

RCUD DCS000L 14DEC 2017 14:23

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

WILMINGTON SAVINGS FUND
SOCIETY, FSB, DBA CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS
TRUSTEE FOR VENTURES TRUST 2013-
IH-R,

Plaintiff,

vs.

RICHARD W. ANGLIN, SR. AKA
RICHARD WILLIAM ANGLIN, SR; GAIL E.
ANGLIN AKA GAIL ELAINE ANGLIN;
SELCO COMMUNITY CREDIT UNION;
OCCUPANTS OF THE PROPERTY,

Defendants.

CASE NO.: 15CV28300

WRIT OF EXECUTION

STATE OF OREGON)
) ss.
County of Deschutes)

TO THE SHERIFF OF DESCHUTES COUNTY OREGON:

WHEREAS, on December 7, 2016 by consideration of the Deschutes County Circuit
Court, there was entered a General Judgment of Foreclosure as to Defendants. Said General
Judgment of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's
Office in said County on December 7, 2016; a true copy of the General Judgment of Foreclosure
is attached hereto and made a part hereof.

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///

WRIT OF EXECUTION -1-

ZIEVE, BRODNAX & STEELE, LLP
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
aharrington@zievelaw.com

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2 Judgment Creditor: WILMINGTON SAVINGS FUND
3 SOCIETY, FSB, DBA CHRISTIANA
4 TRUST, NOT INDIVIDUALLY BUT AS
5 TRUSTEE FOR VENTURES TRUST 2013-IH-R,

6 Judgment Creditor Address: 393 W North Avenue, Ste. 680
7 Chicago, IL 60642

8 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
9 commanded to sell the real property as by said General Judgment of Foreclosure according to
10 law (subject to redemption) all of the interest that the Defendant Richard W. Anglin, Sr. and Gail
11 E. Anglin had on the 8th day of September 2008, the date of the Mortgage, and also all of the
12 interest that Defendants had thereafter, in the real property described in the Judgment as:

13 LOT 4, BLOCK 6, TIMBER HAVEN FIRST ADDITION, DESCHUTES
14 COUNTY, OREGON.

15 Tax Parcel Number: 114846

16 The street address of the real property to be levied upon is 15680 Paulina Ave, La Pine,
17 OR 97739-9499.

18 The above referenced property shall be sold to satisfy the following sums: The base
19 judgment amount of \$192,696.20; plus prejudgment interest in the amount of \$66,986.30; plus
20 Plaintiff's costs and reasonable attorney fees in the amount of \$18,964.68; plus Plaintiff's
21 attorney fees in the amount of \$4,480.89; plus post-judgment interest of \$17,592.72; for a grand
22 total of \$305,204.68; Thus,

23 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
24 THE DATE OF SUBMISSION (August 16, 2017) IS AS FOLLOWS:

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26 Principal Balance: \$192,696.20
27 Prejudgment Interest: \$66,701.22
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Additional pre-judgment interest
11/31/16 – 12/6/17 at 6.25% \$285.08
Plaintiff's Costs \$18,964.68
Attorney Fees \$4,480.89
Post-judgment Interest 12/7/16
- 8/16/17 at 9.00% (\$69.81 per
diem) \$17,592.72
Total due as of August 16, 2017 \$305,204.68 plus \$69.81 per diem thereafter until
paid.

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

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

Signed: 10/26/2017 12:14 PM

Jeffrey E. Hall

Trial Court Administrator Jeffrey E. Hall



Submitted by:

Amy F. Harrington

Amy F. Harrington, OSB No. 123363

WRIT OF EXECUTION -3-

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

WILMINGTON SAVINGS FUND
SOCIETY, FSB, DBA CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS
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H-R,

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vs.

RICHARD W. ANGLIN, SR. AKA
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ANGLIN AKA GAIL ELAINE ANGLIN;
SELCO COMMUNITY CREDIT UNION;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 15CV28300

GENERAL JUDGMENT OF FORECLOSURE

I.

THIS MATTER came before the Court on Plaintiff's motion.

- a. Defendants RICHARD W. ANGLIN, SR. AKA RICHARD WILLIAM ANGLIN, SR; GAIL E ANGLIN AKA GAIL ELAINE ANGLIN and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;
- b. A Stipulated Limited Judgment has been entered with regard to Defendant SELCO COMMUNITY CREDIT UNION ("Stipulating Defendant") (collectively Defaulted and Stipulating Defendants are referred to as "Defendants"); now therefore,

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Deschutes County, Oregon, and is commonly known as 15680 Paulina Avenue, La Pine, OR 97739 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 114846.
- b. Plaintiff is the owner and holder of the beneficial interest in a deed of trust and original note dated 9/5/2008 and made, delivered, and executed by RICHARD W. ANGLIN, SR. AKA RICHARD WILLIAM ANGLIN, SR and GAIL E ANGLIN AKA GAIL ELAINE ANGLIN to Summit Mortgage Corporation, An Oregon Corporation in the amount of \$192,750.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendants RICHARD W. ANGLIN, SR. AKA RICHARD WILLIAM ANGLIN, SR and GAIL E ANGLIN AKA GAIL ELAINE ANGLIN on or about 9/8/2008 (the "Deed of Trust"). The Deed of Trust was recorded on 9/12/2008 as Instrument No. 2008-37534 in the official records of Deschutes County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

- d. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

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- 1 a) Unpaid principal balance: \$192,696.20
- 2 b) Prejudgment interest accruing from \$66,701.22
- 3 4/1/2010 through 11/30/2016 and
- 4 continuing until the entry of
- 5 judgment at the current Note rate of
- 6 6.2500%:
- 7 c) Additional amounts due under the \$18,964.68
- 8 terms of the loan:
- 9 d) Attorney fees and costs: \$4,480.89

10 Total: \$282,842.99

11 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the

12 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%

13 per annum.

14 c. The interest of the Defendants and any successor in interest in the Subject Property is

15 foreclosed and terminated excepting only any statutory right of redemption as provided by

16 Oregon law.

17 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

18 g. All right, title and interest in the Subject Property that Defendants RICHARD W. ANGLIN,

19 SR. AKA RICHARD WILLIAM ANGLIN, SR and GAIL E ANGLIN AKA GAIL ELAINE

20 ANGLIN had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to

21 be sold by the Deschutes County Sheriff's Office in accordance with the process for sale

22 upon execution, and the proceeds of sale shall be applied:

- 23 1) First, to the costs of sale not incurred by Plaintiff;
- 24 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
- 25 entry of judgment through the date of the sale and any incurred costs of sale;
- 26 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
- 27 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
- 28 such party or parties as they may establish their right thereto.

1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.

4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.

9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.

11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.

14 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
15 Trust are as follows:

- 16 1) Defendant SELCO COMMUNITY CREDIT UNION may claim an interest in
17 Subject Property by virtue of a deed of trust, recorded September 12, 2008, in the
18 official records of Deschutes County, Oregon, as Instrument No. 2008-37535,
19 securing a promissory note in the amount of \$63,750.00

Signed: 12/7/2016 01:27 PM



Circuit Court Judge A. Michael Adler

1 Presented by:

2 **McCarthy & Holthus, LLP**

3 s/ Brady Godbout

4 Casey C. Pence, OSB No. 975271

5 Brady Godbout, OSB No. 132708

6 920 SW 3rd Ave, 1st Floor

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11 Of Attorneys for Plaintiff

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EXHIBIT " 1 "

LOT 4, BLOCK 6, TIMBER HAVEN FIRST ADDITION, DESCHUTES COUNTY, OREGON.