

Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

APR 8 2024 PM 4:57

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

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR-IN-INTEREST TO U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR TRUSTEE TO LASALLE BANK NATIONAL ASSOCIATION, ON BEHALF OF THE HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2006-HE9, ASSET-BACKED CERTIFICATES SERIES 2006-HE9,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF IRIS A. GAGE AKA IRIS ANNETTE GAGE AKA IRIS GAGE; RENEE GAGE; KRISTINA GAGE; OREGON DEPARTMENT OF REVENUE; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 23CV11371

WRIT OF EXECUTION IN FORECLOSURE

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 8, 2024. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE, AS SUCCESSOR-IN-INTEREST TO U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR TRUSTEE TO LASALLE BANK NATIONAL ASSOCIATION, ON BEHALF OF THE

1 HOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2006-HE9,
2 ASSET-BACKED CERTIFICATES SERIES 2006-HE9

3 c/o Grace Chu
4 Attorney for Plaintiff

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

With the adjudicated amount due of \$238,774.74, plus pre judgment interest at the current Note rate of 5.000% from February 24, 2024 through March 7, 2024 in the amount of \$157.20, plus post judgment interest at the statutory rate of 9.0% per annum from March 8, 2024 through April 1, 2024 in the amount of \$1,413.02, and continuing with a per diem of \$58.88, currently totaling \$240,344.96.

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 on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about September 12, 2006, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows:

LOT 5, BLOCK 2, SHELTON, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

and commonly known as: 6530 SE 83RD AVENUE, PORTLAND, OR 97266-1464.

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

DATED: 1st day of April, 2024.

clerk
Title
By: [Signature]



1 Dated: March 27, 2024 and submitted by:

2 McCarthy & Holthus, LLP

3 s/Grace Chu

4 _____
_ John Thomas OSB No. 024691

5 _ Grace Chu OSB No. 220848

6 _ Michael Scott OSB No. 973947

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

Verified Correct Copy of Original 3/7/2024.

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

U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION, AS
TRUSTEE, AS SUCCESSOR-IN-
INTEREST TO U.S. BANK NATIONAL
ASSOCIATION, SUCCESSOR TRUSTEE
TO LASALLE BANK NATIONAL
ASSOCIATION, ON BEHALF OF THE
HOLDERS OF BEAR STEARNS ASSET
BACKED SECURITIES TRUST 2006-
HE9, ASSET-BACKED CERTIFICATES
SERIES 2006-HE9,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF
IRIS A. GAGE AKA IRIS ANNETTE
GAGE AKA IRIS GAGE; RENEE GAGE;
KRISTINA GAGE; OREGON
DEPARTMENT OF REVENUE;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 23CV11371

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

a. Defendants UNKNOWN HEIRS AND DEVISEES OF IRIS A. GAGE AKA IRIS ANNETTE GAGE AKA IRIS GAGE; RENEE GAGE; KRISTINA GAGE; and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with

1 process and failed to appear; the default has been entered against Defaulted Defendants, and
2 it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents
3 as defined in ORS 125.005, minors, or in the military service of the United States;

4 b. OREGON DEPARTMENT OF REVENUE was dismissed from this action;

5 2.

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

7 a. The real property to which this judgment relates is located and situated in Multnomah
8 County, Oregon, and is commonly known as 6530 SE 83RD AVENUE, PORTLAND, OR
9 97266-1464 (the "Subject Property"), legally described as

10 LOT 5, BLOCK 2, SHELTON, IN THE CITY OF PORTLAND, COUNTY OF
11 MULTNOMAH AND STATE OF OREGON.

12 APN/Parcel No. R269605, R764700570, 1S2E21BB-08200.

13 b. Plaintiff is entitled to enforce the note dated September 14, 2006 and made, delivered, and
14 executed by IRIS A. GAGE AKA IRIS ANNETTE GAGE AKA IRIS GAGE to Encore
15 Credit Corp., Its Successors and Assigns in the amount of \$130,900.00 (the "Note"). The
16 Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on
17 the Note.

18 c. A deed of trust was made, executed, and delivered by Defendant IRIS A. GAGE AKA IRIS
19 ANNETTE GAGE AKA IRIS GAGE on or about September 14, 2006 (the "Deed of Trust").
20 The Deed of Trust was recorded on September 22, 2006 as Instrument No. 2006-176377 in
21 the official records of Multnomah County, Oregon. The Deed of Trust is a valid and
22 perfected lien against all of the Property for and securing the Amount Due. The lien of the
23 Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect
24 until issuance of a Sheriff's Deed.

25 d. The Borrower failed to make the payment that was due for December 1, 2019 and has not
26 cured the default. The amount of debt secured by the Deed of Trust that is now due and
27 owing is comprised of the following amounts (the "Amount Due"):

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a) Unpaid principal balance:	\$100,338.93
b) Deferred principal balance:	\$36,500.00
c) Prejudgment interest accruing from 11/1/2019 through 2/23/2024 and continuing until the entry of judgment at the current Note rate of 5.000%:	\$21,124.16
d) Additional amounts due under the terms of the loan:	\$80,726.65
e) Attorney fees and costs:	\$0.00
f) Prevailing party fee (ORS 20.190 (1)(b)(A)):	\$85.00
Total:	\$238,774.74

Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the date of entry of this judgment through the sale of the Subject Property at the rate of 9.00% per annum.

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendant IRIS A. GAGE AKA IRIS ANNETTE GAGE AKA IRIS GAGE had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale, post-judgment property taxes,

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insurance, and other sums reasonably incurred and allowed under the Deed of Trust to protect Plaintiff's interest in the Property, and any incurred costs of sale;

3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale, post-judgment property taxes, insurance, and other sums reasonably incurred and allowed under the Deed of Trust to protect Plaintiff's interest the Property, and any incurred costs of sale

i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject 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. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be entitled to any further or other judgment, including a judgment for the deficiency.


k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.

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

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1) Defendant OREGON DEPARTMENT OF REVENUE may claim an interest in the subject real property by virtue of a lien recorded on 7/11/2002 as Instrument No. 2002-122653.



LAUREN 3/7/24

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

On _____, a copy of the Motion for Entry of Judgment, Declaration of Amounts Due, and Proposed Judgment of Foreclosure was:

Served on:

Michael Grant
Department of Justice
1162 Court St NE
Salem, OR 97301
Attorney for Oregon Department of Revenue

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

Accompanied by a stipulation by Opposing Attorney: Michael Grant and Firm: Department of Justice that no objection exists as to the judgment or order.

Mailed to:

Unknown Heirs and Devisees of Iris A. Gage aka Iris Annette Gage aka Iris Gage
6530 SE 83rd avenue
Portland, OR 97266

Renee Gage
9033 SE Victor St
Portland, OR 97266

Kristina Gage
2889 SE Hillside Court, Apt 910
Milwaukie, OR 97222

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Occupants of the Property
6530 SE 83rd avenue
Portland, OR 97266

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

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

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.

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

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

No objection has been served on me.

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.

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

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

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

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

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

Other: _____

Dated: February 19, 2024 and submitted by:

McCarthy & Holthus, LLP

s/Grace Chu

Grace Chu OSB No. 220848

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

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Of Attorneys for Plaintiff