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

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

Plaintiff,

v.

MELINDA M. MCCORMICK; THE ESTATE
OF JAMES A. MCCORMICK; THE
UNKNOWN HEIRS AND ASSIGNS OF
JAMES A. MCCORMICK; THE UNKNOWN
DEVISEES OF JAMES A. MCCORMICK;
THE JAMES MCCORMICK REVOCABLE
LIVING TRUST; LAWRENCE
MCCORMICK; OLIVER MCCORMICK;
TAMALPAIS ROTH MCCORMICK;
TASHA YAKUSH; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 446 FLORAL
AVENUE, ASTORIA, OR 97103,

Defendants.

Case No. 15CV16744

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

ORCP Rule 69

PURSUANT TO SB368, 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 MELINDA M.
MCCORMICK; THE ESTATE OF JAMES A. MCCORMICK; THE UNKNOWN HEIRS AND
ASSIGNS OF JAMES A. MCCORMICK; THE UNKNOWN DEVISEES OF JAMES A.
MCCORMICK; THE JAMES MCCORMICK REVOCABLE LIVING TRUST; LAWRENCE
MCCORMICK; OLIVER MCCORMICK; TAMALPAIS ROTH MCCORMICK; TASHA
YAKUSH; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY

1 RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN
2 AS 446 FLORAL AVENUE, ASTORIA, OR 97103, the records on file herein, and pursuant to
3 the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff
4 WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A/ CHRISTIANA TRUST, NOT
5 INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST
6 ("Plaintiff"),

7 **IT IS HEREBY ADJUDGED:**

8 1. Plaintiff's security interest in the real property located at 446 Floral Avenue,
9 Astoria, OR 97103-5972 ("Subject Property"), as evidenced by the Deed of Trust recorded
10 February 4, 2010 in the official records of Clatsop County as Instrument Number 2010-01042
11 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
12 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
13 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
14 described as follows:

15 LOT 11, BLOCK 14, TAYLOR'S ASTORIA, IN THE CITY OF ASTORIA, COUNTY
16 OF CLATSOP, STATE OF OREGON.

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

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

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

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
3 by sale of the Subject Property as directed under this Judgment;

4 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
5 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
6 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
7 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
8 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

9 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
10 sale of the Subject Property as directed under this Judgment.

11 7. The Sheriff shall make a return on the writ of execution to the court administrator
12 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
13 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
14 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
15 parties as may establish their right thereto. The Defendants and all persons claiming through or
16 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
17 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
18 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
19 every part of the Subject Property when the time for redemption has elapsed;

20 8. Plaintiff or any other party to this action may become a purchaser at the
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the
24 subject property if Defendants or any other party or person refuses to surrender possession;

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DECLARATION OF AMOUNT DUE BY DEFAULT

(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 \$238,578.45.
- 2. Simple interest at the variable rate currently at 5.25000% (\$26.78 *per diem*) after August 3, 2017, through the date of sale.
- 3. Attorney fees of \$4,045.00, plus \$310.00, through the date of sale.
- 4. Costs of \$3,813.17, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 10/2/2017 11:58 AM



Circuit Court Judge Cindee S. Matyas

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;
 - 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;

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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



Date: 9/28/17

SHANNON K. CALT (OSB # 121855)
(503) 345-9877
(503) 222-2260
scalt@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
Wilmington Savings Fund Society, FSB,
d/b/a/ Christiana Trust, not individually but
as trustee for Pretium Mortgage Acquisition Trust