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

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

CASE NUMBER: 15-04-14552

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

JAMES D CARLSON, an individual;  
NAOMI L CARLSON, 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.

TO: THE SHERIFF OF WALLOWA COUNTY, OREGON:

1.

WHEREAS, on September 18, 2017, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to

Received  
JAN 22 2018  
Wallowa County Sheriff

1 redemption, if applicable), all of the interest which the Defendants JAMES D CARLSON and  
 2 NAOMI L CARLSON ("Defendants") had on May 29, 2009, the date of the foreclosed Deed of  
 3 Trust which was recorded on June 15, 2009, as Instrument No. 00061938 in the official records of  
 4 the Wallowa County Recorder's Office, and/or all of the interest which Defendants had thereafter, in  
 5 the real property described in the Judgment to satisfy the Judgment as follows:

6  
 7 **Lender's Principal Judgment:**

8 Unpaid Principal Balance: \$103,986.11

9 Pre-Judgment Interest from February 1,

10 2013 to January 31, 2017, the date set

11 forth in the Judgment at 4.875%, per

12 annum, (\$13.89 per diem): \$20,271.34

13 Lender's Fees and Costs: \$7,171.09

14 Attorney's Fees and Costs: \$4,406.00

15  
 16 ***Total Judgment Entered:*** \$137,977.54

17  
 18 **Additional Pre-Judgment Interest:**

19 Accrued Interest from February 1,

20 2017, the day after the date set forth in

21 the Judgment through September 18,

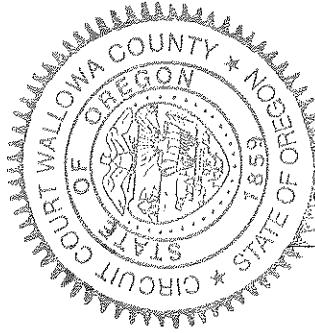
22 2017, the date of entry of the Judgment,

23 at 4.875%, per annum (\$13.89 per

24 diem): \$3,180.81

1 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy  
2 the Judgment, interest, fees, and costs.

3 MAKE RETURN HEREOF within 60 days after you receive this Writ.



4  
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6  
7  
8 Jary Homa 10/12/17

9 Submitted by:

10  
11 Dated: 10/10/17

12 Nathan F. Smith, OSB #120112  
13 Attorney for Plaintiff  
14 MALCOLM ♦ CISNEROS, A Law Corporation  
15 2112 Business Center Drive, Second Floor  
16 Irvine, California 92612  
17 Phone: (949) 252-9400  
18 Fax: (949) 252-1032  
19 Email: nathan@mclaw.org

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*Total Judgment Entered Including  
Additional Pre-Judgment*

*Interest:* *\$141,158.35*

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$141,158.35 at the legal rate of interest of 9% per annum, \$34.80 per diem, from September 19, 2017 to the date the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

The real property subject to this writ of execution is commonly known as 305 Roberts St, Enterprise, OR 97828 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:  
Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for  
Pretium Mortgage Acquisition Trust  
c/o Rushmore Loan Management Services  
15480 Laguna Canyon Road Suite 100  
Irvine, California 92618-2132

The Judgment Creditor's name and address for the purpose of this Writ is:  
Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for  
Pretium Mortgage Acquisition Trust  
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)  
2112 Business Center Drive  
Irvine, CA 92612  
949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and

077349

**Exhibit "1"**

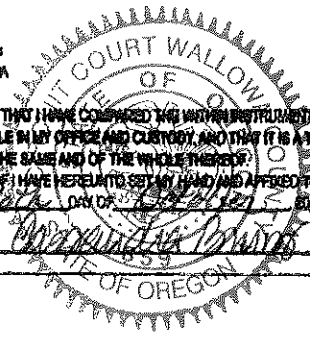
077349

Lot 15 and Lot 16, EXCEPT the South 15 feet of Lot 16, LITTLETON'S SUBDIVISION of Block 6 of the Amended Plat of the Bank Addition to Enterprise, Wallowa County, Oregon, as shown by the map thereof on file and of record in the Office of the County Clerk of said County and State in Book O of Deeds, Page 93.

EXCEPTING THEREFROM the East 8 feet thereof as shown dedicated to the public for use as an alley recorded in Book 27 of Deeds, Page 149.

077350

CIRCUIT COURT  
STATE OF OREGON  
COUNTY OF WALLOWA



DO HEREBY CERTIFY THAT I HAVE COMPARED THE WITHIN INSTRUMENT WITH THE ORIGINAL NOW ON FILE IN MY OFFICE AND CUSTODY, AND THAT IT IS A TRUE AND CORRECT COPY OF THE SAME AND OF THE WHOLE THEREOF.  
IN WITNESS WHEREOF I HAVE HEREunto SET MY HAND AND AFFIXED THE SEAL OF SAID COURT THIS 17th DAY OF February 2018  
TRIAL COURT CLERK [Signature]  
by \_\_\_\_\_  
PRINT NAME \_\_\_\_\_

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

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

Plaintiff,

vs.

