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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2015-14BTT,

CASE NO.: 15CV31300
WRIT OF EXECUTION

Plaintiff,

vs.

MARGY A. HILL, an individual; CAPITAL
ONE BANK USA NATIONAL
ASSOCIATION, a national association; CFH
INVESTMENTS, LLC, a foreign limited
liability company; 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.

STATE OF OREGON)
) ss.
County of Polk)

TO THE SHERIFF OF POLK COUNTY OREGON:

WRIT OF EXECUTION -1-

Zieve, Brodnax & Steele, LLP
Janaya L. Carter, Esq
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
jcarter@zbslaw.com

1 WHEREAS, on April 3, 2018, by consideration of the Polk County Circuit Court, there
2 was entered a General Judgment of Foreclosure as to MARGY A. HILL, an individual;
3 CAPITAL ONE BANK USA NATIONAL ASSOCIATION, a national association; CFH
4 INVESTMENTS, LLC, a foreign limited liability company; and all other persons, parties, or
5 occupants unknown claiming any legal or equitable right, title, estate, lien, or interest in the real
6 property described in the complaint herein, adverse to Plaintiff's title, or any cloud on Plaintiff's
7 title to the Property. Said General Judgment of Foreclosure was duly enrolled and docketed in the
8 Court Administrator's Office in said County on April 3, 2018; a true copy of the General
9 Judgment of Foreclosure is attached hereto and made a part hereof.

10 Judgment Creditor: WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING
11 BUSINESS AS CHRISTIANA TRUST, NOT IN ITS
12 INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR
13 BCAT 2015-14BTT
14 c/o Fay Servicing, LLC
15 Judgment Creditor Address: 440 S. Lasalle, 20th floor
16 Chicago, IL 60605

17 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
18 commanded to sell the real property as by said General Judgment of Foreclosure according to
19 law (subject to redemption) all of the interest that the borrower Margy A. Hill had on the 2nd day
20 of May 2008, the date of the Mortgage, and also all of the interest that borrower had thereafter,
21 in the real property described in the Judgment as:

22 LOT 2, PARTITION PLAT 1994-0008, IN THE CITY OF DALLAS, POLK COUNTY,
23 OREGON.

24 APN: 07528-BC-03201

25 The street address of the real property to be levied upon is 605 Orchard Dr., Dallas, OR
26 97338.

27 WRIT OF EXECUTION -2-

28 **Zieve, Brodnax & Steele, LLP**
Janaya L. Carter, Esq.
Amy F. Harrington, Esq.
One World Trade Center
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1 The above referenced property shall be sold to satisfy the following sums: The principal
2 balance and interest in the amount of \$212,845.28; plus reasonable attorney fees and costs in the
3 amount of \$4,040.00; plus a prevailing party fee in the amount of \$300.00; plus prejudgment
4 interest from April 1, 2018 through April 3, 2018 in the amount of \$49.86 (\$16.62 x 3 days); plus
5 post-judgment interest accruing after April 3, 2018 through May 11, 2018, at the rate of 9.0% per
6 annum, of \$2,088.84 (\$53.56 per diem x 39 days) for a total of \$219,323.98 with interest to
7 continue to accrue at the rate of 9.0% per annum (\$53.56 per diem) until the date of sale; Thus,

8 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
9 THE DATE OF SUBMISSION (May 11, 2018) IS AS FOLLOWS:

10	Principal Balance and Interest:	\$212,845.28
11	Attorney Fees and Costs:	\$4,040.00
12	Prevailing Party Fee:	\$300.00
13	Pre-Judgment Interest from	
14	04/01/18 – 04/03/18 at 3.99%	
15	(\$16.62 per diem)	\$49.86
16	Post-Judgment Interest from	
17	04/04/18 – 05/11/18 at 9.0%	
18	(\$53.56 per diem)	\$2,088.84
19	Total due as of May 11, 2018:	\$219,323.98, with interest to continue to accrue at
20	9.0% (\$53.56 per diem) until the date of sale.	

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26 WRIT OF EXECUTION -3-

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The proceeds of sale shall be applied, delivered, and distributed according to ORS
18.950.

Signed: 5/17/2018 02:28 PM

By: Debra M. Dupras

JSSII Debra M. Dupras



Submitted by:

Janaya L. Carter, OSB No. 032830

WRIT OF EXECUTION -4-

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2015-14BTT,

Plaintiff,

vs.

