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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR VOLT 2012-NPL1 ASSET HOLDINGS
TRUST,

Plaintiff,

vs.

PATTY J. FRAZIER AKA PATTY JO
FRAZIER; CHRIS STAPLETON AKA
CHRISTOPHER J. STAPLETON; VHPECU
AKA VALLEY CREDIT UNION; CITY OF
SALEM; LVNV FUNDING, LLC; COLLINS
FINANCIAL SERVICES, INC.; AND
OCCUPANTS OF THE PREMISES

Defendants.

CASE NUMBER: 13C13728

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on March 18, 2014, 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

1 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to
2 redemption, if applicable), all of the interest which the Defendants PATTY J. FRAZIER aka Patty Jo
3 Frazier, CHRIS STAPLETON aka Christopher J. Stapleton, VHPECU aka Valley Credit Union,
4 CITY OF SALEM, LVNV FUNDING, LLC, COLLINS FINANCIAL SERVICES, INC., and
5 OCCUPANTS OF THE PREMISES ("Defendants") had on June 13, 2005, the date of the foreclosed
6 Deed of Trust which was recorded on June 21, 2005, as Reel 2494 Page79 in the official records of
7 the Marion County Recorder's Office, and/or all of the interest which Defendants had thereafter, in
8 the real property described in the Judgment to satisfy the Judgment as follows:

9
10 **Lender's Principal Judgment:**

| | |
|---|----------------------------|
| 11 Unpaid Principal Balance: | \$119,017.83 |
| 12 Pre-Judgment Interest from July 1, 2010 | |
| 13 to November 22, 2013, the date set forth | |
| 14 in the Judgment at 6.250%, per annum, | |
| 15 (\$20.37 per diem): | \$25,869.01 |
| 16 Lender's Fees and Costs: | \$21,282.6 |
| 17 Attorney's Fees and Costs: | \$8,554.12 |
| 18 | |
| 19 <i>Total Judgment Entered:</i> | <i>\$174,723.56</i> |

20
21 **Additional Pre-Judgment Interest:**

| | |
|--|------------|
| 22 Accrued Interest from November 23, | |
| 23 2013, the day after the date set forth in | |
| 24 the Judgment through March 18, 2014, | |
| 25 the date of entry of the Judgment, at | |
| 26 6.25%, per annum (\$20.37 per diem): | \$2,343.67 |

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Total Judgment Entered Including

Additional Pre-Judgment

Interest: \$177,067.23

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$177,067.23 the legal rate of interest of 9% per annum, \$43.66 per diem, from March 19, 2014 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 520 14TH STREET NE, SALEM, OR 97301 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR VOLT 2012-NPL1 ASSET HOLDINGS TRUST
c/o Fay Servicing
440 S LaSalle St. Ste. 2000
Chicago, IL 60605

The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR VOLT 2012-NPL1 ASSET HOLDINGS TRUST
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

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

Signed: 6/2/2017 02:03 PM



J. Tolman
J. Tolman, Court Clerk

Submitted by:

Nathan F. Smith

Dated:

5/25/17

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

EXHIBIT 1



LEGAL DESCRIPTION

Beginning at a point on the West line of Lot 12, Block 4, Reed's Addition to Salem, Marion County, Oregon, which point is 33 feet South of the Northwest corner of said Lot 12; thence running Southerly along the Westerly line of said Lot 73.25 feet to a point; thence running East, and parallel with the North line of said Lot to the East line of said Lot, running North along the East line of said Lot 73.25 feet to a point 33 feet South of the Northeast corner of said Lot; thence running Westerly parallel with the Northerly line of said Lot to the place of beginning.



REEL: 3955

PAGE: 135

June 09, 2017, 01:46 pm.

CONTROL #: 462378

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 51.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

Verified Correct Copy of Original 6/2/2017.

STATE OF OREGON
Marion County Circuit Courts
MAR 18 2014
ENTERED

13C13728
JGGM
Judgment - General Creates Lien
7301666



STATE OF OREGON
Marion County Circuit Courts
MAR 06 2014
FILED

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
VOLT 2012-NPL1 ASSET HOLDINGS
TRUST, its successors in interest and/or assigns,

Plaintiff,

v.

