

RCVD DESCHUTES COUNTY 12/18/18 12:34

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

WILMINGTON SAVINGS FUND SOCIETY,  
FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR  
PRETIUM MORTGAGE ACQUISITION  
TRUST,

Plaintiff,

vs.

JAMES A. PETERSEN, AMY J. PETERSEN;  
OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 17CV25086

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE DESCHUTES COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on May 10, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST,  
NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION  
TRUST

c/o Cruz Turcott  
Attorney for Plaintiff


McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$126,714.76, plus pre judgment interest at \$11.66 per diem from 5/3/2018 to 5/9/2018 in the amount of \$58.30, plus post judgment interest at the statutory rate of 9.0% per annum from May 10, 2018 to November 27, 2018 in the amount of \$6,283.26, and continuing with a per diem of \$31.26, currently totaling \$133,056.32.

1           **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
4 about July 11, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
5 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 221016D-2600  
6 and commonly known as: 51273 Parker Rd, La Pine, OR 97739-9439.

7           Sale of the property is to satisfy the sum listed above, plus the costs incurred in  
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under  
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.  
10 You are to make the return within 60 days after you receive this Writ. Should the sale be  
11 continued, the writ may be automatically extended for 30 days.

Signed: 12/11/2018 02:51 PM



Trial Court Administrator Jeffrey E. Hall



12  
13  
14  
15  
16  
17  
18 Dated: 12/4/2018 and submitted by:  
19 **McCarthy & Holthus, LLP**  
s/Cruz Turcott

---

20 \_ John Thomas OSB No. 024691  
21 \_ Andreanna Smith OSB No. 131336  
22 \_ Brady Godbout OSB No. 132708  
23  Cruz Turcott OSB No. 165531  
24 \_ Jeremy Clifford OSB No. 142987  
25 \_ Michael Scott OSB No. 973947  
920 SW 3rd Ave, 1st Floor  
26 Portland, OR 97204  
Phone: (971) 201-3200  
27 Fax: (971) 201-3202  
cturcott@mccarthyholthus.com  
28 Of Attorneys for Plaintiff

# EXHIBIT 1

# EXHIBIT 1

Legal Description

Lot 3, Block 1, C.L & D RANCH TRACTS NO. 2, Deschutes County, Oregon.

End of Legal Description

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

WILMINGTON SAVINGS FUND  
SOCIETY, FSB, D/B/A CHRISTIANA  
TRUST, NOT INDIVIDUALLY BUT AS  
TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISITION TRUST,

Plaintiff,

vs.

JAMES A. PETERSEN, AMY J.  
PETERSEN; OCCUPANTS OF THE  
PROPERTY;

Defendants.

Case No.: 17CV25086

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States.

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Deschutes County, Oregon, and is commonly known as 51273 Parker Rd, La Pine, OR 97739-9439 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 115355.
- b. Plaintiff is entitled to enforce the note dated July 11, 2006 and made, delivered, and executed by James A. Petersen and Amy J. Petersen ("Borrowers") to Countrywide Home Loans, Inc

1 in the amount of \$104,250.00 (the "Note"). The Note was transferred to Plaintiff by delivery  
2 of possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrowers on or about July 11, 2006  
4 (the "Deed of Trust"). The Deed of Trust was recorded on July 28, 2006 as Instrument No.  
5 2006-52011 in the official records of Deschutes County, Oregon. The Deed of Trust is a  
6 valid and perfected lien against all of the Property for and securing the Amount Due. The  
7 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall  
8 remain in effect until issuance of a Sheriff's Deed.

9 d. Borrowers failed to make the payment that was due for April 1, 2015 and has not cured the  
10 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
11 comprised of the following amounts (the "Amount Due"):

- |    |                                       |                     |
|----|---------------------------------------|---------------------|
| 12 | a) Unpaid principal balance:          | \$95,051.37         |
| 13 | b) Prejudgment interest accruing from | \$13,708.81         |
| 14 | 3/1/2015 through 5/2/2018 and         |                     |
| 15 | continuing until the entry of         |                     |
|    | judgment at the current Note rate of  |                     |
|    | 6.25%:                                |                     |
| 16 | c) Additional amounts due under the   | \$10,854.67         |
| 17 | terms of the loan:                    |                     |
| 18 | d) Attorney fees and costs:           | \$7,014.91          |
| 19 | e) Prevailing party fee (ORS 20.190   | \$85.00             |
| 20 | (1)(a)):                              |                     |
| 21 | <b>Total:</b>                         | <b>\$126,714.76</b> |

22 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
23 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
24 per annum.

25 e. The interest of the Defendants and any successor in interest in the Subject Property is  
26 foreclosed and terminated excepting only any statutory right of redemption as provided by  
27 Oregon law.

1 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

2 g. All right, title and interest in the Subject Property that Defendants James A. Petersen and  
3 Amy J. Petersen had as of the date of the Deed of Trust or thereafter acquired is hereby  
4 ordered to be sold by the Deschutes County Sheriff's Office in accordance with the process  
5 for sale upon execution, and the proceeds of sale shall be applied:

- 6 1) First, to the costs of sale not incurred by Plaintiff;  
7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
8 entry of judgment through the date of the sale and any incurred costs of sale;  
9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
11 such party or parties as they may establish their right thereto.

12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.

15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
16 Property from and after the date of the sale and is entitled to such remedies as are available at  
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
19 possession to the purchaser immediately upon the purchaser's demand for possession.

20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
21 entitled to any further or other judgment, including a judgment for the deficiency.

22 ///

23 ///

24 ///

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
3 terminated.

Signed: 5/10/2018 09:42 AM

8   
9 \_\_\_\_\_  
10 **Circuit Court Judge Bethany P. Flint**

11 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

12 This proposed Judgment Of Foreclosure is ready for judicial signature because:

13  Each opposing party affected by this order or judgment has stipulated to the order or  
14 judgment, as shown by each opposing party's signature on the document being  
submitted.

15  Each opposing party affected by this order or judgment has approved the order or  
16 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

17  I have served a copy of this order or judgment on all parties entitled to service and:

18  No objection has been served on me.

19  I received objections that I could not resolve with the opposing party despite  
reasonable efforts to do so. I have filed a copy of the objections I received and  
indicated which objections remain unresolved.

20  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

21  The relief sought is against an opposing party who has been found in default.

22  An order of default is being requested with this proposed judgment.

23  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
24 otherwise.



1 [ ] This is a proposed judgment that includes an award of punitive damages and notice  
2 has been served on the Director of the Crime Victims' Assistance Section as required  
3 by subsection (4) of this rule.

4 [ ] Other: \_\_\_\_\_

5 Submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Robert B. Hakari 5/2/18

8 \_\_\_\_\_  
9 John Thomas OSB No. 024691

10 x Robert Hakari OSB No. 114082

11 920 SW 3rd Ave, 1st Floor

12 Portland, OR 97204

13 Phone: (971) 201-3200

14 Fax: (971) 201-3202

15 rhakari@mccarthyholthus.com

16 Of Attorneys for Plaintiff

Exhibit 1

Legal Description

Lot 3, Block 1, C.L & D RANCH TRACTS NO. 2, Deschutes County, Oregon.