

1 After recording return to:  
2 Daniel Ross, OSB No. 112979  
3 Weinstein & Riley, P.S.  
4 2001 Western Avenue, Suite 400  
5 Seattle, Washington 98121

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

8 SELENE FINANCE LP,

9 Plaintiff,

Case No. 16CV21238

10 vs.

WRIT OF EXECUTION

11 MELVIN M. KASER AND JENNIFER M.  
12 KASER; OCCUPANTS OF THE SUBJECT  
13 REAL PROPERTY,

(Clerk's Action Required)

Defendants.

14 TO THE SHERIFF OF MARION COUNTY, OREGON:

15 WHEREAS, on December 20, 2016, a General Judgment of Foreclosure was  
16 enrolled and docketed in this cause, a true copy of which is attached and made a part  
17 hereof; in favor of Plaintiff, Selene Finance LP, regarding the real property commonly  
18 known as 609 Washington St, Silverton, OR 97381, situated in Marion County, Oregon,  
19 legally described property as follows:

20 LOT 1, BLOCK H, NORTH SIDE ADDITION, IN THE CITY OF  
21 SILVERTON, MARION COUNTY, OREGON.

22 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
23 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
24 execution (subject to redemption), all of the interest that defendants had on October 15, 2007,

25 WRIT OF EXECUTION - 1

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Seattle, Washington 98121  
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1 the date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the  
2 real property described in the judgment, to satisfy the principal judgment amount of  
3 \$145,049.66, together with interest accrued to December 31, 2016, of \$42,428.94, and  
4 thereafter at the rate of 6.625% with a per diem rate of \$26.33 thereafter; other recovery  
5 amounts of \$7,846.10; attorneys' costs in the sum of \$2,570.08, and attorneys' fees of  
6 \$2,600.00, which bear interest at 9% per annum, and the costs of this writ, making due return  
7 within 60 days after you receive this writ. The total amount due on money award including  
8 interest as of January 11, 2017, is \$200,828.68.  
9

10 Clerk of the Court


Signed: 1/25/2017 11:06 AM

11   
12 J. Tolman, Court Clerk



13 By: \_\_\_\_\_  
Deputy

14 Presented by attorneys for Judgment Creditors:

15  
16   
17 Daniel Ross, OSB No. 112979  
18 Weinstein & Riley, P.S.  
19 2001 Western Avenue, Suite 400  
Seattle, Washington 98121  
DanielR@w-legal.com

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25 WRIT OF EXECUTION - 2

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

SELENE FINANCE LP,

Plaintiff,

Case No.: 16CV21238

vs.

GENERAL JUDGMENT OF  
FORECLOSURE

MELVIN M. KASER AND JENNIFER M.  
KASER; OCCUPANTS OF THE SUBJECT  
REAL PROPERTY,

(Clerk's Action Required)

Defendants.

THIS MATTER came on before the undersigned Judge on the Motion of the Plaintiff for entry of a General Judgment of Foreclosure. A Limited Judgment of Dismissal without Prejudice as to Defendant Occupants of the Subject Real Property was entered on December 5, 2016. An Order of Default as to Defendants Melvin M. Kaser and Jennifer M. Kaser was submitted contemporaneously herewith. The Court, having read and considered the Affidavits in support of entry of judgment, and further appearing that said Defendants were not at the time of said service in the military service of the United States; it further appearing that the Defendants are not believed to be financially incapable as defined by ORS 125.005(3), are not minors, a protected or incapacitated person, or a respondent as defined by ORS 125.005.

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

GENERAL JUDGMENT OF FORECLOSURE - 1  
46766473

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1           1.       The real property to which this Judgment relates is commonly known as 609  
2 Washington St, Silverton, OR 97381, situated in Marion County, Oregon, legally described  
3 as follows:

4                   LOT 1, BLOCK H, NORTH SIDE ADDITION, IN THE CITY OF  
5                   SILVERTON, MARION COUNTY, OREGON.

6                   (hereinafter the "Property").

7           2.       The Deed of Trust dated October 15, 2007, was made and delivered by the  
8 Defendants, Melvin M. Kaser and Jennifer M. Kaser, to MERS, as nominee for Taylor,  
9 Bean & Whitaker Mortgage Corp. and its successors and assigns, and recorded by the Clerk  
10 of Marion County, Oregon, on October 23, 2007, as Reel No. 2880, Page 438, and is a valid  
11 and perfected lien against all of the real property for the amount of Plaintiff's Judgment as  
12 provided herein.