PATTY J. FRAZIER AKA PATTY JO
FRAZIER; CHRIS STAPLETON AKA
CHRISTOPHER J. STAPLETON; VHPECU
AKA VALLEY CREDIT UNION; CITY OF
SALEM; LVNV FUNDING, LLC; COLLINS
FINANCIAL SERVICES, INC.; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 13C13728

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) PATTY J. FRAZIER AKA PATTY JO FRAZIER;
- (2) CHRIS STAPLETON AKA CHRISTOPHER J. STAPLETON;
- (3) VHPECU AKA VALLEY CREDIT UNION;
- (4) CITY OF SALEM;
- (5) LVNV FUNDING, LLC;
- (6) COLLINS FINANCIAL SERVICES, INC.;
- (7) OCCUPANTS OF THE PREMISES,

AND MONEY AWARD AGAINST
PATTY J. FRAZIER AKA PATTY JO
FRAZIER AND CHRIS STAPLETON
AKA CHRISTOPHER J. STAPLETON

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff U.S. Bank Trust, N.A., as Trustee for VOLT 2012-NPL1 Asset Holdings Trust, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that the defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton;

GENERAL JUDGMENT OF FORECLOSURE -1

8349.50085

RCO
LEGAL, P.C.

511 SW 10th Ave., Ste. 400
Portland, OR 97205
Phone: 503.977.7840
Fax: 503.977.7963

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VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises failed to appear, and an Order of Default has been entered against them on Plaintiff's Complaint.

2.

Plaintiff hereby requests this General Judgment be entered into the Court's register to accomplish the following: to foreclose any and all interest of defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises in the real property subject to this foreclosure action, located at 520 14th Street Northeast, Salem, Oregon 97301 (the "Property").

3.

The Court being fully advised; it is hereby

ORDERED AND ADJUDGED:

4.

That the Deed of Trust executed and delivered by Patty J. Frazier and Chris Stapleton, not as tenants in common, but with rights of survivorship to Mortgage Electronic Registration Systems, Inc., solely as nominee for Decision One Mortgage Company, LLC., its successors and assigns on June 13, 2005, and recorded on June 21, 2005 under Reel: 2494; Page: 79 of the official records of Marion County, Oregon, and assigned to Plaintiff by way of an Assignment of Deed of Trust recorded on November 28, 2012, under Reel: 3448; Page: 29, is a valid lien for the amount of Plaintiff's Money Award set forth herein against the Property situated in Marion County, Oregon, described as follows:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 12,

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BLOCK 4, REED'S ADDITION TO SALEM, MARION COUNTY, OREGON, WHICH POINT IS 33 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 12; THENCE RUNNING SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 73.25 FEET TO A POINT; THENCE RUNNING EAST, AND PARALLEL WITH THE NORTH LINE OF SAID LOT TO THE EAST LINE OF SAID LOT, RUNNING NORTH ALONG THE EAST LINE OF SAID LOT 73.25 FEET TO A POINT 33 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT; THENCE RUNNING WESTERLY PARALLEL WITH THE NORTHERLY LINE OF SAID LOT TO THE PLACE OF BEGINNING.

5.

That the lien is superior to any interest, lien, or claim of defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises in that Property and that said Deed of Trust is hereby foreclosed by this Court on the Property.

6.

That defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises, and each of them, and all parties claiming through or under them as purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interest, lien, or claim in the Property and every portion thereof excepting only any statutory right of redemption provided by the laws of the State of Oregon.

7.

That defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapleton aka Christopher J. Stapleton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

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8.

That all of the right, title and interest which Patty J. Frazier and Chris Stapelton, not as tenants in common, but with rights of survivorship had on June 13, 2005, the date of the Deed of Trust, and all of the right, title and interest defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapelton aka Christopher J. Stapelton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law and the proceeds of sale shall be applied toward the satisfaction of Plaintiff's Money Award herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

9.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount of its Money Award plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

10.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, if defendants Patty J. Frazier aka Patty Jo Frazier; Chris Stapelton aka Christopher J. Stapelton; VHPECU aka Valley Credit Union; City of Salem; LVNV Funding, LLC; Collins Financial Services, Inc.; and Occupants of the Premises shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

