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

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR CARLSBAD FUNDING MORTGAGE TRUST,

Plaintiff,

v.

ESTATE OF DAVID J. BALL; THE DAVID J. BALL TRUST OF 1991; LISA KAREN BALL; KEVIN JEFFREY BALL; BANK OF AMERICA N.A.; DODEKA LLC; SELCO COMMUNITY CREDIT UNION; MIDLAND FUNDING LLC; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 3625 WILLAMETTE STREET, EUGENE, OR 97405,

Defendants.

Case No. 15CV10790

WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On June 26, 2017, a General Judgment of Foreclosure and Declaration of Amount Due was entered by the Lane County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR CARLSBAD FUNDING MORTGAGE TRUST c/o Katie L. Riggs, at Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

1 The real property to be sold at public auction is commonly known as 3625 Willamette
2 Street, Eugene, OR 97405 ("Subject Property"), and legally described as:

3 LOT 9, BLOCK 10, WILLIS HEIGHTS, AS PLATTED AND RECORDED IN BOOK
4 13, PAGE 30, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

5 The total amount due and owing on the Judgment as of July 11, 2017;

6 Judgment:	Principal	\$224,073.57
7	Attorney Fees	\$4,793.50
8	Costs	\$2,497.00
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(6.375%,\$24.45/day)	\$9,315.45 (6/26/16 through 7/11/17)
11	Attorney Fees	\$305.00
12		

13 **TOTAL: \$241,284.52**

14 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
15 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
16 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
17 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
18 holder of the certificate of sale.

19 *July 17, 2017*

20
21 *By: Angie Jones*
court clerk

22 Presented by:
23 ALDRIDGE PITE LLP

24 *Kate Riggs* 095861
25 Katie L. Riggs
(858) 750-7600
(503) 222-2260 (Facsimile)
26 kriggs@aldridgepite.com
111 SW Columbia Street Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff



Page 2 – WRIT OF EXECUTION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS TRUSTEE FOR
CARLSBAD FUNDING MORTGAGE
TRUST,

Plaintiff,

v.

ESTATE OF DAVID J. BALL; THE DAVID
J. BALL TRUST OF 1991; LISA KAREN
BALL; KEVIN JEFFREY BALL; BANK OF
AMERICA N.A.; DODEKA LLC; SELCO
COMMUNITY CREDIT UNION;
MIDLAND FUNDING LLC; and ALL
OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
3625 WILLAMETTE STREET, EUGENE,
OR 97405,

Defendants.

Case No. 15CV10790

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION
OF AMOUNT DUE**

ORCP Rule 69

PURSUANT TO SB 368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants ESTATE OF DAVID J.
BALL; KEVIN JEFFREY BALL; BANK OF AMERICA N.A.; DODEKA LLC; MIDLAND
FUNDING LLC; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN
AS 3625 WILLAMETTE STREET, EUGENE, OR 97405, the Stipulated Limited Judgment as
to defendant SELCO COMMUNITY CREDIT UNION, the Order of Summary Judgment against
defendants THE DAVID J. BALL TRUST OF 1991 and LISA KAREN BALL, the records on

1 file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
2 Plaintiff WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST,
3 NOT INDIVIDUALLY BUT AS TRUSTEE FOR CARLSBAD FUNDING MORTGAGE
4 TRUST ("Plaintiff"),

5 **IT IS HEREBY ADJUDGED:**

6 1. Plaintiff's security interest in the real property located at 3625 WILLAMETTE
7 STREET, EUGENE, OR 97405 ("Subject Property"), as evidenced by the Deed of Trust
8 recorded May 15, 2006 in the official records of LANE County as instrument number 2006-
9 033444 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
10 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
11 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
12 legally described as follows:

13 LOT 9, BLOCK 10, WILLIS HEIGHTS, AS PLATTED AND RECORDED IN BOOK
14 13, PAGE 30, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
15 OREGON.

16 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
17 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
18 in the manner provided by law;

19 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
20 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
21 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
22 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

23 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
24 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
25 68(C), which amount may be added to the outstanding obligation due and owing under the Note
26 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE

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DECLARATION OF AMOUNT DUE

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 1. The amount of the judgment is \$224,073.57.
- 2. Simple interest at the rate currently at 6.375% (\$24.45 *per diem*) after June 25, 2016, through the date of sale.
- 3. Attorney fees of \$4,793.50, plus \$305.00, through the date of sale.
- 4. Costs of \$2,497.00, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 6/22/2017 04:46 PM



Charles D. Carlson, Circuit Court Judge

CERTIFICATE OF READINESS

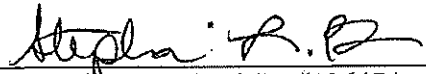
This proposed Order or Judgment is ready for judicial signature because:

- 1. 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.
- 2. 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.
- 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;

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- b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
- c. After conferring about objections, **[Opposing Party]** agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. 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.

Presented By:
ALDRIDGE PITE, LLP


Stephanie L. Beale, OSB #136474
(503) 345-9466
(503) 222-2260 (Facsimile)
sbeale@aldridgepite.com

Date: December 17, 2016

111 SW Columbia Street, Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff