

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE ON BEHALF OF
THE CERTIFICATEHOLDERS OF NATIXIS
REAL ESTATE CAPITAL TRUST 2007-
HE2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE2,

Plaintiff,

vs.

VICENTE JUAREZ; MASTER FINANCIAL
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION;
HERMELINDA JEPPERSON AKA
HERMELINDA JUAREZ; STATE OF
OREGON; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No.: CV150835

WRIT OF EXECUTION IN
FORECLOSURE

TO THE UMATILLA COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 28, 2016. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE ON BEHALF
2 OF THE CERTIFICATEHOLDERS OF NATIXIS REAL ESTATE CAPITAL TRUST
3 2007-HE2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2
4 c/o Michael Scott
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204


5 With the adjudicated amount due of \$167,497.26, plus pre judgment interest from 05/03/2016 to
6 06/28/2016 at the per diem rate of \$10.36 totaling \$580.16, plus post judgment interest at the
7 statutory rate of 9.0% per annum from 06/29/2016 to 1/20/2022 in the amount of \$84,206.08,
8 and continuing with a per diem of \$41.44 currently totaling \$252,283.50.

9
10 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
11 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
12 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
13 about December 22, 2006, the date of the Deed of Trust, and also the interest that the Defendant
14 had thereafter, in the real property described as follows:

15 Attached as Exhibit 1

16 and commonly known as: 1290 W POPLAR AVE, HERMISTON, OR 97838.

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

22
23
24 

25 **Tammy Hulse, Court Clerk**

26 1/21/2022 9:50:32 AM



1 Dated January 20, 2022 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Michael Scott

4 _____
_ John Thomas OSB No. 024691
5 x Michael Scott OSB No. 973947
6 920 SW 3rd Ave, 1st Floor
Portland, OR 97204
7 Phone: (971) 201-3200
8 Fax: (971) 201-3202
msscott@mccarthyholthus.com
Of Attorneys for Plaintiff

Exhibit "1"

That portion of Northeast Quarter of Southeast Quarter of Section 9, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, described as follows:

Beginning at the Northwest corner of Lot 1, Block "D" Ekleberry Tracts; thence South $0^{\circ}01'00''$ West, 110 feet along the West line of said Ekleberry Tracts; thence North $89^{\circ}09'00''$ West, 120 feet; thence North $0^{\circ}01'00''$ East, 110 feet to the South line of land conveyed to City of Hermiston, by Deed recorded in Book 198, Page 154, Deed Records, Umatilla County, Oregon; thence South $89^{\circ}09'00''$ East, 120 feet to the point of beginning.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Verified Correct Copy of Original 6/28/2016.

CIRCUIT COURT OF OREGON FOR UMATILLA COUNTY

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE ON BEHALF OF
THE CERTIFICATEHOLDERS OF NATIXIS
REAL ESTATE CAPITAL TRUST 2007-
HE2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE2,

Plaintiff,

v.

VICENTE JUAREZ; MASTER FINANCIAL
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; HERMELINDA
JEPPERSON AKA HERMELINDA JUAREZ;
STATE OF OREGON; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. CV150835

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the
plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE ON BEHALF OF

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60128-16654-JUD-OR1442801

Law Offices
ROBINSON TAIT, P.S.
710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

Verified Correct Copy of Original 6/28/2016

1 THE CERTIFICATEHOLDERS OF NATIXIS REAL ESTATE CAPITAL TRUST 2007-HE2,
2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2, appearing and being
3 represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the pleadings
4 and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil
5 Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there
6 are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the
7 judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth.
8

9 Therefore,

10
11 IT IS HEREBY ORDERED AND ADJUDGED THAT:

