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

HOMESTREET BANK, a Washington state  
chartered savings bank,

Plaintiff,

v.

JEREMY G. ALLEN, an individual;  
JENNIFER E. ALLEN, an individual; ALL  
OCCUPANTS of the real property located at  
1937 Warner Street NE, Salem, Oregon;  
OREGON AFFORDABLE HOUSING  
ASSISTANCE CORPORATION, a nonprofit  
public benefit corporation; and CAPITAL  
ONE BANK, N.A.,

Defendants.

No. 15CV29513

WRIT OF EXECUTION

To: The Sheriff of Marion County, Oregon

WHEREAS, on December 21, 2015, in this court, a General Judgment of Foreclosure and Amount Due (the "**Judgment**") was enrolled and docketed in this cause, a copy of which is attached and expressly incorporated and made a part hereof;

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), and pursuant to the terms of the attached Judgment, all of the interest that defendants have at 1937 Warner Street NE, Salem, Oregon, and legally

*Writ of Execution- 1*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
999 Third Avenue, Suite 4600  
Seattle, Washington 98104  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 described as:

2 LOT 5, BLOCK 5, PROGRESS ADDITION, IN THE CITY OF SALEM,  
3 MARION COUNTY, OREGON.

4 to satisfy the sum of \$115,936.99, together with \$4,772.04 in interest on that sum from  
5 December 22, 2015 the date after the entry of the Judgment through April 17, 2017, the date  
6 the Writ was requested @ legal rate of interest of 3.500% per annum (\$9.88 per diem),  
7 currently totaling \$120,709.03.  
8

9 The mailing address for the judgment creditor is:

10 HomeStreet Bank  
11 c/o Joseph A.G. Sakay  
12 Hillis Clark Martin & Peterson P.S.  
13 999 Third Avenue, Suite 4600  
14 Seattle, WA 98104

Signed: 5/8/2017 03:11 PM

15   
16 J. Tolman, Court Clerk



17 Submitted by:

18 HILLIS CLARK MARTIN & PETERSON P.S.  
19

20 By /s/ Joseph A.G. Sakay

21 Joseph A.G. Sakay, OSB #021734  
22 Amit D. Ranade, OSB #080292  
23 Hillis Clark Martin & Peterson P.S.  
24 999 Third Avenue, Suite 4600  
25 Seattle, Washington 98104  
26 Telephone: (206) 623-1745  
27 E-Mail: joe.sakay@hcmp.com;  
28 amit.ranade@hcmp.com

Attorneys for Plaintiff HomeStreet Bank

Writ of Execution- 2

HILLIS CLARK MARTIN & PETERSON P.S.  
999 Third Avenue, Suite 4600  
Seattle, Washington 98104  
Telephone: (206) 623-1745  
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ASSISTANCE CORPORATION, a nonprofit  
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ONE BANK, N.A.,

Defendants.

No. 15CV29513

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

THIS MATTER came before the Court on Plaintiff's Ex Parte Motion for Order of  
Default and General Judgment of Foreclosure and Amount Due (the "*Motion*"). The Court has  
reviewed the Motion and all documents filed in connection with the Motion. Based on the  
foregoing, HomeStreet Bank shall have judgment against the defendants in this action as  
follows:

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**I. GENERAL JUDGMENT**

1. The lien created by the deed of trust dated July 10, 2012, recorded in the official records of Marion County, under Reel 3404, Page 102 (the "*Deed of Trust*") is a valid and subsisting lien for the amounts of the foregoing amount due against the real property legally described in the attached Exhibit A, which is incorporated herein by reference as though fully set forth herein (the "*Property*"), and the lien of the Deed of Trust is superior to any interest, lien, or claim of the defendants in the Property.

2. The Deed of Trust shall be foreclosed as a mortgage, and the Marion County Sheriff shall sell the Property in the manner prescribed by law.

3. To the extent that the Sheriff collects money from the sale of the Property and deposits those funds into the registry of the Court, the funds shall be first applied towards the costs of sale and then towards the amount of the judgment with the surplus, if any, paid to any parties who establish their rights thereto.

4. Defendants Jeremy G. Allen, Jennifer E. Allen, All Occupants of the Property, Oregon Affordable Housing Assistance Corporation, Capital One Bank, N.A., and all persons claiming through them are forever foreclosed of all interest or claim in the Property except any statutory right of redemption they may have in the Property

5. HomeStreet may become a bidder and purchaser at the sale by the Sheriff. The purchaser shall have exclusive possession of the Property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including but not limited to a writ of assistance, if any party refuses to immediately surrender possession of the Property to the winning purchaser at the sheriff's sale.

1           6.       HomeStreet waives any right to a deficiency following the sheriff's sale of the  
2 Property.

3           7.       Plaintiff has submitted a Declaration of Amount Due and is owed the total  
4 amount due under the Note and Deed of Trust, which as of December 1, 2015, is \$110,215.64  
5 (excluding attorney fees and costs), together with interest at the rate of 3.500% (\$9.88 per  
6 diem) and any future advances and/or fees that may be made or incurred pursuant to the terms  
7 of the Note and Deed of Trust up to the date of the execution sale. This amount is to be  
8 satisfied by sale of the Property as directed under this Judgment.  
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11           8.       Plaintiff is owed reasonable attorney fees in the amount of \$2,323.55, plus  
12 \$2,050.00 for post-judgment collection fees, pursuant to the Note and Deed of Trust and ORCP  
13 Rule 68(C), which amount may be added to the outstanding obligation due and owing under the  
14 Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the  
15 Deed of Trust, these fees continue to accrue to the date of the execution sale. This amount to  
16 be satisfied by sale of the Property as directed under this Judgment.  
17

18           9.       Plaintiff is owed costs of suit in the amount of \$1,047.80, pursuant to the Note  
19 and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the  
20 outstanding obligation due and owing under the Note and Deed of Trust and recovered from the  
21 proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to  
22 the date of the execution sale. This amount to be satisfied by sale of the Property as directed  
23 under this Judgment.  
24

25           10.       Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied  
26 by sale of the Property as directed under this Judgment.  
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**II. JUDGMENT SUMMARY**

- |    |  |                            |
|----|--|----------------------------|
| 1. | Principal Judgment Amount:               | \$101,573.46               |
| 2. | Pre-judgment interest:                   | \$2,962.60                 |
| 3. | Post-judgment interest:                  | \$9.88 per diem until paid |
| 4. | Late charges and fees:                   | \$5,679.58                 |
| 5. | Attorneys' fees:                         | \$2,323.55                 |
| 6. | Costs:                                   | \$1,047.80                 |
| 7. | Prevailing party fee:                    | \$300.00                   |
| 8. | Post judgment collection fees and costs: | \$2,050.00                 |
| 9. | Total Amount Due:                        | \$115,936.99               |

Signed: 12/21/2015 02:40 PM



Circuit Court Judge VANCE D. DAY

Presented by:  
HILLIS CLARK MARTIN & PETERSON P.S.

By s/Amit D. Ranade  
Joseph A.G. Sakay, OSB #021734  
Amit D. Ranade, OSB #080292  
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amit.ranade@hcmp.com  
Attorneys for Plaintiff HomeStreet Bank  
ND: 40005.194 4820-1676-8812v1

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EXHIBIT A

LOT 5, BLOCK 5, PROGRESS ADDITION, IN THE CITY OF SALEM,  
MARION COUNTY, OREGON.