

FILED IN CLERK'S OFFICE 181271

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

VENTURES TRUST 2013-I-H-R BY MCM  
CAPITAL PARTNERS, LLC, ITS TRUSTEE,  
a trust company,

CASE NO.: 13P10615

WRIT OF EXECUTION

Plaintiff,

vs.

VIRGIL SALISBURY AND CODIE  
SIMONSEN; METROPOLITAN AGENCIES  
INC; OREGON AFFORDABLE HOUSING  
ASSISTANCE CORPORATION; JOHN AND  
JANE DOES, I THROUGH V, OCCUPANTS  
OF THE SUBJECT REAL PROPERTY, AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN, CLAIMING ANY RIGHT,  
TITLE, INTEREST, LIEN OR ESTATE IN  
THE PROPERTY HEREIN DESCRIBED,

Defendants.

STATE OF OREGON        )  
                                  ) ss.  
County of Polk         )

TO THE SHERIFF OF POLK COUNTY OREGON:

WHEREAS, on January 14, 2016, by consideration of the Polk County Circuit Court,  
there was entered a General Judgment of Foreclosure as to VIRGIL SALISBURY AND CODIE

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

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1 SIMONSEN; METROPOLITAN AGENCIES INC; OREGON AFFORDABLE HOUSING  
2 ASSISTANCE CORPORATION; JOHN AND JANE DOES, I THROUGH V, OCCUPANTS  
3 OF THE SUBJECT REAL PROPERTY, AND ALL OTHER PERSONS OR PARTIES  
4 UNKNOWN, CLAIMING ANY RIGHT, TITLE, INTEREST, LIEN OR ESTATE IN THE  
5 PROPERTY HEREIN DESCRIBED. Said General Judgment of Foreclosure was duly enrolled  
6 and docketed in the Court Administrator's Office in said County on January 14, 2016; a true  
7 copy of the General Judgment of Foreclosure is attached hereto and made a part hereof.

8 Judgment Creditor: VENTURES TRUST 2013-I-H-R BY MCM CAPITAL  
9 PARTNERS, LLC, ITS TRUSTEE, A TRUST COMPANY  
c/o FAY SERVICING, LLC

10 Judgment Creditor Address: 393 W North Avenue, Ste. 680  
11 Chicago, IL 60642

12 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are  
13 commanded to sell the real property as by said General Judgment of Foreclosure according to  
14 law (subject to redemption) all of the interest that the borrower Virgil Salisbury and Codie  
15 Simonsen had on the 5<sup>th</sup> day of December 2006, the date of the Mortgage, and also all of the  
16 interest that borrower had thereafter, in the real property described in the Judgment as:

17 BEGINNING AT THE POINT 17.35 FEET NORTH OF THE SOUTHWEST  
18 CORNER OF BLOCK 5 IN THE ORIGINAL TOWN OF DALLAS, POLK  
19 COUNTY, OREGON AND RUNNING THENCE NORTH 77.8 FEET;  
20 THENCE EAST 80 FEET; THENCE SOUTH 17.8 FEET; THENCE EAST 70  
21 FEET; THENCE SOUTH 60 FEET; THENCE WEST 150 FEET TO THE  
22 POINT OF BEGINNING, BEING A PART OF LOT 3 AND 6 OF THE SAID  
23 BLOCK 5, ORIGINAL TOWN OF DALLAS, POLK COUNTY, OREGON

24 Tax Parcel Number: 300278

25 The street address of the real property to be levied upon is 640 SW Hayter St., Dallas, OR  
26 97338.

27 The above referenced property shall be sold to satisfy the following sums: The principal  
28 balance and interest in the amount of \$141,151.82; plus reasonable attorney fees and costs in the

WRIT OF EXECUTION -2-

**Zieve, Brodnax & Steele, LLP**  
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1 amount of \$3,885.00; plus post-judgment interest accruing after January 19, 2016 through May  
2 16, 2018, at the rate of 9.0% per annum, of \$30,324.48 (\$35.76 per diem x 848 days) for a total  
3 of \$175,361.30 with interest to continue to accrue at the rate of 9.0% per annum (\$35.76 per  
4 diem) until the date of sale; Thus,

5 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF  
6 THE DATE OF SUBMISSION (May 16, 2018) IS AS FOLLOWS:

7 Principal Balance and Interest: \$141,151.82

8 Attorney Fees and Costs: \$3,885.00

9 Post-Judgment Interest from


10 01/19/16– 05/16/18 at 9.0%

11 (\$35.76 per diem) \$30,324.48

12 Total due as of May 16, 2018: \$175,361.30, with interest to continue to accrue at  
13 9.0% (\$35.76 per diem) until the date of sale.

14  
15 The proceeds of sale shall be applied, delivered, and distributed according to ORS  
16 18.950.

Signed: 5/24/2018 03:23 PM

17  
18 By: 

JSSII Debora M. Dupras

19 Submitted by:

20  
21   
22 Janaya L. Carter, OSB No. 032830



23  
24  
25 WRIT OF EXECUTION -3-

26 **Zieve, Brodnax & Steele, LLP**  
27 Janaya L. Carter, Esq.  
28 Amy F. Harrington, Esq.  
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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF POLK**

VENTURES TRUST 2013-I-H-R BY MCM  
CAPITAL PARTNERS, LLC, ITS TRUSTEE,  
a trust company,

Plaintiff,

vs.

