

1
2
3 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
4 **FOR THE COUNTY OF MARION**

5
6 WILMINGTON SAVINGS FUND SOCIETY,
7 FSB, DOING BUSINESS AS CHRISTIANA
8 TRUST, NOT IN ITS INDIVIDUAL
9 CAPACITY BUT SOLELY AS LEGAL
10 TITLE TRUSTEE FOR BRONZE CREEK
11 TITLE TRUST 2014-NPLI,

12 Plaintiff,

13 vs.

14 TRAVIS J. WHISENHUNT, an individual;
15 LANAI S. WHISENHUNT AKA LANAI S.
16 HALL, an individual; and all other persons,
17 parties, or occupants unknown claiming any
18 legal or equitable right, title, estate, lien, or
19 interest in the real property described in the
20 complaint herein, adverse to Plaintiff's title, or
21 any cloud on Plaintiff's title to the Property.

22 Defendants.

CASE NO.: 15CV16286

WRIT OF EXECUTION

23 STATE OF OREGON)
24) ss.
25 County of Marion)

26 TO THE SHERIFF OF MARION COUNTY OREGON:

27 WHEREAS, on May 1, 2017 by consideration of the Marion County Circuit Court, there
28 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

1 County on May 1, 2017; a true copy of the General Judgment of Foreclosure is attached hereto
2 and made a part hereof.

3 Judgment Creditor: WILMINGTON SAVINGS FUND SOCIETY,
4 FSB, DOING BUSINESS AS CHRISTIANA
5 TRUST, NOT IN ITS INDIVIDUAL
6 CAP A CITY BUT SOLELY AS LEGAL TITLE
7 TRUSTEE FOR BRONZE CREEK TITLE
8 TRUST 2014-NPLI
9 Judgment Creditor Address: 8201 Cypress Plaza
10 Jacksonville, FL 32256

11 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
12 commanded to sell the real property as by said General Judgment of Foreclosure according to
13 law (subject to redemption) all of the interest that the Defendants Travis J. Whisenhunt
14 ("Borrower 1"); and Lanai S. Whisenhunt aka Lanai S. Hall ("Borrower 2" together with
15 Borrower 1, collectively "Borrowers" or "Defendants") had on the 31st day of July 2009, the date
16 of the Mortgage, and also all of the interest that Defendants had thereafter, in the real property
17 described in the Judgment as:

18 **PARCEL I:**

19 BEGINNING AT THE INTERSECTION OF THE EAST LINE OF "E" STREET
20 AND THE NORTH LINE OF THE RELOCATED STATE HIGHWAY NO. 222,
21 IN MILL CITY, MARION COUNTY, OREGON, WHICH POINT OF
22 BEGINNING IS NORTH 6° EAST 299.02 FEET AND SOUTH 88°13' EAST
23 40.11 FEET FROM THE IRON BOLT WHICH MARKS THE SOUTHEAST
24 CORNER OF THE SCHOOL BLOCK IN SAID CITY; THENCE NORTH 6°
25 EAST ALONG THE EAST LINE OF "E" STREET 97.00 FEET TO THE
26 SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED TO
27 HENRY HUDEL BY DEED RECORDED JUNE 5, 1906 IN VOLUME 92,
28 PAGE 539, DEED RECORDS FOR MARION COUNTY, OREGON AND THE

1 TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF
2 LAND; THENCE SOUTH 86° EAST 100 FEET TO THE SOUTHEAST
3 CORNER OF SAID HUDEL TRACT; THENCE NORTH 6° EAST 42.42 FEET
4 ALONG THE EAST LINE OF SAID HUDEL TRACT TO THE NORTHEAST
5 CORNER THEREOF, WHICH POINT IS ON THE SOUTHERLY
6 BOUNDARY OF THAT TRACT OF LAND DEEDED TO EUGENE E.
7 GREGORY AND RUBY B. GREGORY BY DEED RECORDED APRIL 28,
8 1943 IN VOLUME 283, PAGE 245, DEED RECORDS FOR MARION
9 COUNTY, OREGON; THENCE NORTH 86° WEST ALONG THE
10 SOUTHERLY LINE OF SAID GREGORY TRACT A DISTANCE OF 100
11 FEET TO THE NORTHWEST CORNER OF SAID HUDEL TRACT, WHICH
12 POINT IS ON THE EASTERLY LINE OF "E" STREET IN THE CITY OF
13 MILL CITY; THENCE SOUTH 6° WEST ALONG THE EASTERLY LINE OF
14 "E" STREET TO THE TRUE PLACE OF BEGINNING.

