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

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

Plaintiff,

v.

EUGENE D. BERGER; JACQUI M.  
BERGER; SANDRA M. BERGER;  
NORTHWEST COMMUNITY CREDIT  
UNION FKA WOOD PRODUCTS CREDIT  
UNION; CASCADE COLLECTIONS, INC.;  
CAPITAL CREDIT & COLLECTION  
SERVICE, INC.; VALLEY CREDIT  
SERVICES, INC.; RAY KLEIN INC., DBA  
PROFESSIONAL CREDIT SERVICE; and  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 237  
RICHMOND AVENUE SE, SALEM, OR  
97301,

Defendants.

Case No. 17CV00220

**WRIT OF EXECUTION**

TO THE MARION COUNTY SHERIFF:

On June 15, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Marion County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST c/o Aldridge Pite, LLP, 111 SW

1 Columbia St., Ste. 950, Portland, OR 97201.

2 The real property to be sold at public auction is commonly known as 237 Richmond  
3 Avenue SE, Salem, OR 97301 ("Subject Property"), and legally described as:

4 LOT SIX (6), BLOCK FOUR (4), RICHMOND ADDITION TO SALEM, IN THE  
5 CITY OF SALEM, MARION COUNTY AND STATE OF OREGON.

6 The total amount due and owing on the Judgment as of June 30, 2017;

7 Judgment:	Principal	\$190,608.34
8	Attorney Fees	\$3,095.00
9	Costs	\$2,164.05
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(5.000%,\$20.01/day)	\$1,200.60 (5/2/17 through 6/30/17)
12	Attorney Fees	\$305.00

13 **TOTAL: \$197,672.99**

14 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
15 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
16 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
17 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
18 holder of the certificate of sale.

19 Signed: 7/10/2017 02:53 PM

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21 J. Tolman, Court Clerk



22 Presented by:  
23 ALDRIDGE PITE, LLP

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25 Katie L. Riggs, OSB # 095861  
26 Of Attorneys for Plaintiff

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

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

Plaintiff,

v.

EUGENE D. BERGER; JACQUI M.  
BERGER; SANDRA M. BERGER;  
NORTHWEST COMMUNITY CREDIT  
UNION FKA WOOD PRODUCTS CREDIT  
UNION; CASCADE COLLECTIONS, INC.;  
CAPITAL CREDIT & COLLECTION  
SERVICE, INC.; VALLEY CREDIT  
SERVICES, INC.; RAY KLEIN INC., DBA  
PROFESSIONAL CREDIT SERVICE; and  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS 237  
RICHMOND AVENUE SE, SALEM, OR  
97301,

Defendants.

Case No. 17CV00220

**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 EUGENE D. BERGER;  
JACQUI M. BERGER; SANDRA M. BERGER; NORTHWEST COMMUNITY CREDIT  
UNION FKA WOOD PRODUCTS CREDIT UNION; CASCADE COLLECTIONS, INC.;  
CAPITAL CREDIT & COLLECTION SERVICE, INC.; VALLEY CREDIT SERVICES, INC.;  
RAY KLEIN INC., DBA PROFESSIONAL CREDIT SERVICE; and ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE

1 REAL PROPERTY COMMONLY KNOWN AS 237 RICHMOND AVENUE SE, SALEM, OR  
2 97301, the records on file herein, and pursuant to the Motion for General Judgment and  
3 Declaration of Amount Due by Default by Plaintiff WILMINGTON SAVINGS FUND  
4 SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE  
5 FOR PRETIUM MORTGAGE ACQUISITION TRUST ("Plaintiff"),

6 **IT IS HEREBY ADJUDGED:**

7 1. Plaintiff's security interest in the real property located at 237 Richmond Avenue  
8 SE, Salem, OR 97301 ("Subject Property"), as evidenced by the Deed of Trust recorded  
9 November 23, 2005 in the official records of Marion County as Instrument Number Reel 2571  
10 Page 116 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the  
11 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
12 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
13 legally described as follows:

14 LOT SIX (6), BLOCK FOUR (4), RICHMOND ADDITION TO SALEM, IN THE  
15 CITY OF SALEM, MARION COUNTY AND STATE OF OREGON.

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

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

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

1 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
2 by sale of the Subject Property as directed under this Judgment;

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

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

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

19 8. Plaintiff or any other party to this action may become a purchaser at the  
20 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
21 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
22 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
23 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 \$190,608.34.
- 2. Simple interest at the variable rate currently at 5.000% (\$20.01 *per diem*) after May 1, 2017, through the date of sale.
- 3. Attorney fees of \$3,095.00, plus \$305.00, through the date of sale.
- 4. Costs of \$2,164.05, plus costs accrued through the date of sale.
- 5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 6/15/2017 09:39 AM



**Circuit Court Judge Courtland Geyer**

**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, Defendant(s) agreed to independently file any remaining objection with the Court.

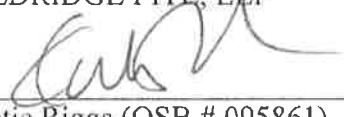
4.  The relief sought is against an opposing party who has been found in default.

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: 6/13/17

Katie Riggs (OSB # 095861)  
(858) 750-7600  
(619) 326-2430  
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff