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

NATIONSTAR HECM ACQUISITION
TRUST 2015-2, WILMINGTON SAVINGS
FUND SOCIETY, FSB, NOT
INDIVIDUALLY, BUT SOLELY AS
TRUSTEE, a limited liability company,

Plaintiff,

vs.

GORDON DANA HAMILTON, an individual;
Julian Castro, solely in his capacity as
Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; DISCOVER
BANK.

Defendants.

CASE NO.: 16CV40022

**PRAECIPE FOR WRIT OF
EXECUTION**

TO THE TRIAL COURT CLERK OF THE ABOVE-ENTITLED COURT:

You are hereby requested and instructed to issue an execution to the Sheriff of Marion
County for execution of the General Judgment of Foreclosure entered March 20, 2017 in the
above-entitled cause.

///

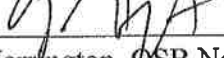
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1 It is hereby certified that the provisions of the Writ of Execution tendered herewith
2 conform to the judgment of record in this cause.

3
4 DATED this 20 day of June, 2017

6 ZIEVE, BRODNAX & STEELE, LLP

7
8 By: 
9 Amy F. Harrington, OSB No. 123363
10 Attorneys for Plaintiff
11 One World Trade Center
12 121 Southwest Salmon St, 11th Floor
13 Portland, OR 97204
14 (503) 946-6558
15 aharrington@zbslaw.com

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

NATIONSTAR HECM ACQUISITION
TRUST 2015-2, WILMINGTON SAVINGS
FUND SOCIETY, FSB, NOT
INDIVIDUALLY, BUT SOLELY AS
TRUSTEE, a limited liability company,

Plaintiff,

vs.

GORDON DANA HAMILTON, an individual;
Julian Castro, solely in his capacity as
Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; DISCOVER
BANK.

Defendants.

**CASE NO.: 16CV40022
WRIT OF EXECUTION**

STATE OF OREGON)
) ss.
County of Marion)

TO THE SHERIFF OF MARION COUNTY OREGON:

WHEREAS, on March 20, 2017, by consideration of the Marion County Circuit Court,
there was entered a General Judgment of Foreclosure as to defendants Gordon Dana Hamilton
("Borrower"), Julián Castro, solely in his capacity as Secretary for United States Department of
Housing and Urban Development ("HUD"); and Discover Bank ("Discover" together with
Borrower and HUD, collectively "Defendants"). Said General Judgment of Foreclosure was duly

1 enrolled and docketed in the Court Administrator's Office in said County on March 20, 2017; a
2 true copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

3 Judgment Creditor: NATIONSTAR HECM ACQUISITION TRUST 2015-2,
4 WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT INDIVIDUALLY,
5 BUT SOLELY AS TRUSTEE, A LIMITED LIABILITY COMPANY,
6 Judgment Creditor Address: 350 Highland Dr.
7 Lewisville, TX 75067

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 borrower Gordon Dana Hamilton had on
11 the 14th day of June 2010, the date of the Mortgage, and also all of the interest that borrower had
12 thereafter, in the real property described in the Judgment as:

13 BEGINNING ON THE WEST LINE OF THE OLIVER P. TAYLOR DONATION
14 LAND CLAIM NO. 54 IN TOWNSHIP 8 SOUTH, RANGE 1 WEST OF THE
15 WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON; AT A POINT
16 WHICH IS 2199.45 FEET NORTH 0°11' WEST FROM THE MOST WESTERLY
17 SOUTHWEST CORNER OF SAID CLAIM; THENCE NORTH 0°11' WEST 60.00
18 FEET; THENCE SOUTH 89°10' EAST 811.35 FEET; THENCE NORTH 0°11' EAST
19 1276.40 FEET TO A POINT ON THE SOUTH LINE OF A TRACT OF LAND
20 CONVEYED TO M. WILLIAMS BY DEED RECORDED IN VOLUME 614, PAGE
21 698, DEED RECORDS FOR SAID COUNTY AND SLATE; THENCE SOUTH 89°10'
22 EAST 36.18 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY
23 LINE OF THE SANTIAM HIGHWAY; THENCE SOUTH 53°20'; EAST 552.05 FEET
24 TO AN ANGLE IN SAID RIGHT-OF-WAY LINE; THENCE SOUTH 51°50' EAST
25 ALONG SAID RIGHT-OF-WAY LINE 728.20 FEET TO A POINT ON THE NORTH
26 LINE OF A TRACT OF LAND CONVEYED TO LYLE HOLMES BY DEED
27 RECORDED IN VOLUME 528, PAGE 402, DEED RECORDS FOR SAID COUNTY
28 AND STATE; THENCE NORTH 89°20' WEST 306.80 FEET TO AN ANGLE IN
SAID NORTH LINE; THENCE SOUTH 0°29' EAST 177.00 FEET; THENCE
NORTH 88°48' WEST 235.00 FEET; THENCE SOUTH 26°25' WEST 438.12 FEET
TO A POINT ON THE SOUTH LINE OF SAID HOLMES TRACT OF LAND;
THENCE NORTH 89°10' WEST 1131.66 FEET TO THE PLACE OF BEGINNING.
SAVE AND EXCEPT; THAT PORTION OF LAND CONVEYED TO THE SLATE
OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION,