JAMES D. CARLSON, an individual; NAOMI L. CARLSON, 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 NUMBER: 15-04-14552

GENERAL JUDGMENT OF FORECLOSURE AGAINST:

- 1) JAMES D. CARLSON; AND
- 2) NAOMI L. CARLSON

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants JAMES D. CARLSON and NAOMI L. CARLSON (collectively referred to as "Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST

Received  
GENERAL JUDGMENT OF FORECLOSURE  
JAN 22 2018  
Wallowa County Sheriff

1 DEFENDANTS JAMES D. CARLSON AND NAOMI L. CARLSON has been entered against them  
2 on Plaintiff's Complaint; and that Plaintiff is entitled to entry of a General Judgment foreclosing  
3 Plaintiff's deed of trust against the property commonly known as 305 Roberts St, Enterprise, Oregon  
4 97828 ("Property") and extinguishing any and all interest of the Defendants in the Property.

5 2.

6 The Court being fully advised; it is hereby  
7 ORDERED AND ADJUDGED that:

8 3.

9 Plaintiff is the holder of that certain promissory note ("Note"), dated May 29, 2009 in the  
10 amount of \$113,050.00, and executed by Defendants.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") dated May 29, 2009 and  
13 executed by Defendants. The Deed of Trust was recorded on June 15, 2009 under the recording  
14 number 0061938 of the Official Records of Wallowa County, Oregon, against the Property, which is  
15 legally described in Exhibit "1" attached hereto ("Property") and constitutes a valid lien against the  
16 Property.

17 5.

18 Defendants failed to comply with the terms of the Note and Deed of Trust by failing to make  
19 the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note  
20 and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust  
21 immediately due and payable.

22 6.

23 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
24 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby  
25 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants  
26 may be entitled under Oregon law.

27 7.

28 A judgment of foreclosure in the amount of \$137,977.54 shall be granted in favor of Plaintiff,



1 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –  
2 Not a Money Award (“Amount Owed”).

3 8.

4 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
5 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be  
6 disbursed to such party or parties as may establish their right thereto.

7 9.

8 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary  
9 costs and expenses incurred to enforcing the Note and Deed of Trust.

10 10.

11 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
12 assessments, municipal charges, and such other items as may constitute liens on the Property,  
13 together with insurance and repairs necessary to prevent the impairment of the Property, together  
14 with interest thereon from the date of payment may also be added to the Amount Owed and paid  
15 from the proceeds from the sale of the Property.

16 11.

17 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,  
18 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and  
19 every portion thereof, excepting only any statutory right of redemption provided by the laws of the  
20 State of Oregon.

21 12.

22 Defendants are not entitled to a homestead exemption in the Property.

23 13.

24 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the  
25 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

26 14.

27 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate  
28 possession of the Property from and after the date of the sale, and is entitled to such remedies as are

1 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a  
2 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender  
3 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

4 15.

5 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to  
6 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to  
7 obtain possession of the Property.

8 16.

9 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
10 hereinafter described as the Amount Owed.

11 17.

12 This suit does not constitute an attempt to collect the debt against Defendants. Rather, it is a  
13 suit to execute upon the Property as security for the Amount Owed.

14 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

15 **(Pursuant to Senate Bill 368)**

16 18.

17 Under the terms of the Deed of Trust and the Note dated May 29, 2009, in the original  
18 principal amount of \$113,050.00, there is now due and owing the following amounts, to be  
19 hereinafter described as the Amount Due:

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**DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

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**1. Judgment Creditor:** WILMINGTON SAVINGS FUND SOCIETY,  
FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR  
PRETIUM MORTGAGE ACQUISITION  
TRUST

Address: c/o MALCOLM ♦ CISNEROS  
A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor

Irvine, California 92612

**Judgment Attorney:** Nathan F. Smith

Address: MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612

Telephone Number: (949) 252-9400

**2. Persons or Public Bodies Entitled to  
a Portion the Judgment:**

N/A

**3. Judgment Amount:** \$133,571.54

**4. Pre-Judgment Interest:** Simple interest to accrue on \$103,986.11 from  
February 1, 2017 to the date the Judgment is  
entered into the Court's register at @ 4.875%  
per annum, \$13.89 per diem.

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**5. Post-Judgment Interest:**

Simple interest to accrue on \$137,977.54 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

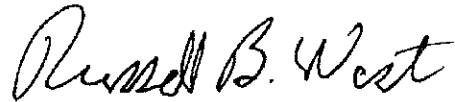
**6. Periodic accrual:**

N/A

**7. Attorney's Fees and Costs:**

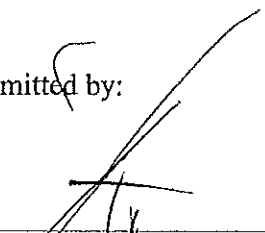
An award of \$4,406.00 in attorney's fees and costs is made.

Signed: 9/14/2017 10:47 AM



\_\_\_\_\_  
Circuit Court Judge Russell B. West

Submitted by:



Dated: \_\_\_\_\_

6/27/17

\_\_\_\_\_  
Nathan F. Smith, OSB #120112  
Attorneys for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)  
Email: nathan@mclaw.org

077350

Exhibit "1"

**Exhibit "1"**

EXHIBIT "1"

077350

Lot 15 and Lot 16, EXCEPT the South 15 feet of Lot 16, LITTLETON'S SUBDIVISION of Block 6 of the Amended Plat of the Bank Addition to Enterprise, Wallowa County, Oregon, as shown by the map thereof on file and of record in the Office of the County Clerk of said County and State in Book O of Deeds, Page 93.

EXCEPTING THEREFROM the East 8 feet thereof as shown dedicated to the public for use as an alley recorded in Book 27 of Deeds, Page 149.