13           3.       The Deed of Trust was subsequently assigned to Plaintiff, Selene Finance LP,  
14 under an Assignment of Deed of Trust dated June 18, 2015, recorded by the Clerk of Marion  
15 County, Oregon, on July 6, 2015, as Reel No. 3717, Page 434, Instrument No. 2015  
16 00027705.

17           4.       The Note is endorsed in blank by Taylor, Bean & Whitaker Mortgage  
18 Corp., and Plaintiff, Selene Finance LP, is the true, actual, and legal holder of said Note,  
19 and beneficiary of the Deed of Trust. *Id.*

20           5.       The interest of each of the Defendants and any successor in the Property is  
21 foreclosed and terminated excepting only any statutory right of redemption as provided by  
22 Oregon law.  
23

1           6.     The lien of the Plaintiff is superior to any interest, lien, or claim of the  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

3           7.     The Defendants are not entitled to a homestead exception as against  
4 Plaintiff's Judgment.

5           8.     All rights, title and interest that Defendants Melvin M. Kaser and Jennifer  
6 M. Kaser had as of the date of the Deed of Trust, or thereafter acquired in the subject  
7 Property, is hereby ordered to be sold by the Marion County Sheriff in accordance with the  
8 process for sale upon execution, and the proceeds of sale shall be applied in the following  
9 order: first, to the costs of sale; second to the satisfaction of the amounts awarded to  
10 Plaintiff herein; third, any surplus, to the Defendants in the priority as their interest may  
11 appear or to the Clerk of the Court to be distributed to such party or parties as may  
12 establish their right thereto.

13           9.     Plaintiff shall be entitled to recover any advances that plaintiff may be  
14 required to pay after the entry of judgment herein for taxes, assessment, other items  
15 constituting liens against the property, insurance and/or repairs for the protection and  
16 preservation of the subject property;

17           10.    Plaintiff or any other junior lienholders may become the purchaser at the  
18 sale of the Property.

19           11.    The purchaser at the sale is entitled to such remedies as are available at law  
20 or in equity to secure possession.  
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1           12.     The purchaser at the sale may apply to the Court for a writ of assistance if  
 2 any Defendants or any other party or person holding possession shall refuse to surrender  
 3 possession to the purchaser immediately on the purchaser's demand for possession.

4           13.     Plaintiff is awarded Judgment of the following amounts due and owing  
 5 under the Note and Deed of Trust:

|   |            |              |
|---|------------|--------------|
| Principal   |            | \$145,049.66 |
| Prejudgment interest from 6/1/2012 to 11/1/2016 at 6.625% per annum   |            | \$40,875.62  |
| Prejudgment interest from 11/2/2016 to 12/31/2016 at 6.625% per annum |            | \$1,553.32   |
| Other Costs and fees (recoverable)                                    |            | \$7,846.10   |
| Property Tax  | \$4,131.53 |              |
| Hazard Insurance  | \$1,404.82 |              |
| Property Inspection   | \$840.00   |              |
| MIP Premiums  | \$1,469.75 |              |
| Subtotal (Principal and Costs)  |            | \$152,895.76 |
| Total (plus prejudgment interest)                                     |            | \$195,324.70 |

14           14.     Attorneys fees and costs are awarded to Plaintiff as follows:

|  |            |            |
|--|------------|------------|
| Costs  |            | \$2,570.08 |
| Mediation Costs:   | \$400.00   |            |
| Title Fees:  | \$563.00   |            |
| Filing Fees:   | \$531.00   |            |
| Recording Fees:  | \$61.00    |            |
| Prevailing Party Fee:                                      | \$275.00   |            |
| Process Service:   | \$740.08   |            |
| Attorney Fees  |            | \$2,600.00 |
| Reasonable Fee Amount for Uncontested Judicial Foreclosure | \$2,600.00 |            |
| Total  |            | \$5,170.08 |

22           15.     Interest shall accrue on Principal Judgment amount of \$145,049.66 at the  
 23 interest rate of 6.625%, at a per diem rate of \$26.33, from January 1, 2017. Interest shall  
 24

1 accrue on the Other Recovery Amounts at the rate of 9.00% per annum from the date of  
2 Judgment. Interest shall accrue on Attorneys Fees and Costs totaling \$5,170.08 at the rate  
3 of 9.00% per annum from the date of judgment pursuant to ORS 82.010.

