

Verified Correct Copy of Original 6/15/2017

15CV01370



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.
Trial Court Admin.

K. Hubert 8/2/17

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

BANK OF AMERICA, N.A.,

CASE NUMBER: 15CV01370

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

ARTHUR W WOLFGRAM, an individual;
SUSIE L WOLFGRAM, an individual; 1ST
SECURITY BANK OF WASHINGTON, a
corporation; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

RECEIVED
2017 SEP 13 AM 11:47
LINN COUNTY
SHERIFF'S OFFICE

TO: THE SHERIFF OF LINN COUNTY, OREGON:

1.

WHEREAS, on May 28, 2015, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 upon (subject to redemption, if applicable), all of the interest which the Defendants ARTHUR W WOLFGRAM, SUSIE L WOLFGRAM, and 1ST SECURITY BANK OF WASHINGTON ("Defendants") had on November 12, 2010, the date of the foreclosed Deed of Trust which was recorded on November 26,



1 2010, as Instrument No. 2010-18605 in the official records of the Linn County Recorder's Office,
2 and/or all of the interest which Defendants had thereafter, in the real property described in the
3 Judgment to satisfy the Judgment as follows:

4

5 **Lender's Principal Judgment:**

6 Unpaid Principal Balance:	\$203,598.04
7 Pre-Judgment Interest from April 1, 8 2013 to May 27, 2015, the date set forth 9 in the Judgment at 4.250%, per annum, 10 (\$23,7066 per diem):	\$18,748.08
11 Lender's Fees and Costs:	\$7,747.37
12 Attorney's Fees and Costs:	\$3,306.00
13 Total Judgment Entered:	\$233,399.49

14 **Additional Pre-Judgment Interest:**

15 Accrued Interest from May 28, 2015, 16 the day after the date set forth in the 17 Judgment through May 28, 2015, the 18 date of entry of the Judgment, at 4.25%, 19 per annum (\$23,7066 per diem):	\$0.00
--	--------

20 **Total Judgment Entered Including
21 Additional Pre-Judgment
22 Interest:**

	\$233,399.49
--	---------------------

23 3.

24 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$233,399.49 at
25 the legal rate of interest of 9% per annum, \$57.55 per diem, from May 29, 2015 to the date the real
26 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
27 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

28 4.

The real property subject to this writ of execution is commonly known as 30628 Westview
Drive, Lebanon, OR 97355 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

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BANK OF AMERICA, N.A.

100 N. Tryon St.

Charlotte, North Carolina 28255-4000

The Judgment Creditor's name and address for the purpose of this Writ is:

BANK OF AMERICA, N.A.

c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

2112 Business Center Drive

Irvine, CA 92612

949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law, or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.



Signed: 6/15/2017 08:46 AM

Elizabeth Fistel

Elizabeth Fistel, Administrative Authority

Submitted by: *[Signature]*

Dated: 6/14/17

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

EXHIBIT 1

_ Verified Correct Copy of Original 6/15/2017 _

LEGAL DESCRIPTION

Lot 7, HILL SIDE ESTATES, in the City of Sodaville, Linn County, Oregon.

15CV01370



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.

Trial Court Admin.

K. Schubert 8/2/17

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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

ARTHUR W WOLFGRAM, an individual;
SUSIE L WOLFGRAM, an individual; 1ST
SECURITY BANK OF WASHINGTON, a
corporation; and all other persons, parties, or
occupants unknown claiming any legal or
equitable right, title, estate, lien, or interest in
the real property described in the complaint
herein, adverse to Plaintiff's title, or any cloud
on Plaintiff's title to the Property.

Defendants.

CASE NUMBER: 15CV01370

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) ARTHUR W WOLFGRAM
- (2) SUSIE L WOLFGRAM
- (3) 1ST SECURITY BANK OF WASHINGTON

1.

THIS MATTER, coming on regularly before the Court on this day and it appearing from the record herein that Plaintiff BANK OF AMERICA, N.A. ("Plaintiff") filed its Complaint for Foreclosure of Deed of Trust; that Defendants ARTHUR W WOLFGRAM, SUSIE L WOLFGRAM and 1ST SECURITY BANK OF WASHINGTON (collectively referred to as "Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, and that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS ARTHUR W WOLFGRAM, SUSIE L WOLFGRAM AND 1ST SECURITY BANK OF WASHINGTON has been entered against them on Plaintiff's Complaint.

2.

Plaintiff hereby requests that this General Judgment be entered into the Court's register to accomplish the foreclosure of any and all interest of the Defendants in the real property subject to this foreclosure action, located at 30628 Westview Drive, Lebanon, OR 97355.



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3.

The Court being fully advised; it is hereby
ORDERED AND ADJUDGED:

4.

That Plaintiff is the holder of the promissory note ("Note"), dated November 12, 2010, and made, executed, and delivered by Defendants ARTHUR W WOLFGRAM and SUSIE L WOLFGRAM in the amount of \$214,480.00.

5.

