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2 Craig Peterson, OSB #120365  
3 Jaimie Fender, OSB #120832  
4 Kimberly Hood, OSB #123008  
5 Robinson Tait, P.S.  
6 901 Fifth Avenue, Suite 400  
7 Seattle, WA 98164  
8 Phone: (206) 676-9640  
9 Fax: (206) 676-9659  
10 Email: cpeterson@robinsontait.com  
11 Email: jfender@robinsontait.com  
12 Email: khood@robinsontait.com

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WILMINGTON SAVINGS FUND SOCIETY,  
FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR NO. 16CV12760  
PRETIUM MORTGAGE ACQUISITION  
TRUST,

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

RANDY C. RUBIN AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
JAMES D. FERGUSON, DECEASED;  
KEYBANK NATIONAL ASSOCIATION;  
JOSHUA J. FERGUSON; MICHAEL J.  
FERGUSON; JAYMIE JEAN WALKER;  
UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE; AND  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE PROPERTY DESCRIBED  
IN THE COMPLAINT HEREIN.

Defendants.

TO: MARION COUNTY SHERIFF

1  
2 1. WHEREAS, on June 1, 2017, in the above-entitled court, a judgment of foreclosure  
3 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as  
4 **Exhibit "A"** and made a part hereof;

5 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

6 WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST,  
7 NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE  
8 ACQUISITION TRUST  
9 c/o Selene Finance  
10 P.O. Box 421639  
11 Houston, TX 77242

12 For the purpose of this Writ, the Judgment Creditor's address is as follows:

13 Selene Finance  
14 c/o Robinson Tait, P.S.  
15 901 Fifth Avenue, Suite 400  
16 Seattle, Washington 98164

17 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is  
18 legally described as

19 LOT 1, BLOCK 4, PERSHING ADDITION, IN THE CITY OF MT. ANGEL. MARION  
20 COUNTY. OREGON

21 and commonly known as 510 S PERSHING STREET, Mount Angel. OR 97362.

22 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
23 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
24 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
25 had on March 29, 2006, the date of the Deed of Trust, and also all of the interest which the  
26 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,  
27 which as of June 12, 2017.  
28

1  
2 **Lenders Principal Judgment:**

- 3 1. Unpaid Principal Balance \$139,753.79  
4 2. Pre-Judgment Interest from 9/1/2015  
5 to 4/27/2017, the date calculated by the Declarant  
6 in the Declaration in Support of Judgment \$13,021.83  
7 3. Lenders Fees and Costs \$5,424.47  
8 4. Attorney's Fees and Costs \$8,755.50

7 *Total Judgment Award Entered* \$166,955.59

8 **Additional Pre Judgment Interest**

- 9  
10 1. Accrued Interest from 4/28/2017  
11 to 6/1/2017 the date of entry  
12 of Judgment \$738.15

13 *Total Judgment Award* \$167,693.74

14 **Post Judgment Interest**

- 15  
16 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$41.35. from 6/2/2017,  
17 the day after the entry of judgment, through 6/12/2017,  
18 the date the writ is being requested \$454.85

19 *Current Total Amount Owing* \$ 168,148.59

20  
21 In addition to the above, interest continues to accrue on the total of the amounts listed above  
22 at the rate of 9% per annum or at \$41.35 per diem, in accordance with the General Judgment of  
23 Foreclosure and continues to accrue until the date of sale.

24  
25 \\\

26 \\\

1  
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize  
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be  
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.

6  
7 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

8  
9  
10 Title \_\_\_\_\_

Signed: 6/16/2017 04:18 PM

11 

12 J. Tolman, Court Clerk

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



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

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

Plaintiff,

v.

RANDY C. RUBIN AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
JAMES D. FERGUSON, DECEASED;  
KEYBANK NATIONAL ASSOCIATION;  
JOSHUA J. FERGUSON; MICHAEL J.  
FERGUSON; JAYMIE JEAN WALKER;  
UNITED STATES OF AMERICA,  
INTERNAL REVENUE SERVICE; AND  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE PROPERTY  
DESCRIBED IN THE COMPLAINT  
HEREIN.

Defendants.

NO. 16CV12760

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the  
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein. the  
plaintiff. WILMINGTON SAVINGS FUND SOCIETY. FSB. D/B/A CHRISTIANA TRUST. NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST.

1  
2 appearing and being represented by CRAIG PETERSON. Attorney of Robinson Tait. and after  
3 considering the pleadings and affidavits on file herein. findings of fact and conclusion of law being  
4 unnecessary under Civil Rule 69D, the court finds that the allegations contained in the plaintiff's  
5 Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to judgment as  
6 a matter of law, and that the judgment should be entered in favor of the plaintiff forthwith as more  
7 particularly hereafter set forth. Therefore,  
8