VIRGIL SALISBURY AND CODIE  
SIMONSEN; METROPOLITAN AGENCIES  
INC; OREGON AFFORDABLE HOUSING  
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JANE DOES, I THROUGH V, OCCUPANTS  
OF THE SUBJECT REAL PROPERTY, AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN, CLAIMING ANY RIGHT,  
TITLE, INTEREST, LIEN OR ESTATE IN  
THE PROPERTY HEREIN DESCRIBED,

Defendants.

**CASE NO. 13P10615**

**GENERAL JUDGMENT OF  
FORECLOSURE  
(WITHOUT MONEY AWARD –  
JUDGMENT DOES NOT  
CREATE A LIEN)**

Based upon the Motion for Order of Default and Entry of a General Judgment of Foreclosure filed by plaintiff, Ventures Trust 2013-I-H-R by MCM Capital Partners, LLC, its Trustee (“Plaintiff”) and against defendants Virgil Salisbury (“Borrower”), Codie Simonsen (“Codie”), Metropolitan Agencies Inc (“Metropolitan”), Oregon Affordable Housing Assistance Corporation (“OAHA” together with Borrower, Codie, and Metropolitan, collectively

GENERAL JUDGMENT OF FORECLOSURE -1-

**LAW OFFICES OF LES ZIEVE**  
Benjamin D. Petiprin, Esq.  
One World Trade Center  
121 Southwest Salmon St., 11<sup>th</sup> Floor  
Portland, OR 97204  
503-946-6558  
bpetiprin@zievelaw.com

1 “Defendants”), and that Plaintiff has filed a Statement for Attorney Fees, Costs, and  
2 Disbursements,

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

4 **1.**

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

9 **2.**

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

11 **3.**

12 The Deed of Trust executed by Borrower and recorded on December 18, 2006, in the  
13 Polk County Recorder’s Office as file number 2006-020585, is a valid mortgage lien for the  
14 amount of Plaintiff’s judgment set forth in paragraph 1 against all the real property, located in  
15 Polk County, Oregon commonly referred to as 640 SW Hayter St., Dallas, OR 97338, with a  
16 legal description as follows:

17 Beginning at the point 17.35 feet North of the Southwest corner of Block 5 in the Original Town  
18 of Dallas, Polk County, Oregon, and running thence North 77.8 feet; thence East 80 feet; thence  
19 South 17.8 feet; thence East 70 feet; thence South 60 feet; thence West 150 feet to the point of  
20 beginning, being a part of Lots 3 and 6 of the said Block 5, Original Town of Dallas, Polk  
21 County, Oregon.

22 **4.**

23 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real  
24 property, and all other interest in the property gained by him thereafter, or so much interest as  
25 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Polk

1 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

2 **5.**

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

7 **6.**

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

12 **7.**

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

19 **SECURED DEBT**

20  
21 **1. Judgment Creditor:**

Ventures Trust 2013-I-H-R by MCM Capital  
Partners, LLC, its Trustee, a trust company  
c/o Law Offices of Les Zieve  
One World Trade Center  
121 Southwest Salmon St., 11<sup>th</sup> Floor  
Portland, OR 97204  
503-946-6558

1 2. Judgment Creditor's Attorney: Benjamin D. Petiprin  
2 Law Offices of Les Zieve  
3 One World Trade Center  
4 121 Southwest Salmon St., 11<sup>th</sup> Floor  
5 Portland, OR 97204  
6 503-946-6558

7 3. Judgment Debtors: Virgil Salisbury  
8 850 Main Street  
9 Dallas, OR 97388  
10 **Year of Birth:** Unknown  
11 **Social Security No.:** XXX-XX-3417  
12 **Drivers' License No:** Unknown  
13 **Attorney of Record:** None

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

15 **5. Total Amount of Secured Debt:**

16 a. Lenders' Principal and Interest

17 Principal Balance \$ 121,258.73

18 Accrued interest and fees on \$ 19,893.09  
19 the principal balance through  
20 1/19/16

21 **Total Principal and Interest**  
22 **Through 1/19/16 at the rate of**  
23 **2% per annum plus \$6.64**  
24 **per diem thereafter. \$141,151.82**

25 b. Attorneys' Fees and Costs

26 Attorney Fees Judicial Flat Rate \$ 3,030.00

27 Mediation Program Cost \$ 200.00

28 Litigation Guarantee \$ 605.00

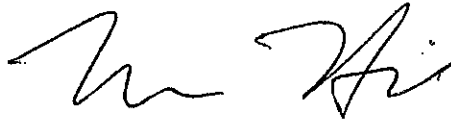
Complaint Filing Fee \$ 50.00

**Total Attorney Fees and Costs \$ 3,885.00**

**Total Secured Debt (Judgment) \$ 145,036.82**

1 Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ  
2 of Execution will issue. This judgment is not and is not intended to be a monetary judgment  
3 against the Borrowers.  
4

5  
6 Signed: 1/14/2016 12:35 PM

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8  
9 By: \_\_\_\_\_ **Circuit Court Judge Norm R. Hill**

10  
11  
12  
13 Submitted by:

14  
15 /s/Benjamin D. Petiprin

16 Benjamin Petiprin, OSB No. 136031  
17 Attorney for Plaintiff  
18 Ventures Trust 2013-I-H-R by MCM  
19 Capital Partners, LLC, its Trustee, a trust  
20 company

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26 GENERAL JUDGMENT OF FORECLOSURE -5-

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