1 BY WARRANTY DEED RECORDED; MAY 23, 1995 IN REEL: 1238, PAGE 799,
2 MARION COUNTY DEED RECORDS.

3 Assessor's Parcel Number R28646

4 The street address of the real property to be levied upon is 9757 Gordon Lane SE,
5 Aumsville, OR 97325.

6 The above referenced property shall be sold to satisfy the following sums: The base
7 judgment amount of \$579,530.52, plus prejudgment interest in the amount of \$110,457.59, plus
8 reasonable attorney fees and costs in the amount of \$5,118.23, for a grand total of \$695,106.34
9 together with interest on those amount since March 20, 2017 (the date of entry of judgment) at
10 the rate of 5.56% per annum; Thus,

11 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
12 THE DATE OF SUBMISSION IS AS FOLLOWS:

13	Base Judgment:	\$579,530.52
14	Prejudgment Interest:	\$110,457.59
15	Attorney Fees and Costs:	\$5,118.23
16	Total due as of June 20, 2017:	\$695,106.34; Due to the nature of the loan,

17 Plaintiff waives any post-judgment interest.

18 The proceeds of sale shall be applied, delivered, and distributed according to ORS
19 18.950.

20 //

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26 WRIT OF EXECUTION -3-

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


1 The Sheriff is hereby authorized to continue execution under the writ and delay making a
2 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the
3 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
4 18.872.

Signed: 6/28/2017 02:32 PM

By: 
J. Tolman, Court Clerk



7 Submitted by:

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10 Amy F. Harrington, OSB No. 123363

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

NATIONSTAR HECM ACQUISITION TRUST 2015-2, WILMINGTON SAVINGS FUND SOCIETY, FSB, NOT INDIVIDUALLY, BUT SOLELY AS TRUSTEE, a limited liability company,

Plaintiff,

vs.

GORDON DANA HAMILTON, an individual; Julian Castro, solely in his capacity as Secretary for UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; DISCOVER BANK.

Defendants.

CASE NO.: 16CV40022

GENERAL JUDGMENT OF FORECLOSURE (WITHOUT MONEY AWARD – JUDGMENT DOES NOT CREATE A LIEN)

Based upon the Motion for Order of Default and Entry of a General Judgment of Foreclosure filed by plaintiff, Nationstar HECM Acquisition Trust 2015-2, Wilmington Savings Fund Society, FSB, not individually, but solely as trustee (“Plaintiff”) and against defendants Gordon Dana Hamilton (“Borrower”), Julián Castro, solely in his capacity as Secretary for United States Department of Housing and Urban Development (“HUD”); and Discover Bank (“Discover” together with Borrower and HUD, collectively “Defendants”), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and Disbursements,

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IT IS HEREBY ORDERED AND ADJUDGED:

1.

Plaintiff is awarded judgment against Defendants and all persons claiming through or under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property described above and every portion thereof excepting only any satisfactory right of redemption as Defendants, or any of them, may have therein.

2.

Writ of execution upon this General Judgment of Foreclosure shall issue.

3.

The Deed of Trust executed by Borrower and recorded on June 21, 2010, in the Marion County Recorder's Office as Reel 3186 Page 300, is a valid mortgage lien for the amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in Marion County, Oregon commonly referred to as 9757 Gordon Lane SE, Aumsville, OR 97325, with a legal description as follows:

Beginning on the West line of the Oliver P. Taylor Donation Land Claim No. 54 in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; at a point which is 2199.45 feet North 0°11 'West from the most Westerly Southwest corner of said claim; thence North 0°11 'West 60.00 feet; thence South 89°10' East 811.35 feet; thence North 0°11' East 1276.40 feet to a point on the South line of a tract of land conveyed to M. Williams by deed recorded in Volume 614, Page 698, Deed Records for said County and State; thence South 89°10' East 36.18 feet to a point on the Southwesterly right-of-way line of the Santiam Highway; thence South 53°20; East 552.05 feet to an angle in said right-of-way line; thence South 51°50' East along said right-of-way line 728.20 feet to a point on the North line of a tract of land conveyed to Lyle Holmes by deed recorded in Volume 528, page 402, Deed Records for said County and State; thence North 89°20' West 306.80 feet to an angle in said North line; thence South 0°29' East 177.00 feet; thence North 88°48' West 235.00 feet; thence South 26°25' West

1 438.12 feet to a point on the South line of said Holmes tract of land; thence North 89°10' West
2 1131.66 feet to the place of beginning.