12
13 1. Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE ON
14 BEHALF OF THE CERTIFICATEHOLDERS OF NATIXIS REAL ESTATE CAPITAL TRUST
15 2007-HE2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2 be awarded
16 judgment in the sum of \$144,409.59, together with interest at a rate as provided in the Note from
17 September 1, 2013 through May 2, 2016 in the amount of \$10,371.39 with additional pre-judgment
18 interest at the per diem rate of \$10.36 as provided in the Note to the date of entry of judgment; plus
19 reasonable attorneys' fees in the amount of \$2,050.00, plus other recoverable amounts of \$8,337.41
20 which includes the amounts itemized in the declaration of the lender in support of motion for judgment
21 plus allowable costs of \$2,328.87 as itemized in the bill of disbursements and an additional amount for
22 post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the
23 contract rate, whichever is greater; and.
24

25
26 2. Plaintiff's Deed of Trust on real property in Umatilla County, Oregon, legally
27 described as follows:
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A.

which was recorded on January 5, 2007, under Auditor's File No. 2007-5130295, records of Umatilla County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described real estate and the whole thereof as security for the payment of the judgment herein set forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff of Umatilla County in the manner provided for by law, and the proceeds therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the defendants Vicente Juarez, Master Financial Inc., Mortgage Electronic Registration Systems, Inc., Oregon Affordable Housing Assistance Corporation, Hermelinda Jepperson Aka Hermelinda Juarez, and State Of Oregon and of any one claiming by, through or under them; and

3. Vicente Juarez, Master Financial Inc., Mortgage Electronic Registration Systems, Inc., Oregon Affordable Housing Assistance Corporation, Hermelinda Jepperson Aka Hermelinda Juarez, and State Of Oregon subsequent to December 22, 2006, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save and except for the right of redemption as allowed by law; and

4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the purchaser shall be entitled to exclusive possession of the property upon completion of sale according to law, and to all right, title and interest in any rents and profits generated or arising from the property during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 3
60128-16654-JUD-OR1442801

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 678-9640

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

secure possession, including writ of assistance, if defendants or any of them or any other party or person shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for possession; and

5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall pay the remaining proceeds as directed by the court in the order of distribution.

DECLARATION DETERMINING AMOUNT OF DEBT
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

Judgment Creditor: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS OF NATIXIS REAL ESTATE CAPITAL TRUST 2007-HE2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2
c/o Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson
Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

The name of any person or public body, other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment: None

Principal Balance: \$144,409.59

Simple Interest on the Principal Balance from September 1, 2013 to May 2, 2016: \$10,371.39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Other Amounts Due Under Terms of Loan: \$8,337.41

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Total Costs: \$2,328.27

Total Attorney Fees and Costs: \$4,378.87

TOTAL DEBT OWED \$167,497.26

Pre-Judgment: Additional pre-judgment interest accrues from May 3, 2016, to the date of entry of judgment at the per diem rate of \$10.36, in accordance with the Note.

Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed: 6/28/2016 10:23:08 AM

Christopher R. Brauer, Circuit Court Judge

Submitted by:

- Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
- Brandon Smith, OSB #124584
Email: bsmith@robinsontait.com
- Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
- Kimberly Hood, OSB # 123008
Email: KHood@robinsontait.com
- Michael Althouse, OSB # 150793
Email: malthouse@robinsontait.com



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Dated: Jan 21 2022
TRIAL COURT ADMINISTRATION
By: Jimmy Hulse

Verified Correct Copy of Original 6/28/2016



2007-5130295 15 of 20

Loan Number:

Date: DECEMBER 22, 2006

Property Address. 1290 WEST POPLAR AVENUE, HERMISTON, OREGON
97838--142

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of Northeast Quarter of Southeast Quarter of Section 9, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon, described as follows;

Beginning at Northwest corner of Lot 1, Block "D", Ekleberry Tracts, thence South 0°01'00" West, 110 feet along West line of said Ekleberry Tract; thence North 89°09'00" West, 120 feet; thence North 0°01'00" East, 110 feet to South line of land conveyed to City of Hermiston, by Deed recorded in Book 198, Page 154, Deed Records, Umatilla County, Oregon; thence South 89°09'00" East, 120 feet to the point of beginning.

A.P.N. # : 4N-28-09DA