//

IT IS FURTHER ORDERED That Plaintiff shall have judgment and money award against defendants Patty J. Frazier aka Patty Jo Frazier and Chris Stapleton aka Christopher J. Stapleton for the amounts due and owing under the terms of the Note and secured with the Property by the Deed of Trust, and for its attorney fees and costs herein and consisting of; \$119,017.83, the unpaid principal balance; \$25,869.01, the accrued interest under the terms of the Note from July 1, 2010, to November 22, 2013, and to continue to accrue from that date, at 6.250% per annum until the date this judgment and money award is entered by the court; plus \$21,282.60, the amounts advanced under the terms of the Note and Deed of Trust for escrow and corporate advances; \$1,850.00, for attorney fees and \$6,704.12 for litigation costs; for total money award in the amount of amount \$174,723.56 to accrue interest post-judgment at the contract rate of 6.250% or the legal rate of 9.00% per annum from the date the Judge signs this Judgment until satisfied. Said amounts are set out in detail under the Money Award section below.

MONEY AWARD

- 1. **Judgment Creditor:** U.S. Bank Trust N.A., as Trustee for
VOLT 2012-NPL1 Asset Holdings Trust
c/o RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840
- 2. **Judgment Creditor's Attorney:** Erik Wilson
RCO Legal, P.S.
511 SW 10th Ave., Ste. 400
Portland, OR 97205
503.977.7840
- 3. **Judgment Debtors:** Patty J. Frazier

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4975 Southwest Seneca Place
Waldport, Oregon 97394

Year of Birth: Unknown
Social Security No's.: XXX-XX-1050
Drivers' License No's: Unknown
Name of Attorney: Unknown

Chris Stapelton
520 14th Street Northeast
Salem, Oregon 97301

Year of Birth: Unknown
Social Security No's.: XXX-XX-3835
Drivers' License No's: Unknown
Name of Attorney: Unknown

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

4. Total Amount of Money Award: \$174,723.56

Attorneys' Fees and Costs

| | | |
|---|--|-------------------|
| Attorneys' Fees | | \$1,850.00 |
| Litigation Guarantee | \$500.00 | |
| Filing Fee | \$505.00 | |
| Recording Fee – Lis Pendens | \$51.00 | |
| Process Service Fees | \$1,287.50 | |
| Certified Mailing and Overnight Mailing Costs | \$38.70 | |
| Publication Costs | \$4,321.92 | |
| | Total Costs | \$6,704.12 |
| | Total Attorneys' Fees and Costs | \$8,554.12 |

Lenders' Principal and Interest

| | | |
|--|---------------------------------------|---------------------|
| Principal Balance | \$119,017.83 | |
| Accrued Interest from July 1, 2010, to November 22, 2013, the date calculated by the declarant in the declaration of indebtedness in support of default @ 6.250% per annum | \$25,869.01 | |
| | Total Principal & Interest | \$144,886.84 |

Lenders' Fees and Costs

GENERAL JUDGMENT OF FORECLOSURE -6

**RCO
LEGAL, P.C.**

511 SW 10th Ave., Ste. 400
Portland, OR 97205
Phone: 503.977.7840
Fax: 503.977.7963

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|---|-------------|---------------------|
| Accumulated Late Charges | \$1,183.56 | |
| BPO and Appraisals | \$317.00 | |
| Insurance Balance | \$2,360.00 | |
| Property Inspection | \$141.00 | |
| Escrow Balance Due | \$17,281.04 | |
| Total Lender's Fees and Costs: | | \$21,282.60 |
| Total Lenders' Principal, Interest, Fees, and Costs: | | \$166,169.44 |

Additional pre-judgment interest pursuant to ORS 18.042 from November 22, 2013 to the date entry of judgment at the contract rate of interest

Post-Judgment interest thereafter on the total judgment amount at the contract rate of interest, or 9.000% per annum, whichever is greater.


Total Money Award (Judgment) \$174,723.56

DATED this 6 day of March, 2014.


CIRCUIT COURT JUDGE

Presented by:

RCO LEGAL, P.S.

By  Dated: 2/17/14
Erik Wilson, OSB # 095507
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
Telephone (503) 459-0140; Facsimile 425-974-8190
ewilson@rcolegal.com

REEL: 3955

PAGE: 137

June 09, 2017, 01:49 pm.

CONTROL #: 462381

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 86.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.