3 SAVE AND EXCEPT; that portion of land conveyed to the Slate of Oregon, by and through its
4 Department of Transportation, by Warranty Deed Recorded; May 23, 1995 in Reel: 1238, Page
5 799, Marion County Deed Records..

6 4.

7 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
8 property, and all other interest in the property gained by him thereafter, or so much interest as
9 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Marion
10 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

11 5.

12 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
13 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
14 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
15 may establish their right thereto.

16 6.

17 Defendants and all persons claiming through or under Defendants, as purchasers,
18 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
19 property described above and every portion thereof excepting only any satisfactory right of
20 redemption as Defendants may have.

21 7.

22 Plaintiff or any other party to this suit or third party purchase may become the purchaser
23 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
24 property from and after the date of sale and is entitled to such remedies as are available at law to
25 secure possession, including writ of assistance, if the Defendants and any other party or person
26 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for

1 possession.

2 **SECURED DEBT**

3 1. Judgment Creditor: Nationstar HECM Acquisition Trust 2015-2,
4 Wilmington Savings Fund Society, FSB, not
5 individually, but solely as trustee
6 c/o Zieve, Brodnax, & Steele, LLP
7 One World Trade Center
8 121 Southwest Salmon St., 11th Floor
9 Portland, OR 97204
10 503-946-6558

11 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
12 Zieve, Brodnax, & Steele, LLP
13 One World Trade Center
14 121 Southwest Salmon St., 11th Floor
15 Portland, OR 97204
16 503-946-6558

17 3. Person or public body entitled to any portion of money award herein: None

18 4. Total Amount of Secured Debt:

19 a. Lenders' Principal and Interest

20 Principal Balance \$ 579,530.52

21 Accrued interest and fees on \$ 110,457.59
22 the principal balance through
23 3/31/17

24 **Total Principal and Interest**
25 **Through 3/31/17 at the rate of**
26 **5.56% \$ 693,321.34**

27 **Due to the nature of the loan, Plaintiff waives any post-judgment interest.**

28 b. Attorneys' Fees and Costs

Attorney Fees Judicial Flat Rate	\$2,400.00
Litigation Guarantee	\$1,508.00
Mediation	\$200.00
Skip Trace	\$50.00
Complaint filing cost	\$531.00
FedEx lis pendens to be recorded	\$8.23

2016 12 05 - LT invoice to record LP	\$61.00
Provest invoice 4778617; 1/18/2017; service of Discover	\$185.00
Provest Invoice 4759690; 12/21/2016; service S&C	\$175.00

Total Attorney Fees and Costs \$5,118.23

Total Secured Debt (Judgment) \$ 695,106.34

Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ of Execution will issue. This judgment is not and is not intended to be a monetary judgment against the Borrowers.

Signed: 3/20/2017 11:59 AM



Circuit Court Judge David Leith

Submitted By:

/s/Benjamin D. Petiprin
 Benjamin D. Petiprin, OSB No.136031
 Attorney for Plaintiff
 Nationstar HECM Acquisition Trust
 2015-2, Wilmington Savings Fund
 Society, FSB, not individually, but solely
 as trustee

GENERAL JUDGMENT OF FORECLOSURE -5-

ZIEVE, BRODNAX, & STEELE, LLP
 Benjamin D. Petiprin, Esq.
 One World Trade Center
 121 Southwest Salmon St., 11th Floor
 Portland, OR 97204
 503-946-6558
 bpetiprin@zbslaw.com

1 CERTIFICATE

2 I HEREBY CERTIFY that this proposed order or judgment is ready for judicial
3 signature because:

4 1. [] Each opposing party affected by this order or judgment has stipulated to the order or
5 judgment, as shown by each opposing party's signature on the document being submitted.

6 2. [] Each opposing party affected by this order or judgment has approved the order or
7 judgment, as shown by signature on the document being submitted or by written confirmation
8 of approval sent to me.

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

10 a. [X] No objection has been served on me.

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

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

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

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

18 6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
19 otherwise.

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

23 /s/Benjamin D. Petiprin

24 Benjamin D. Petiprin, OSB No.136031

25 Attorney for Plaintiff

26 Nationstar HECM Acquisition Trust

27 2015-2, Wilmington Savings Fund

28 Society, FSB, not individually, but

solely as trustee