MARGY A. HILL, an individual; CAPITAL
ONE BANK USA NATIONAL
ASSOCIATION, a national association; CFH
INVESTMENTS, LLC, a foreign limited
liability company; 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 NO. 15CV31300

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD -
JUDGMENT DOES NOT
CREATE A LIEN)**

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1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff,
2 Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual
3 capacity, but solely as trustee for BCAT 2015-14BTT ("Plaintiff") and against defendants Margy
4 A. Hill ("Borrower"); Capital One Bank USA National Association, ("Capital"); and CFH
5 Investments, LLC ("CFH" together with Borrower and Capital, collectively, "Defendants"), and
6 that Plaintiff has filed a Statement for Attorney Fees, Costs, and Disbursements,

7 **IT IS HEREBY ORDERED AND ADJUDGED:**

8 **1.**

9 Plaintiff is awarded judgment against Defendants and all persons claiming through or
10 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
11 interest, lien or claim in the real property described above and every portion thereof excepting
12 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

13 **2.**

14 Writ of execution upon this General Judgment of Foreclosure shall issue.

15 **3.**

16 The Deed of Trust executed by Borrower and recorded on May 30, 2008, in the Polk
17 County Recorder's Office as Instrument number 2008-007042, is a valid mortgage lien for the
18 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
19 Polk County, Oregon commonly referred to as 605 Orchard Dr., Dallas, OR 97338, with a legal
20 description as follows:

21 LOT 2, PARTITION PLAT 1994-0008, IN THE CITY OF DALLAS, POLK COUNTY,
22 OREGON.

23 APN: 07528-BC-03201.

24 **4.**

25 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
26

1 property, and all other interest in the property gained by him thereafter, or so much interest as
2 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Polk
3 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

4 **5.**

5 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
6 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
7 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
8 may establish their right thereto.

9 **6.**

10 Defendants and all persons claiming through or under Defendants, as purchasers,
11 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real
12 property described above and every portion thereof excepting only any satisfactory right of
13 redemption as Defendants may have.

14 **7.**

15 Plaintiff or any other party to this suit or third party purchase may become the purchaser
16 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
17 property from and after the date of sale and is entitled to such remedies as are available at law to
18 secure possession, including writ of assistance, if the Defendants and any other party or person
19 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
20 possession.

21 **SECURED DEBT**

22
23 1. Judgment Creditor: Wilmington Savings Fund Society, FSB, doing
24 business as Christiana Trust, not in its individual
25 capacity, but solely as trustee for BCAT 2015-
14BTT
c/o Zieve, Brodnax, & Steele, LLP

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2. Judgment Creditor's Attorney: Amy F. Harrington
Janaya L. Carter
Zieve, Brodnax, & Steele, LLP
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121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920

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

4. Total Amount of Secured Debt:

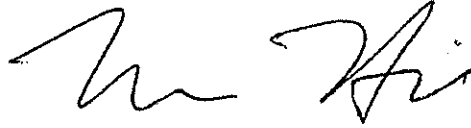
<u>LENDERS' PRINCIPAL AND INTEREST</u>	
Principal Balance	\$ 152,000.00
Accrued interest on the principal balance through 3/31/18	\$ 21,811.31
Accrued fees on the principal balance through 3/31/18	\$ 39,033.97
Additional pre-judgment interest to accrue from 3/31/18 to the date this judgment is entered, at the note rate of 3.99% (\$16.62 per diem)	
Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 3/31/18 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
Total Principal and Interest Through 3/31/18 at the rate of 3.99% per annum (\$16.62 per diem).	\$ 212,845.28
<u>ATTORNEYS' FEES AND COSTS</u>	
Attorney Fees	\$ 3,050.00
Attorney Costs	\$ 990.00
Total Attorney Fees and Costs	\$ 4,040.00
Prevailing Party Fee	\$ 300.00
TOTAL SECURED DEBT (JUDGMENT)	\$ 217,185.28

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1 Interest will continue to accrue on the judgment amount at the rate of Said Judgment is
2 meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment
3 against the Borrower.

Signed: 4/3/2018 11:44 AM

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Circuit Court Judge Norm R. Hill

UTCRC 5.100(2) CERTIFICATE OF READINESS

This proposed order or judgment is ready for judicial signature because:

1. Each party affected by this order of judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. Each party affected by this order of 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.
3. I have served a copy of this order of judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. 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 have received and indicated which objections remained unresolved.
 - c. After conferring about objections [role and name of objecting party] agreed to independently file any remaining objection.
4. The relief sought is against an opposing party who has been found in default.

- 1 5. An order of default is being requested with this proposed judgment.
- 2 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
- 3 otherwise.
- 4 7. This is a proposed judgment that includes an award of punitive damages and notice as
- 5 been served on the Director of the Crime Victims' Assistance Section as required by
- 6 subsection (5) of the rule.
- 7
- 8 8. Other: _____

9 Submitted By:

10 /s/ Janaya L. Carter 3/22/18

11 Amy F. Harrington, OSB No. 123363

12 Janaya L. Carter, OSB No. 032830

13 Attorneys for Plaintiff

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