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

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 16CV17106

Plaintiff,

vs.

**WRIT OF EXECUTION IN
FORECLOSURE**

VALEEN H. PRUSSE; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; STATE OF OREGON,
ACTING BY AND THROUGH ITS
HOUSING AND COMMUNITY SERVICES
DEPARTMENT; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on February 1, 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 redemption, if applicable), all of the interest which the Defendant VALEEN H. PRUSSE ("Defendant") had on March 9, 2007, the date of the foreclosed Deed of Trust which was recorded on March 13, 2007, as Instrument No. Reel 2784, Page 179 in the official records of the Marion

1 County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real
2 property described in the Judgment to satisfy the Judgment as follows:

3 **Lender's Principal Judgment:**

4 Unpaid Principal Balance:	\$137,316.90
5 Pre-Judgment Interest from January 1, 6 2014 to January 20, 2017, at 5.25% 7 (\$19.75 per diem):	\$22,002.63
8 Lender's Fees and Costs:	\$9,852.87
9 Attorney's Fees and Costs	\$718.00

10 ***Total Judgment Entered:*** ***\$169,890.40***

11 **Additional Pre-Judgment Interest:**

12 Accrued Interest from January 21, 2017, 13 the day after the date set forth in the 14 Judgment through February 1, 2017, the 15 date of entry of the Judgment, at 5.25% 16 per annum (\$19.75 per diem):	\$217.25
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17 ***Total Judgment Entered Including***
18 ***Additional Pre-Judgment***
19 ***Interest:*** ***\$170,107.65***

20 3.

21 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
22 legal rate of interest of 9% per annum, \$ \$41.94 per diem, from February 2, 2017, to the date the
23 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
24 costs of this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

25 4.

26 The real property subject to this writ of execution is commonly known as 4625 Baldwin
27 Court NE, Salem, OR 97301 ("Property") and described in Exhibit "1" attached hereto.

28 5.

The Judgment Creditor's name and address is:

U.S. Bank National Association
4801 Frederica Street
Owensboro, Kentucky 42301-7441

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

U.S. Bank National Association
c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)
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 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: 5/12/2017 01:36 PM


J. Tolman, Court Clerk



Submitted by:



Dated: May 8, 2017

Douglas A. Kincaid, OSB #121032
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: dkincaid@mclaw.org

EXHIBIT 1

LEGAL DESCRIPTION

Lot 7, BALDWIN ADDITION, Marion County, Oregon.

STATE OF OREGON
County of Marion
The undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Marion, Oregon.
Notary Public
JAMES H. [Name]



REEL: 3963

PAGE: 176

June 27, 2017, 03:19 pm.

CONTROL #: 464932

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: \$ 46.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

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

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 16CV17106

Plaintiff,

vs.

**GENERAL JUDGMENT OF
FORECLOSURE**

VALEEN H. PRUSSE; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; STATE OF OREGON,
ACTING BY AND THROUGH ITS
HOUSING AND COMMUNITY SERVICES
DEPARTMENT; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK NATIONAL ASSOCIATION ("Plaintiff"), filed its Foreclosure Complaint; that Defendants were duly served with the Summons and Complaint as required by law;

1 that Defendants failed to appear, that the ORDER OF DEFAULT has been entered against them on
2 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 4625 Baldwin Court NE, Salem,
4 OR 97301 ("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 March 9, 2007, in the
10 amount of \$162,450.00, and executed by VALEEN H. PRUSSE.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or
13 about March 9, 2007, by VALEEN H. PRUSSE. The Deed of Trust was recorded on March 13,
14 2007, under the recording number Reel 2784 Page 179 of the Official Records of Marion County,
15 Oregon, against the Property, which is legally described in Exhibit "1" attached hereto ("Property")
16 and constitutes a valid lien against the Property.

17 5.

18 Defendant VALEEN H. PRUSSE failed to comply with the terms of the Note and Deed of
19 Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant
20 to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note
21 and Deed of Trust 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 Defendant and any other party in the Property, which are hereby
25 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendant
26 may be entitled under Oregon law.

27 7.

28 A judgment of foreclosure in the amount of \$169,890.40 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 Defendant VALEEN H. PRUSSE and all parties claiming an interest in the Property as
18 purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or
19 claims in the Property and every portion thereof, excepting only any statutory right of redemption
20 provided by the laws of the State of Oregon.

21 12.

22 Defendant VALEEN H. PRUSSE is 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 Defendant, or any other party or person shall refuse to surrender possession of
3 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 Defendant VALIEN H.
13 PRUSSE. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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

15 **1. Judgment Creditor:**

U.S. BANK NATIONAL ASSOCIATION

16 Address:

c/o MALCOLM ♦ CISNEROS,

17 A Law Corporation

18 2112 Business Center Drive, 2nd Floor

19 Irvine, California 92612

20 **Judgment Attorney:**

Douglas A. Kincaid

21 Address:

MALCOLM ♦ CISNEROS, A Law Corporation

22 2112 Business Center Drive, 2nd Floor

23 Irvine, California 92612

24 Telephone Number:

(949) 252-9400

1	2. Judgment Debtor:	VALEEN H. PRUSSE
2	Address:	9410 Sage Meadow Dr., Temple, TX 76502.
3	Year of Birth:	1955
4	Final 4 digits of Social Security number:	XXX-XX-6883
5	Driver's license number and issuing state:	Unknown
6	Judgment Debtor Attorney:	N/A
7	3. Persons or Public Bodies Entitled to	
8	a Portion the Judgment:	N/A
9	4. Judgment Amount (exclusive of future	
10	interest, fees, and costs):	\$169,172.40
11	5. Pre-Judgment Interest:	Simple interest to accrue on \$137,316.90 from
12		January 20, 2017, to the date the Judgment is
13		entered into the Court's register at 5.25% per
14		annum, \$19.75 per diem.
15	6. Post-Judgment Interest:	Simple interest to accrue on \$169,890.40 plus
16		Pre-Judgment Interest from the day after the
17		General Judgment is entered to the date upon
18		which the Writ of Execution in Foreclosure is
19		levied at the legal rate of interest or 9% per
20		annum, whichever is greater.
21	7. Periodic accrual:	N/A
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8. Attorney's Fees and Costs:

An award of \$718.00 in attorney's fees and costs is made.

Attorney's Fees	\$0.00
Litigation Guarantee	\$718.00

Signed: 02/01/2017 09:33AM

Claudia M. Barton
Circuit Court Judge Claudia M. Barton

Submitted by:

Douglas A. Kincaid

Dated: January 12, 2017

Nathan F. Smith, OSB #120112

Douglas A. Kincaid, OSB #121032

Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, ALC
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org
dkincaid@mclaw.org

EXHIBIT 1

LEGAL DESCRIPTION

Lot 7, BALDWIN ADDITION, Marion County, Oregon.

CERTIFICATE OF READINESS

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This proposed Order or Judgment is ready for judicial signature because:

- Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on each party entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule, or otherwise (ORCP 9: Party in default for failure to appear).
- 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 (5) of UTCR 5.100.
- Other: _____

DATED: January 12, 2017

By:

Douglas A. Kincaid

- Nathan F. Smith, OSB #120112
- Douglas A. Kincaid, OSB #121032
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)
nathan@mclaw.org
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CERTIFICATE OF READINESS

Malcolm ♦ Cisneros, A Law Corporation
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Irvine, CA 92612

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