGON.

16 EXCEPTING THEREFROM: A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-
17 QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE
18 WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY,
19 OREGON BEING A PORTION OF LOT 2, BUCK'S LANDING, AS RECORDED IN BOOK
20 120, PAGE 8, CLACKAMAS COUNTY PLAT RECORDS, SAID TRACT MORE
21 PARTICULARLY DESCRIBED AS FOLLOWS:

22 BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT 2 THAT BEARS
23 SOUTH 33°49'32" EAST, A DISTANCE OF 84.65 FEET FROM THE MOST NORTHERLY
24 PROPERTY CORNER, THENCE NORTH 89°06'12" EAST 43.92 FEET; THENCE SOUTH
25 00°55'15" EAST 67.86 FEET AND THENCE NORTH 33°49'32" WEST 83.83 FEET TO THE
26

1 POINT OF BEGINNING. TOGETHER WITH THAT ACCESS EASEMENT AS
2 DELINEATED ON PLAT OF BUCK'S LANDING

3 APN: 05003796

4 The street address of the real property to be levied upon 30620 SW Rose Lane, Wilsonville,
5 OR 97070.

6 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
7 THE DATE OF SUBMISSION (March 22, 2024) IS AS FOLLOWS:

8 Base Judgment and Interest: \$922,001.69

9 Attorney Fees and Costs: \$7,974.70

10 Prevailing Party Fee: \$300.00

11 Pre-Judgment Interest from
12 04/05/2019 – 05/23/2019 at 2.0%
13 (\$43.14 per diem x 49 days) \$2,113.86

14 Post-Judgment Interest from
15 05/24/2019 – 03/22/2024 at 9%
16 (\$229.90 per diem x 1765 days) \$405,773.50

17 Total due as of March 22, 2024: \$1,338,163.75, with interest to continue to accrue at
18 9% (\$229.90 per diem) until the date of sale.

19 The proceeds of sale shall be applied, delivered, and distributed according to ORS 18.950.
20 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
21 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
22 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
23 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
24 THIS WRIT BY FILING A CLAIM OF EXEMPTION

Dated April 15, 2024

By: Wendy Watson

23 Submitted by:

25 Jeffrey A. Myers, OSB# 094561

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
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FOR THE CERTIFICATEHOLDERS OF
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MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; BANK
OF AMERICA, N.A. AS SUCCESSOR TO
COUNTRYWIDE BANK, N.A.; and ALL
OTHER UNKNOWN PARTIES CLAIMING
ANY RIGHT, TITLE, LIEN OR INTEREST
IN THE REAL PROPERTY COMMONLY
KNOWN AS 30620 SW ROSE LANE,
WILSONVILLE, OR 97070,

Defendants.

CASE NO. 18CV51697

**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 Certificateholders of CWALT,
3 Inc., Alternative Loan Trust 2007- OA4Mortgage Passthrough Certificates, Series 2007- OA4
4 (“Plaintiff”) and against Defendants Brad Hiday (“Borrower 1”) and Melinda Hiday (“Borrower
5 2”, collectively “Borrowers”), Kara L. Rose (“Kara”), Midland Funding LLC (“Midland”),
6 Turning Leaf Homes, LLC (“TLF”), Mortgage Electronic Registration Systems, Inc. (“MERS”),
7 Bank of America, N.A. as successor to Countrywide Bank, N.A. (“BANA”), and All Other
8 Unknown Parties claiming any right, title, lien or interest in the real property (“AOP”, collectively
9 “Defendants”), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and
10 Disbursements,

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

12 **1.**

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

17 **2.**

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

19 **3.**

20 The Deed of Trust executed by George Garcia (“Deceased Borrower”) and recorded on
21 February 7, 2007, in the Clackamas County Recorder’s Office as instrument number 2007-010909,
22 is a valid mortgage lien for the amount of Plaintiff’s judgment set forth in paragraph 1 against all
23 the real property, located in Clackamas County, Oregon commonly referred to as 30620 SW Rose
24 Lane, Wilsonville, OR 97070, with a legal description as follows:

25 LOT 2, BUCK'S LANDING, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY,
26 OREGON.
27

1 EXCEPTING THEREFROM: A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-
2 QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE
3 WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY,
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9 PROPERTY CORNER; THENCE NORTH 89°06' 12" EAST 43.92 FEET; THENCE SOUTH
10 00°55'15" EAST 67.86 FEET AND THENCE NORTH 33°49'32" WEST 83.83 FEET TO THE
11 POINT OF BEGINNING. TOGETHER WITH THAT ACCESS EASEMENT AS
12 DELINEATED ON PLAT OF BUCK'S LANDING

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14
15 APN: 05003796.