15 PARCEL II:

16 BEGINNING AT A POINT 15.68 CHAINS SOUTH OF THE CENTER OF
17 SECTION 29, IN TOWNSHIP 9 SOUTH, RANGE 3 EAST OF THE
18 WILLAMETTE MERIDIAN, MARION COUNTY, OREGON; THENCE
19 NORTH 84° WEST 125.09 FEET TO AN IRON PIPE AT THE NORTHEAST
20 CORNER OF THAT TRACT OF LAND CONVEYED TO ORLANDO AND
21 MAY HARRIS BY DEED RECORDED FEBRUARY 18, 1982 IN REEL 273,
22 PAGE 1548, FILM RECORDS FOR MARION COUNTY, OREGON; THENCE
23 NORTH 86°0' WEST 138.92 FEET TO AN IRON PIPE ON THE NORTHEAST
24 CORNER OF A TRACT OF LAND CONVEYED TO INVESTORS
25 MORTGAGE CO., AN OREGON CORPORATION, BY DEED RECORDED
26 JULY 16, 1986 IN REEL 476, PAGE 222, FILM RECORDS FOR MARION

1 COUNTY, OREGON; THENCE NORTH 86° WEST 38.08 FEET TO THE
2 NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO
3 HENRY HUDEL BY DEED RECORDED JUNE 5, 1906 IN VOLUME 92,
4 PAGE 539, DEED RECORDS FOR MARION COUNTY, OREGON; THENCE
5 NORTH 86° WEST 140 FEET, MORE OR LESS, TO A POINT ON THE WEST
6 LINE OF "E" STREET IN MILL CITY, OREGON, WHICH POINT IS ALSO
7 THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO
8 PAUL AND FLORENCE RESSLER, BY DEED RECORDED MAY 13, 1952
9 IN VOLUME 439, PAGE 693, DEED RECORDS FOR MARION COUNTY,
10 OREGON; THENCE NORTH 84° WEST TO A POINT WHICH IS SOUTH 84°
11 EAST 136 FEET, FROM THE EAST LINE OF CEDAR STREET IN
12 ELIZABETH'S ADDITION TO THE TOWN OF MILL CITY, OREGON;
13 THENCE NORTH 6° EAST 111 FEET; THENCE NORTH 84° WEST 136
14 FEET TO THE EAST LINE OF SAID CEDAR STREET; THENCE NORTH 6°
15 EAST 40 FEET TO THE NORTHEAST CORNER OF THE INTERSECTION
16 OF SAID CEDAR STREET AND SECOND STREET IN SAID ADDITION;
17 THENCE NORTH 84° WEST 40 FEET ALONG THE NORTH LINE OF SAID
18 SECOND STREET; THENCE NORTH 6° EAST 224 FEET; THENCE EAST
19 TO THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 29;
20 THENCE SOUTH TO THE POINT OF BEGINNING.

21 EXCEPTING THEREFROM:

22 BEGINNING AT AN IRON PIPE ON A LINE RUNNING NORTH AND
23 SOUTH THROUGH THE CENTER OF SECTION 29, TOWNSHIP 9 SOUTH,
24 RANGE 3 EAST, SAID IRON PIPE BEING 1034.88 FEET SOUTH OF AN
25 IRON PIPE AT THE CENTER OF SAID SECTION 29; THENCE NORTH 84°
26 WEST 125.09 FEET; THENCE NORTH 6° EAST 205.85 FEET TO AN IRON

1 PIPE; THENCE EAST 102.88 FEET TO AN IRON PIPE ON SAID LINE
2 RUNNING NORTH AND SOUTH THROUGH THE CENTER OF SAID
3 SECTION 29; THENCE SOUTH 217.88 FEET TO THE POINT OF
4 BEGINNING; LYING AND BEING A PART OF SECTION 29, TOWNSHIP 9
5 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN THE
6 COUNTY OF MARION AND STATE OF OREGON.