That the Note is secured by the deed of trust made, executed and delivered by Defendants ARTHUR W WOLFGRAM and SUSIE L WOLFGRAM on or about November 12, 2010, recorded on November 26, 2010 under the recording number 2010-18605 of the Official Records of Linn County, Oregon, against the property located at 30628 Westview Drive, Lebanon, OR 97355, legally described as

Lot 7, HILL SIDE ESTATES, in the City of Sodaville, Linn County, Oregon.
("Property") which constitutes a valid lien ("Deed of Trust").

6.

That Defendants ARTHUR W WOLFGRAM and SUSIE L WOLFGRAM failed to comply with the terms of the Note and Deed of Trust by failing to make the payments due and owing according to the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust as immediately due and payable.

7.

That the Deed of Trust is a valid first priority lien encumbering the Property and is superior to any interest, lien, or claim of Defendants or any other party in the Property and that the Deed of Trust is hereby foreclosed by this Court on the Property.

8.

That a judgment of foreclosure in the amount of \$233,399.49 shall be granted against Defendants ARTHUR W WOLFGRAM and SUSIE L WOLFGRAM and in favor of Plaintiff or its

1 successors or assigns, as further described in the Money Award below.

2 9.

3 That the Property is hereby ordered to be sold by law and the proceeds of sale shall be
4 applied toward the satisfaction of Plaintiff's money award herein; and the surplus, if any to the Clerk
5 of the Court to be disbursed to such party or parties as may establish their right thereto.

6 10.

7 That Plaintiff is entitled to recover its reasonable attorneys' fees and all reasonable and
8 necessary costs and expenses incurred to enforcing the Note and Deed of Trust.

9 11.

10 That any increased interest or any such additional amounts as Plaintiff may advance for
11 taxes, assessments, municipal charges, and such other items as may constitute liens on the Property,
12 together with insurance and repairs necessary to prevent the impairment of the Property, together
13 with interest thereon from the date of payment may also be added to the Judgment and paid from the
14 proceeds from the sale of the Property.

15 12.

16 That Defendants, and all parties claiming through or under them as purchasers,
17 encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the
18 Property and every portion thereof, excepting only any statutory right of redemption provided by the
19 laws of the State of Oregon.

20 13.

21 That Defendants ARTHUR W WOLFGRAM and SUSIE L WOLFGRAM are not entitled to
22 a homestead exemption on account of their interest in the Property.

23 14.

24 That Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to
25 the aggregate amount of its Money Award plus interest from the date of this Judgment until sale
26 without advancing any cash except money required for the Sheriff's Sale.

27 15.

28 That the purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate

1 possession of the Property from and after the date of the sale, and is entitled to such remedies as are
2 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a
3 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
4 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

5 16.

6 That this Court shall retain jurisdiction to enforce all provisions of the Judgment and to enter
7 such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to
8 obtain possession of the Property.

9 17.

10 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be
11 hereinafter described as the Money Award.

12 18.

13 This suit does not constitute an attempt to collect the debt against Defendants ARTHUR W
14 WOLFGRAM, SUSIE L WOLFGRAM and 1ST SECURITY BANK OF WASHINGTON under the
15 Note. Rather, it is a suit to execute upon the Property as security for the Money Award to the
16 Plaintiff.

17 **MONEY AWARD**

18	1. Judgment Creditor:	BANK OF AMERICA, N.A.
19	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
20		2112 Business Center Drive, 2 nd Floor
21		Irvine, California 92612
22	Judgment Attorney:	Nathan F. Smith
23	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
24		2112 Business Center Drive, 2 nd Floor
25		Irvine, California 92612
26	Telephone Number:	(949) 252-9400

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2. Judgment Debtor: ARTHUR W WOLFGRAM
Address: 30628 Westview Drive, Lebanon, OR 97355
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-4748
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

Judgment Debtor: SUSIE L WOLFGRAM
Address: 30628 Westview Drive, Lebanon, OR 97355
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-4476
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

**3. Persons or Public Bodies Entitled to
a Portion the Money Award:** N/A

4. Judgment Amount: \$230,093.49

5. Pre-Judgment Interest: Simple interest to accrue on \$203,598.04 from May 28, 2015 to the date the General Judgment is entered into the Court's register at 4.25% per annum, \$23.7066 per diem.

6. Post-Judgment Interest: Simple interest to accrue on \$233,399.49 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

7. Periodic accrual: N/A

8. Attorney's Fees and Costs: An award of \$3,306.00 in attorney's fees and costs is made for Judgment of Foreclosure

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Attorney's Fees:	\$2,160.00
Filing Cost:	\$531.00
Recording Cost – Lis Pendens:	\$65.00
Process Service Cost:	\$350.00
Mediation Cost:	\$200.00

DATED _____

Signed: 5/28/2015 03:48 PM



~~CIRCUIT COURT JUDGE~~

Submitted by



Dated: 5/27/15

Nathan F. Smith, OSB #120112

Richard J. Bayless, OSB #101826
 Attorneys for Plaintiff
 MALCOLM ♦ CISNEROS, ALC
 2112 Business Center Drive
 Irvine, California 92612
 (949) 252-9400 (TELEPHONE)
 (949) 252-1032 (FAX)
 nathan@mclaw.org