16 4.

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

21 5.

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

26 6.

27 Defendants and all persons claiming through or under Defendants, as purchasers,

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

4 7.

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

11 **SECURED DEBT**

12 Judgment Creditor:

13 THE BANK OF NEW YORK MELLON FKA
14 THE BANK OF NEW YORK AS TRUSTEE
15 FOR THE CERTIFICATEHOLDERS OF
16 CWALT, INC., ALTERNATIVE LOAN
17 TRUST 2007-OA4 MORTGAGE
18 PASSTHROUGH CERTIFICATES, SERIES 2007-
19 OA4
20 c/o Zieve, Brodnax, & Steele, LLP
21 One World Trade Center
22 121 Southwest Salmon St., 11th Floor
23 Portland, OR 97204
24 714-848-7920

19 Judgment Creditor's Attorney:

20 Scott D. Crawford
21 Jeffrey A. Myers
22 Zieve, Brodnax, & Steele, LLP
23 One World Trade Center
24 121 Southwest Salmon St., 11th Floor
25 Portland, OR 97204
26 714-848-7920

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

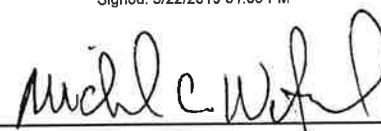
25 2. Total Amount of Secured Debt:

25 LENDERS' PRINCIPAL AND INTEREST	
26 Principal Balance	\$ 524,887.69

1	Accrued interest on the principal balance through 4/4/19	\$ 58,741.72
2		
3	Accrued fees on the principal balance through 4/4/19	\$ 338,372.28
4	Additional pre-judgment interest	
5	to accrue from 4/5/19 to the date this judgment is entered, at	
6	the note rate of 2.0% (\$43.14 per diem)	
7	Post-judgment interest to accrue on the sum of: (1) the	
8	judgment amount in section d, and (2) the additional pre-	
9	judgment interest accruing from 4/5/19 to the date of	
10	judgment. This post-judgment interest shall accrue at the	
11	statutory rate of 9.0%, from the date judgment is entered	
12	until the date of sale.	
13		
14	Total Principal and Interest Through 4/4/19 at the rate	
15	of 2.0% (\$43.14 per diem)	\$ 922,001.69
16	ATTORNEYS' FEES AND COSTS	
17	Attorney Fees	\$ 3,830.00
18	Attorney Costs	\$ 4,144.70
19	Total Attorney Fees and Costs	\$ 7,974.70
20	Prevailing Party Fee	\$ 300.00
21	TOTAL SECURED DEBT (JUDGMENT)	\$ 930,276.39

15 Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment
16 is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment
17 against the Borrower.

Signed: 5/22/2019 01:08 PM



Circuit Court Judge Michael C. Wetzel

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

26 This proposed order or judgment is ready for judicial signature because:
27

- 1 1. Each party affected by this order of judgment has stipulated to the order or judgment,
2 as shown by each party's signature on the document being submitted.
- 3 2. Each party affected by this order of judgment has approved the order or judgment, as
4 shown by each party's signature on the document being submitted or by written
5 confirmation of approval sent to me.
- 6 3. I have served a copy of this order of judgment on each party entitled to service and:
7 a. No objection has been served on me.
8 b. I received objections that I could not resolve with a party despite reasonable
9 efforts to do so. I have filed a copy of the objections I have received and
10 indicated which objections remained unresolved.
11 c. After conferring about objections [role and name of objecting party] agreed to
12 independently file any remaining objection.
- 13 4. The relief sought is against an opposing party who has been found in default.
14 5. An order of default is being requested with this proposed judgment.
15 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
16 otherwise.
17 7. This is a proposed judgment that includes an award of punitive damages and notice as
18 been served on the Director of the Crime Victims' Assistance Section as required by
19 subsection (5) of the rule.
20 8. Other: _____
21
22
23

24 Submitted By:

25 /s/ Jeffrey A. Myers 3/26/19
26 Scott D. Crawford, OR No. 086448
27 Jeffrey A. Myers, OSB No. 094561
28 Attorneys for Plaintiff
scrawford@zbslaw.com
jmyers@zbslaw.com