7 The street address of the real property to be levied upon is 350 NE 7th St., Mill City, OR
8 97360.

9 The above referenced property shall be sold to satisfy the following sums: The base
10 judgment amount of \$212,392.45, plus prejudgment interest in the amount of \$82,151.76, plus
11 Plaintiff's costs and reasonable attorney fees in the amount of \$4,033.00, for a grand total of
12 \$298,577.21 together with interest on those amount since May 31, 2017 (the date of entry of
13 judgment) at the rate of 5.0% per annum (\$26.15 *per diem*); Thus,

14 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
15 THE DATE OF SUBMISSION (May 31, 2017) IS AS FOLLOWS:

16	Base Judgment:	\$212,392.45
17	Prejudgment Interest:	\$82,151.76
18	Plaintiff's Costs and Attorney Fees	\$4,033.00
19	Post-Judgment Interest:	\$399.95
20	Total due as of May 31, 2017	\$298,917.16 plus \$26.15 <i>per diem</i> thereafter until

21 paid.

22 The proceeds of sale shall be applied, delivered, and distributed according to ORS
23 18.950.

24 ///

25 ///

26 ///


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: 6/22/2017 09:34 AM


J. Tolman, Court Clerk



11 Submitted by:

12 
13 Amy F. Harrington, OSB No. 123363

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS LEGAL
TITLE TRUSTEE FOR BRONZE CREEK
TITLE TRUST 2014-NPLI,

Plaintiff,

vs.

TRAVIS J. WHISENHUNT, an individual;
LANAI S. WHISENHUNT AKA LANAI S.
HALL, an individual; and all other persons,
parties, or occupants unknown claiming any
legal or equitable right, title, estate, lien, or
interest in the real property described in the
complaint herein, adverse to Plaintiff's title, or
any cloud on Plaintiff's title to the Property.

Defendants.

CASE NO. 15CV16286

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

1 Based upon the Motion for Order and Entry of a General Judgment of Foreclosure filed
2 by plaintiff, Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in
3 its individual capacity but solely as legal title trustee for Bronze Creek Title Trust 2014-NPL1
4 ("Plaintiff") and against defendants Travis J. Whisenhunt ("Borrower 1"); and Lanai S.
5 Whisenhunt aka Lanai S. Hall ("Borrower 2" together with Borrower 1, collectively "Borrowers"
6 or "Defendants"), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and
7 Disbursements,

8 **IT IS HEREBY ORDERED AND ADJUDGED:**

9 **1.**

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

14 **2.**

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

16 **3.**

17 The Deed of Trust executed by Borrowers and recorded on August 11, 2009, in the
18 Marion County Recorder's Office as Reel: 3093 Page: 360, is a valid mortgage lien for the
19 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
20 Marion County, Oregon commonly referred to as 350 NE 7th St. Mill City, OR 97360, with a
21 legal description as follows:

22 **PARCEL I:**

23 Beginning at the intersection of the East line of "E" Street and the North line of the relocated
24 State Highway No. 222, in Mill City, Marion County, Oregon, which point of beginning is North
25 6° East 299.02 feet and South 88°13' East 40.11 feet from the iron bolt which marks the
26 Southeast corner of the School Block in said City; thence North 6° East along the East line of

1 "E" Street 97.00 feet to the Southwest corner of the tract of land conveyed to Henry Hudel by
2 deed recorded June 5, 1906 in Volume 92, Page 539, Deed Records for Marion County, Oregon
3 and the true point of beginning of the herein described tract of land; thence South 86° East 100
4 feet to the Southeast corner of said Hudel tract; thence North 6° East 42.42 feet along the East
5 line of said Hudel tract to the Northeast corner thereof, which point is on the Southerly boundary
6 of that tract of land deeded to Eugene E. Gregory and Ruby B. Gregory by deed recorded April
7 28, 1943 in Volume 283, Page 245, Deed Records for Marion County, Oregon; thence North 86°
8 West along the Southerly line of said Gregory tract a distance of 100 feet to the Northwest corner
9 of said Hudel tract, which point is on the Easterly line of "E" Street in the City of Mill City;
10 thence South 6° West along the Easterly line of "E" Street to the true place of beginning.