4 16. This Judgment shall not create a personal lien or liability against  
5 Defendants Melvin M. Kaser and Jennifer M. Kaser except as is customary or necessary to  
6 execute such Judgment and for purposes of redemption. In no event should it be construed  
7 as establishing personal liability for any persons whose debt has been extinguished in  
8 bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the Deed  
9 of Trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts  
10 due to Plaintiff, Plaintiff shall not be entitled to any further judgment, including a  
11 Judgment for deficiency.  
12

13 17. Execution may issue for the aggregate amount found due Plaintiff herein as  
14 detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may  
15 credit bid up to the Amounts Due plus such additional amounts as provided by ORS  
16 18.936 or other applicable law.

17 18. If before sale such amount, including sheriff's fees for the execution, is  
18 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and  
19 the effect of the judgment as to the amounts due shall be terminated.  
20

21 19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in  
22 Foreclosure for the sale of the Property.  
23  
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1           20. The Court shall retain jurisdiction to enter such additional order or  
2 judgment as necessary to enforce this judgment, the writ of execution or for the purchaser  
3 at the execution sale to obtain possession.  
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Signed: 12/20/2016 11:35 AM

8  
9 

10 Circuit Court Judge Sean E. Armstrong

11  
12 Presented by:

13   
14 Daniel A. Ross, OSB No. 112979  
15 WEINSTEIN & RILEY PS  
16 2001 Western Ave Ste 400  
17 Seattle, WA 98121  
18 (206) 269-3490  
19 Attorneys for Plaintiff  
20 danielr@w-legal.com  
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25 GENERAL JUDGMENT OF FORECLOSURE - 6  
46766473

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

SELENE FINANCE LP,

Plaintiff,

v.

MELVIN M. KASER AND JENNIFER M.  
KASER; OCCUPANTS OF THE SUBJECT  
REAL PROPERTY,

Defendants.

Case No. 16CV21238

CERTIFICATE OF READINESS

UTCR 5.100(2)

Based on the requirements presented in UTCR 5.100(2), Daniel Ross of Weinstein and Riley, P.S., attorney for the Plaintiff herein, states that the proposed order or judgment is ready for judicial signature for the following reasons:

Pursuant to UTCR 5.100(2)(b), Plaintiff asserts that this proposed order or judgment is ready for judicial signature because of the following:

- 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.

CERTIFICATE OF READINESS  
PURSUANT TO UTCR 5.100(2) - 1

46766473

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1 3. [ ] I have served a copy of this order or judgment on all parties entitled to  
2 service and:

3 a. [ ] No objection has been served on me.

4 b. [ ] I received objections that I could not resolve with the opposing  
5 party despite reasonable efforts to do so. I have filed a copy of the  
6 objections I received and indicated which objections remain unresolved.

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

9 4. [ ] The relief sought is against an opposing party who has been found in  
10 default.

11 5. [X] An order of default is being requested with this proposed judgment.

12 6. [ ] Service is not required pursuant to subsection (3) of this rule, or by  
13 statute, rule, or otherwise. Pursuant to UTCR 5.100(3)(b)

14 7. [ ] This is a proposed judgment that includes an award of punitive damages  
15 and notice has been served on the Director of the Crime Victims' Assistance  
16 Section as required by subsection (4) of this rule.

17 As the Plaintiff has satisfied the requirements of UTCR 5.100, the attached proposed  
18 judgment or order is ready for judicial signature.

19 Executed this 15th day of December, 2016, at Seattle, Washington.

20  
21   
22 Daniel Ross, OSB No. 112979  
23 WEINSTEIN & RILEY PS  
24 2001 Western Ave Ste 400  
25 Seattle, WA 98121  
(206) 269-3490  
Attorneys for Plaintiff  
danielr@w-legal.com

CERTIFICATE OF READINESS  
PURSUANT TO UTCR 5.100(2) - 2

46766473

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