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LANE COUNTY S.O. CIVIL
04.25.18 1875411

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

FIDELITY BANK,

Plaintiff,

vs.

SARA C. WRIGHT, an individual;
CHRISTAPHER S. WRIGHT SR AKA
CHRISTAPHER WRIGHT AKA
CHRISTOPHER S. WRIGHT, an individual;
PACIFIC CASCADE FCU, a federal credit
union; COUNTY OF FRESNO, a government
entity; 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: 16CV27167

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on November 20, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

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 Defendants SARA C. WRIGHT; CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT (Defendants”) had on July 17, 2013, the date of the foreclosed Deed of Trust which was recorded on July 23, 2013, as Instrument No. 2013-039825 in the official records of the Lane County Recorder’s Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender’s Principal Judgment:

Unpaid Principal Balance:	\$110,470.49
Pre-Judgment Interest from February 1, 2014 to October 29, 2017, the date set forth in the Judgment at 4.87500%, per annum, (\$14.7546 per diem):	\$20,169.57
Lender’s Fees and Costs:	\$22,656.16
Attorney’s Fees and Costs:	\$3,850.00
Total Judgment Entered:	\$157,146.22

Additional Pre-Judgment Interest:

Accrued Interest from October 30, 2017, the day after the date set forth in the Judgment through November 20, 2017, the date of entry of the Judgment, at 4.87500%, per annum (\$14.7546 per diem):	\$309.85
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Total Judgment Entered Including

Additional Pre-Judgment

Interest: *\$157,456.07*

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$157,456.07 at the legal rate of interest of 9% per annum, \$38.82 per diem, from November 18, 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 1125 South 6th Street, Cottage Grove, OR 97424 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

Fidelity Bank
100 E English
Wichita, KS 67202

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

Fidelity Bank
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.

dated: January 16, 2018

*By: [Signature]
Court Clerk*

Submitted by: *[Signature]*

Dated: *1/12/18*

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

PARCEL I:

Beginning at a point 14 1/3 chains North and 7.15 chains East of the Southwest corner of the William Shields and wife Donation Land Claim No. 56, in Township 20 South, Range 3 West of the Willamette Meridian; running thence West 150 feet; thence North 55 feet; thence East 150 feet; and thence South 55 feet to the Point of Beginning, in Lane County, Oregon.

PARCEL II:

Beginning at a point 14 1/3 chains North and 7.15 chains East of the Southwest corner of the William Shields and wife Donation Land Claim No. 56; running thence West 165 feet; thence North 55 feet; thence East 165 feet; thence South 55 feet to a point of Beginning, in Lane County, Oregon.

SAVE AND EXCEPT: Beginning at a point 14 1/3 chains North and 7.15 chains East of the Southwest corner of the William Shields and wife Donation Land Claim No. 56, in Township 20 South, Range 3 West of the Willamette Meridian; running thence West 150 feet; thence North 55 feet; thence East 150 feet; and thence South 55 feet to the Point of Beginning, in Lane County, Oregon.

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

FIDELITY BANK,

Plaintiff,

vs.

SARA C. WRIGHT, an individual;
CHRISTAPHER S. WRIGHT SR AKA
CHRISTAPHER WRIGHT AKA
CHRISTOPHER S. WRIGHT, an individual;
PACIFIC CASCADE FCU, a federal credit
union; COUNTY OF FRESNO, a government
entity; 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: 16CV27167

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. **SARA C. WRIGHT**
2. **CHRISTAPHER S. WRIGHT SR
AKA CHRISTAPHER WRIGHT AKA
CHRISTOPHER S. WRIGHT**
3. **PACIFIC CASCADE FCU**
4. **COUNTY OF FRESNO**

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, Fidelity Bank ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants SARA C. WRIGHT, CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT, PACIFIC CASCADE FCU, AND COUNTY OF FRESNO ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an orders of defaults have been entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 1125 South 6th Street, Cottage Grove, OR 97424 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

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

3.

Plaintiff is the holder of that certain promissory note ("Note"), dated July 17, 2013, in the amount of \$111,300.00, and executed by SARA C. WRIGHT and CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated July 17, 2013 and executed by SARA C. WRIGHT and CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT. The Deed of Trust was recorded on July 23, 2013 under the recording number 2013-039825 of the Official Records of Lane County, Oregon, against the Property, which is legally described as: See Exhibit "1" attached hereto. ("Property") and constitutes a valid lien against the Property.

5.

The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust as immediately due and payable.

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6.

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

7.

A judgment of foreclosure in the amount of \$157,146.22 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Amount Owed 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.

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

10.

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

11.

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

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12.

Defendants SARA C. WRIGHT and CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT are not entitled to a homestead exemption in the Property.

13.

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

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

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

16.

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

17.

This suit does not constitute an attempt to collect the debt against Defendants SARA C. WRIGHT, CHRISTAPHER S. WRIGHT SR AKA CHRISTAPHER WRIGHT AKA CHRISTOPHER S. WRIGHT, PACIFIC CASCADE FCU, and COUNTY OF FRESNO. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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5. Post-Judgment Interest:

Simple interest to accrue on \$157,146.22 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:

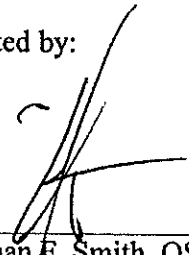
An award of \$3,850.00 in attorney's fees and costs is made.

Signed: 11/17/2017 10:51 AM



Suzanne B. Chaffin, Circuit Court Judge

Submitted by:



Dated: _____

10/25/17

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

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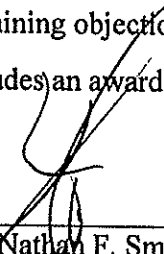
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1 CERTIFICATE OF READINESS

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

- 3 Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule
4 or otherwise.
- 5 The relief sought is against an opposing party who has been found in default.
- 6 An order of default is being requested with this proposed judgment.
- 7 Each opposing party affected by this order or judgment has stipulated to the order or
8 judgment, as shown by each opposing party's signature on the document being
9 submitted.
- 10 Each opposing party affected by this order or judgment has approved the order or
11 judgment, as shown by signature on the document being submitted or by written
12 confirmation of approval sent to me.
- 13 I have served a copy of this order or judgment on all parties entitled to service and:
14 No objection has been served on me.
15 I received objections that I could not resolve with the opposing party despite
16 reasonable efforts to do so. I have filed a copy of the objections I received and
17 indicated which objections remain unresolved.
- 18 After conferring about objections, [role and name of opposing party] agreed
19 to independently file any remaining objection.
- 20 This is a proposed judgment that includes an award of punitive damages.

21 DATED: 10/25, 2017

22 By: 
23 Nathan F. Smith, OSB #120112
24 Attorney for Plaintiff
25 MALCOLM ♦ CISNEROS, A Law Corporation
26 2112 Business Center Drive, Second Floor
27 Irvine, California 92612
28 (949) 252-9400 (TELEPHONE)
(949) 252-1032 (FAX)