

1 County on July 12, 2017; a true copy of the General Judgment of Foreclosure is attached hereto
2 and made a part hereof.

3 Judgment Creditor: WILMINGTON SAVINGS FUND SOCIETY, FSB,
4 DOING BUSINESS AS CHRISTIANA TRUST, NOT IN
5 ITS INDIVIDUAL CAPACITY BUT SOLELY AS
6 TRUSTEE FOR BCAT 2014-4TT,
7 Judgment Creditor Address: 55 Beattie Place, Suite 100
8 Greenville, SC 29601-2743

9 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
10 commanded to sell the real property as by said General Judgment of Foreclosure according to
11 law (subject to redemption) all of the interest that the Defendant Wilhelmina and Benjamin
12 Hofilena had on the 5th day of June 2010, the date of the Mortgage, and also all of the interest
13 that Defendants had thereafter, in the real property described in the Judgment as:

14 LOT 28, ROLLING ACRES ESTATES, IN THE CITY OF HAPPY VALLEY, CLACKAMAS
15 COUNTY, OREGON.

16 Tax Parcel Number: 05010482

17 The street address of the real property to be levied upon is 15065 Se Nia Dr, Happy
18 Valley, OR 97806.

19 The above referenced property shall be sold to satisfy the following sums: The base
20 judgment amount of \$405,415.28, plus prejudgment interest in the amount of \$109,819.79, plus
21 attorney fees and costs in the amount of \$3,130.00, plus post-judgment interest accruing after
22 July 12, 2017, at the rate of 9.0% per annum, of \$2,811.82 (\$127.81 per diem x 22 days) for a
23 grand total of \$521,176.89; Thus,

24 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
25 THE DATE OF SUBMISSION (August 3, 2017) IS AS FOLLOWS:

Principal Balance	\$405,415.28
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1 Interest through 5/31/17 at 4.375%

2 (\$44.62 per diem) \$109,819.79

3 Additional interest

4 6/1/17 – 8/3/17 at 4.375%

5 (\$44.62 per diem) \$2,811.06

6 Plaintiff's Costs and Attorney Fees \$3,130.00

7 Total due as of August 3, 2017 \$521,176.13 plus \$44.62 per diem thereafter until
8 the date of sale.

9 The proceeds of sale shall be applied, delivered, and distributed according to ORS
10 18.950.

11 The Sheriff is hereby authorized to continue execution under the writ and delay making a
12 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the
13 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
14 18.872.

15 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
16 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
17 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
18 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
19 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

20 Court Administrator relies on the information
21 provided by the person seeking issuance of
22 this writ of execution and is not liable for any
23 errors or omissions in the information



24 *Wendy Nelson* Dated Aug 10, 2017

25 Submitted by:

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27 Amy F. Harrington, OSB No. 123363

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS TRUSTEE
FOR BCAT 2014-4TT,

Plaintiff,

vs.

WILHELMINA HOFILENA, an individual;
BENJAMIN HOFILENA AKA BENJAMIN
HOFILENA III, an individual; CLACKAMAS
COMMUNITY FEDERAL CU, a federal
credit union; 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 NO.: CV15100547

**GENERAL JUDGMENT OF
FORECLOSURE
(WITHOUT MONEY AWARD -
JUDGMENT DOES NOT
CREATE A LIEN)**

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1 Based upon the Motion for Order of Default and Entry of a General Judgment of
2 Foreclosure filed by plaintiff, Wilmington Savings Fund Society, FSB, doing business as
3 Christiana Trust, not in its individual capacity but solely as Trustee for BCAT 2014-4TT
4 (“Plaintiff”) and against defendants Wilhelmina Hofilena (“Borrower 1”), and Benjamin
5 Hofilena Aka Benjamin Hofilena III (“Borrower 2” and together with Borrower 1, collectively
6 “Borrowers”); and Clackamas Community Federal CU (“CCFC” together with Borrowers,
7 collectively “Defendants”), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and
8 Disbursements,

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

10 **1.**

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

15 **2.**

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

17 **3.**

18 The Deed of Trust executed by Borrowers and recorded on January 11, 2011, in the
19 Clackamas County Recorder’s Office as document number 2011-004834, is a valid mortgage
20 lien for the amount of Plaintiff’s judgment set forth in paragraph 1 against all the real property,
21 located in Clackamas County, Oregon commonly referred to as 15065 SE Nia Dr., Happy Valley
22 OR 97086, with a legal description as follows:

23 LOT 28, ROLLING ACRES ESTATES, IN THE CITY OF HAPPY VALLEY, CLACKAMAS
24 COUNTY, OREGON.

25 **4.**

26 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real

1 property, and all other interest in the property gained by him thereafter, or so much interest as
2 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of
3 Clackamas County, Oregon in the manner provided by law and in accordance with the practice
4 of this Court.

5 **5.**

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

10 **6.**

11 Defendants and all persons claiming through or under Defendants, as purchasers,
12 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
13 property described above and every portion thereof excepting only any satisfactory right of
14 redemption as Defendants may have.

15 **7.**

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

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1 **SECURED DEBT**

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3 1. Judgment Creditor: Wilmington Savings Fund Society, FSB, doing
4 business as Christiana Trust, not in its individual
5 capacity but solely as Trustee for BCAT 2014-4TT
6 c/o Zieve, Brodnax, & Steele, LLP
7 One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558

8 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
9 Zieve, Brodnax, & Steele, LLP
10 One World Trade Center
11 121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558

12 3. Person or public body entitled to any portion of money award herein: None

13 **4. Total Amount of Secured Debt:**

14 a. Lenders' Principal and Interest

15 Principal Balance \$405,415.28
16 Accrued interest and fees on \$ 109,819.79
17 the principal balance through
5/31/17

18 **Total Principal and Interest**
19 **Through 5/31/17 at the rate of**
20 **4.375% per annum plus \$44.62**
per diem thereafter. \$515,235.07

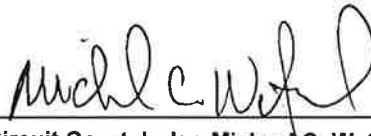
21 b. Attorneys' Fees and Costs

22 Attorney Fees Judicial Flat Rate \$ 3,030.00
23 Reinstatement Cost \$ 100.00
24 **Total Attorney Fees and Costs \$3,130.00**

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26 **Total Secured Debt (Judgment) \$ 518,365.07**

1 Said Judgment is meant to be for the purposes of foreclosure *only* and the purchaser may
2 apply for a Writ of Execution. This judgment is not and is not intended to be a monetary
3 judgment against the Borrowers.
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8 Signed: 7/12/2017 10:14 AM

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11 Circuit Court Judge Michael C. Wetzel

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15 Submitted By:

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17 /s/Benjamin D. Petiprin 5/5/17
18 Benjamin D. Petiprin, OSB No.136031
19 Attorney for Plaintiff
20 Wilmington Savings Fund Society, FSB,
21 doing business as Christiana Trust, not in
22 its individual capacity but solely as
23 Trustee for BCAT 2014-4TT
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CERTIFICATE

I HEREBY CERTIFY that 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 objection has been served on me.

b. [] 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.

c. [] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

4. [X] 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.

Dated 3/30/2017

/s/ Benjamin D. Petiprin
Benjamin D. Petiprin, OSB No.136031
Attorney for Wilmington Savings
Fund Society, FSB, doing business as
Christiana Trust, not in its individual
capacity but solely as Trustee for

BCAT 2014-4TT

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