9 IT IS HEREBY ORDERED AND ADJUDGED THAT:

10 1. Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA  
11 TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION  
12 TRUST be awarded judgment in the sum of \$139,753.79, together with interest at a rate as provided in  
13 the Note from September 1, 2015 through April 27, 2017 in the amount of \$13,021.83 with additional  
14 pre-judgment interest at the per diem rate of \$21.09 as provided in the Note to the date of entry of  
15 judgment; plus reasonable attorneys' fees in the amount of \$2,600.00, plus additional attorneys' fees for  
16 drafting a Stipulated Order in the amount of \$150.50, plus other recoverable amounts of \$5,424.47  
17 which includes the amounts itemized in the declaration of the lender in support of motion for judgment  
18 plus allowable costs of \$6,005.00 as itemized in the bill of disbursements and an additional amount for  
19 post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the  
20 contract rate, whichever is greater; and,  
21  
22

23 2. Plaintiff's Deed of Trust on real property in Marion County, Oregon, legally described  
24 as follows:  
25

26 LOT 1, BLOCK 4, PERSHING ADDITION, IN THE CITY OF MT. ANGEL,  
27 MARION COUNTY, OREGON  
28

1 which was recorded on April 5, 2006, under Auditor's File No. Reel: 2630 Page: 53. records of  
2 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above  
3 described real estate and the whole thereof as security for the payment of the judgment herein set  
4 forth. and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
5 sold by the Sheriff of Marion County in the manner provided for by law. and the proceeds therefrom  
6 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other  
7 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and  
8 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or  
9 interest of the defendant and of any one claiming by, through or under them; and  
10  
11

12 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the  
13 property described above or any part thereof subsequent to March 29, 2006, the date of the Deed of  
14 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,  
15 title, lien or interest in or to said property or any part thereof, save and except for the right of  
16 redemption as allowed by law; and  
17

18 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the  
19 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to  
20 law. and to all right, title and interest in any rents and profits generated or arising from the property  
21 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to  
22 secure possession, including writ of assistance. if defendants or any of them or any other party or person  
23 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for  
24 possession; and  
25  
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GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 3

60905-00870-JU 10-CR1730037

ROBINSON TAIT, P.S.

991 Fifth Avenue, Suite 300  
Seattle, WA 98101  
(206) 461-1100



1  
2 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
3 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
4 pay the remaining proceeds as directed by the court in the order of distribution.  
5

6  
7 **DECLARATION DETERMINING AMOUNT OF DEBT**  
8 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

9 Judgment Creditor: WILMINGTON SAVINGS FUND SOCIETY,  
10 FSB, D/B/A CHRISTIANA TRUST, NOT  
11 INDIVIDUALLY BUT AS TRUSTEE FOR  
12 PRETIUM MORTGAGE ACQUISITION  
13 TRUST  
14 c/o Robinson Tait, P.S.  
15 901 Fifth Avenue, Suite 400  
16 Seattle, WA 98164  
17 (206) 676-9640

18 Attorney for Judgment Creditor: Craig Peterson  
19 Robinson Tait, P.S.  
20 901 Fifth Avenue, Suite 400  
21 Seattle, WA 98164  
22 (206) 676-9640

23 The name of any person or public body,  
24 other than the Judgment Creditor's  
25 Attorney, who is entitled to any  
26 portion of the judgment: N/A

27 Principal Balance: \$139,753.79

28 Simple Interest on the Principal Balance  
from September 1, 2015 to April 27, 2017: \$13,021.83

Other Amounts Due Under Terms of Loan: \$5,424.47

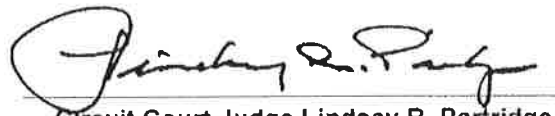
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Attorneys' Fees and Costs:	
Attorneys' Fee:	\$2,600.00
Additional Attorneys' Fee:	\$150.50
Total Costs:	\$6,005.00
 Total Attorney Fees and Costs:	 \$8,755.50
 <i>TOTAL DEBT OWED</i>	 \$166,955.59

Pre-Judgment: Additional pre-judgment interest accrues from April 28, 2017, to the date of entry of judgment at the per diem rate of \$21.09, in accordance with the Note.

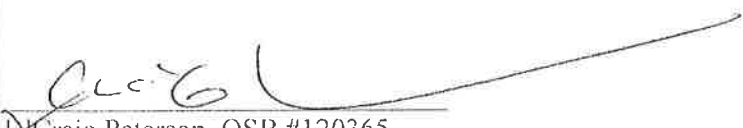
Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed: 6/1/2017 11:43 AM



**Circuit Court Judge Lindsay R. Partridge**

Submitted by:



Craig Peterson, OSB #120365  
 Email: cpeterson@robinsontait.com  
 Jaimie Fender, OSB #120832  
 Email: jfender@robinsontait.com  
 Kimberly Hood, OSB #123008  
 Email: KHood@robinsontait.com  
 Robinson Tait, P.S.  
 Attorneys for Plaintiff  
 Tel: (206) 676-9640  
 Fax: (206) 676-9659

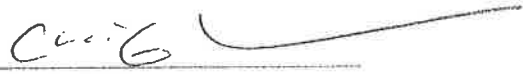
CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

1.  Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2.  Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3.  I have served a copy on all parties entitled to service and:
  - No objection has been served on me within that time frame.
  - I received objections that I could not resolve with the objecting 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.
  - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4.  The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

5-25-17

  
\_\_\_\_\_  
Attorney, OSB

120365