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LINN COUNTY
SHERIFFS OFFICE

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, d/b/a CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS TRUSTEE FOR
PRETIUM MORTGAGE ACQUISTION
TRUST,

Case No. 17CV35153

WRIT OF EXECUTION

Plaintiff,

v.

EDWARD R. DAVIDSON; CAROL L.
DAVIDSON; FLAGSTAR BANK, FSB; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
33855 COAKLEY RD, LEBANON, OR
97355,

Defendant.

TO THE LINN COUNTY SHERIFF:

On 12/5/2017, a Limited Stipulated Judgment of Forelclosure against Defendant Flagstar bank FSB was entered and on 1/3/2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation was entered by the Linn 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 ACQUISTION TRUST c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

Page 1 - WRIT OF EXECUTION

1 The real property to be sold at public auction is commonly known as 33855 Coakley Rd,
2 Lebanon, OR 97355 ("Subject Property"), and legally described as:

3 BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-
4 QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 1 WEST, OF THE
5 WILLAMETTE MERIDIAN, IN THE COUNTY OF LINN AND STATE OF OREGON;
6 THENCE NORTH 0° 12' 35" WEST ALONG THE EAST LINE OF SAID NORTHEAST
7 ONE-QUARTER, A DISTANCE OF 794.16 FEET TO A 5/8 INCH IRON ROD; THENCE
8 SOUTH 88° 26' 15" WEST, 1320.80 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH
9 79° 49' WEST, 1312.40 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 79° 49' WEST,
10 16.75 FEET; THENCE SOUTH 0° 04' 35" EAST, 337.33 FEET TO THE NORTH LINE OF
11 THE DAVID CLAYPOOL DONATION LAND CLAIM NO. 48; THENCE SOUTH 63° 28'
12 EAST ALONG SAID NORTH LINE 1464.5 FEET TO A 5/8 INCH IRON ROD; THENCE
13 SOUTH 89° 55' 45" EAST, 930.72 FEET TO A POINT 390 FEET NORTH 89° 55' 45" WEST
14 FROM THE POINT OF BEGINNING; THENCE SOUTH PARALLEL TO THE EAST LINE
15 OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 35 FEET;
16 THENCE SOUTH 89° 55' 45" EAST, 390 FEET TO THE SAID EAST LINE; THENCE
17 NORTH ALONG THE EAST LINE 35 FEET TO THE POINT OF BEGINNING. EXCEPT
18 THAT PORTION IS COAKLEY ROAD.

19 The total amount due and owing on the Judgment as of 1/18/2018;

| | | | |
|----|----------------|-------------------------------|---------------------------------|
| 20 | Judgment: | Principal | \$ 373,244.95 |
| 21 | Pre-Judgment: | Interest(5.875%, \$49.21/day) | \$ 1,673.14 (12/1/17 to 1/3/18) |
| 22 | | Attorney Fees | \$ 4,520.00 |
| 23 | | Costs | \$ 2,631.00 |
| 24 | | Prevailing Party Fee | \$ 300.00 |
| 25 | Post-Judgment: | Interest(9%, \$94.35/day) | \$ 1,415.37 (1/4/18 to 1/18/18) |
| 26 | | | |

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Attorney Fees \$305.00

Costs \$0.00

TOTAL: \$ 384,089.46

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

By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

Signed: 1/19/2018 02:01 PM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

Presented by:

ALDRIDGE PITE, LLP

By: 

Katie Riggs, OSB #095861
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com



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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, d/b/a CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS TRUSTEE FOR
PRETIUM MORTGAGE ACQUISITION
TRUST,

Plaintiff,

v.

EDWARD R. DAVIDSON; CAROL L.
DAVIDSON; FLAGSTAR BANK, FSB; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
33855 COAKLEY RD, LEBANON, OR
97355,

Defendants.

Case No. 17CV35153

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND
STIPULATION**

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 EDWARD R. DAVIDSON;
CAROL L. DAVIDSON; and ALL OTHER PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 33855 COAKLEY RD, LEBANON, OR 97355, the Limited
Stipulation Judgment of Forelclosure against Defendant FLAGSTAR BANK, FSB; the records
on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due
by Default by Plaintiff WILMINGTON SAVINGS FUND SOCIETY, FSB, d/b/a CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE
ACQUISITION TRUST ("Plaintiff"),

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 33855 Coakley Rd, Lebanon, OR 97355 ("Subject Property"), as evidenced by the Deed of Trust recorded May 26, 2005 in the official records of Linn County as instrument number VOL 1715 Page 748 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF LINN AND STATE OF OREGON; THENCE NORTH 0° 12' 35" WEST ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 794.16 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 88° 26' 15" WEST, 1320.80 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 79° 49' WEST, 1312.40 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 79° 49' WEST, 16.75 FEET; THENCE SOUTH 0° 04' 35" EAST, 337.33 FEET TO THE NORTH LINE OF THE DAVID CLAYPOOL DONATION LAND CLAIM NO. 48; THENCE SOUTH 63° 28' EAST ALONG SAID NORTH LINE 1464.5 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89° 55' 45" EAST, 930.72 FEET TO A POINT 390 FEET NORTH 89° 55' 45" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH PARALLEL TO THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 35, A DISTANCE OF 35 FEET; THENCE SOUTH 89° 55' 45" EAST, 390 FEET TO THE SAID EAST LINE; THENCE NORTH ALONG THE EAST LINE 35 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION IS COAKLEY ROAD.

2. The Deed of Trust is foreclosed and upon entry of this Judgment the court

1 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
2 in the manner provided by law;

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

7 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
8 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
9 68(C), which amount may be added to the outstanding obligation due and owing under the Note
10 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
11 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
12 by sale of the Subject Property as directed under this Judgment;

13 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
14 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
15 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
16 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
17 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

20 7. The Sheriff shall make a return on the writ of execution to the court administrator
21 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
22 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
23 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
24 parties as may establish their right thereto. The Defendants and all persons claiming through or
25 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
26 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and

1 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
2 every part of the Subject Property when the time for redemption has elapsed;

3 8. Plaintiff or any other party to this action may become a purchaser at the
4 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
5 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
6 successor in interest may apply to this Court for a writ of assistance to gain possession of the
7 subject property if Defendants or any other party or person refuses to surrender possession;

8 DECLARATION OF AMOUNT DUE BY DEFAULT

9 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
10 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

11 1. The total amount of the unpaid principal balance, interest, and other amounts
12 owed is \$373,244.95.

13 2. Simple interest at the variable rate currently at 5.875% (\$49.21 *per diem*) after
14 11/30/2017, through the date of Judgment.

15 3. Attorney fees of \$4,520.00, plus \$305.00, through the date of sale.

16 4. Costs of \$2,631.00, plus costs accrued through the date of sale.

17 5. Prevailing party fee: \$300.00.

18 6. Post-judgment interest thereafter on the total amounts #1-5 above, at the contract
19 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

20 **IT IS SO ADJUDGED**

21 Dated: Jan. 2, 2018.

Signed: 1/2/2018 03:58 PM



22
23 David E. Delsman, Circuit Court Judge

24 CERTIFICATE OF READINESS

25
26 This proposed Order or Judgment is ready for judicial signature because:

Page 4 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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- 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;
 - c. After conferring about objections, [Opposing Party] 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
Katie Riggs

Date: 12/26/2017

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