11 **PARCEL II:**

12 Beginning at a point 15.68 chains South of the center of Section 29, in Township 9 South, Range
13 3 East of the Willamette Meridian, Marion County, Oregon; thence North 84° West 125.09 feet
14 to an iron pipe at the Northeast corner of that tract of land conveyed to Orlando and May Harris
15 by deed recorded February 18, 1982 in Reel 273, Page 1548, Film Records for Marion County,
16 Oregon; thence North 86°0' West 138.92 feet to an iron pipe on the Northeast corner of a tract of
17 land conveyed to Investors Mortgage Co., an Oregon corporation, by deed recorded July 16,
18 1986 in Reel 476, Page 222, Film Records for Marion County, Oregon; thence North 86° West
19 38.08 feet to the Northeast corner of that tract of land conveyed to Henry Hudel by deed
20 recorded June 5, 1906 in Volume 92, Page 539, Deed Records for Marion County, Oregon;
21 thence North 86° West 140 feet, more or less, to a point on the West line of "E" Street in Mill
22 City, Oregon, which point is also the Northeast corner of that tract of land conveyed to Paul and
23 Florence Ressler, by deed recorded May 13, 1952 in Volume 439, Page 693, Deed Records for
24 Marion County, Oregon; thence North 84° West to a point which is South 84° East 136 feet,
25 from the East line of Cedar Street in Elizabeth's Addition to the Town of Mill City, Oregon;
26 thence North 6° East 111 feet; thence North 84° West 136 feet to the East line of said Cedar

1 Street; thence North 6° East 40 feet to the Northeast corner of the intersection of said Cedar
2 Street and Second Street in said Addition; thence North 84° West 40 feet along the North line of
3 said Second Street; thence North 6° East 224 feet; thence East to the North and South center line
4 of said Section 29; thence South to the point of beginning.

5 EXCEPTING THEREFROM:

6 Beginning at an iron pipe on a line running North and South through the center of Section 29,
7 Township 9 South, Range 3 East, said iron pipe being 1034.88 feet South of an iron pipe at the
8 center of said Section 29; thence North 84° West 125.09 feet; thence North 6° East 205.85 feet to
9 an iron pipe; thence East 102.88 feet to an iron pipe on said line running North and South
10 through the center of said Section 29; thence South 217.88 feet to the point of beginning; lying
11 and being a part of Section 29, Township 9 South, Range 3 East of the Willamette Meridian in
12 the County of Marion and State of Oregon.

13 .
14 4.

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

19 5.

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

24 6.

25 Defendants and all persons claiming through or under Defendants, as purchasers,
26 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real

1 property described above and every portion thereof excepting only any satisfactory right of
2 redemption as Defendants may have.

3 **7.**

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

10 **SECURED DEBT**

11 1. Judgment Creditor: Wilmington Savings Fund Society, FSB, doing
12 business as Christiana Trust, not in its individual
13 capacity but solely as legal title trustee for Bronze
14 Creek Title Trust 2014-NPL1
15 c/o Zieve, Brodnax, & Steele, LLP
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558

16 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
17 Zieve, Brodnax, & Steele, LLP
18 One World Trade Center
19 121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558

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

21 **4. Total Amount of Secured Debt:**

22 a. Lenders' Principal and Interest

23 Principal Balance	\$ 212,392.45
24 Accrued interest and fees on	\$ 82,151.76
25 the principal balance through	
26 5/31/17	

1 **Total Principal and Interest**
2 **Through 5/31/17 at the rate of**
3 **5.0% per annum plus \$26.15**
4 **per diem thereafter. \$294,544.21**

5 **b. Attorneys' Fees and Costs**

6 Attorney Fees Judicial Flat Rate \$ 3,100.00


7 Litigation Guarantee \$ 933.00

8 **Total Attorney Fees and Costs \$4,033.00**

9 **Total Secured Debt (Judgment) \$ 298,577.21**

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

13
14 Signed: 5/1/2017 12:14 PM

15 
16 _____
17 Circuit Court Judge Donald D. Abar

18
19
20 Submitted By:

21
22 /s/Benjamin D. Petiprin

23 Benjamin D. Petiprin, OSB No.136031

24 Attorney for Plaintiff

25 Wilmington Savings Fund Society, FSB,
26 doing business as Christiana Trust, not in
27 its individual capacity but solely as legal
28 title trustee for Bronze Creek Title Trust
2014-NPL1

GENERAL JUDGMENT OF FORECLOSURE -6-

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

CERTIFICATE

I HEREBY CERTIFY that 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 objection has been served on me.

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

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

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.

/s/Benjamin D. Petiprin

Benjamin D. Petiprin, OSB No.136031
Attorney for Plaintiff
Wilmington Savings Fund Society,
FSB, doing business as Christiana
Trust, not in its individual capacity but
solely as legal title trustee for Bronze
Creek Title Trust 2014-NPL1