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4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF MARION**
6

7 WILMINGTON SAVINGS FUND SOCIETY,
8 FSB, DOING BUSINESS AS CHRISTIANA
9 TRUST, NOT IN ITS INDIVIDUAL
10 CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2015-13ATT, a limited liability
company,

11 Plaintiff,

12 vs.

13 GLEN J. HACEK, SR., an individual and heir
14 to the ESTATE OF CHAR HACEK AKA
CHARMAINE Y HACEK, a deceased
15 individual; DAVID HACEK, an individual and
possible heir to the ESTATE OF CHAR
16 HACEK AKA CHARMAINE Y HACEK, a
deceased individual; GLEN J. HACEK, JR., an
17 individual and heir to the ESTATE OF CHAR
HACEK AKA CHARMAINE Y HACEK, a
18 deceased individual; JOSHUA D. HACEK, an
19 individual and heir to the ESTATE OF CHAR
HACEK AKA CHARMAINE Y HACEK, a
20 deceased individual; MICHAEL P. HACEK,
an individual and heir to the ESTATE OF
21 CHAR HACEK AKA CHARMAINE Y
HACEK, a deceased individual;
22 CHRISTOPHER N. HACEK, an individual
and heir to the ESTATE OF CHAR HACEK
23 AKA CHARMAINE Y HACEK, a deceased
individual; LARRY L. THORNTON, an
24 individual; STATE OF OREGON; SLEEPY
25

CASE NO.: 17CV21371

WRIT OF EXECUTION

26 WRIT OF EXECUTION -1-
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28

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

1 HOLLOW HOMEOWNERS'
2 ASSOCIATION; and ALL OTHER
3 UNKNOWN PARTIES CLAIMING ANY
4 RIGHT, TITLE, LIEN OR INTEREST IN TH
5 REAL PROPERTY COMMONLY KNOWN
6 AS 1766 ICABOD COURT NE, SALEM, OR
7 97305,

8 Defendants.

9 STATE OF OREGON)
10) ss.
11 COUNTY OF MARION)

12 TO THE SHERIFF OF MARION COUNTY OREGON:

13 WHEREAS, on October 29, 2018, by consideration of the Marion County Circuit Court,
14 there was entered a Corrected General Judgment of Foreclosure as to Glen J. Hacek, Sr.; David
15 Hacek; Glen J. Hacek, Jr.; Joshua D. Hacek; Michael P. Hacek; or Christopher P. Hacek (“the
16 Hacek Heirs”); Larry L. Thornton; State of Oregon; Sleepy Hollow Homeowners’ Association;
17 and all other unknown parties claiming any right, title, lien, or interest in the real property
18 described in the complaint herein, adverse to Plaintiff’s title, or any cloud on Plaintiff’s title to
19 the Property. Said General Judgment of Foreclosure was duly enrolled and docketed in the Court
20 Administrator’s Office in said County on October 29, 2018; a true copy of the Corrected General
21 Judgment of Foreclosure is attached hereto and made a part hereof.

22 Judgment Creditor: WILMINGTON SAVINGS FUND SOCIETY, FSB,
23 DOING BUSINESS AS CHRISTIANA TRUST, NOT IN
24 ITS INDIVIDUAL CAPACITY, BUT SOLELY AS
25 TRUSTEE FOR BCAT 2015-13ATT

26 Judgment Creditor Address: c/o Selene Mortgage Servicing
27 9990 Richmond Avenue, Suite 400 South
28 Houston, TX 77042-4546

NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
commanded to sell the real property as by said Corrected General Judgment of Foreclosure

WRIT OF EXECUTION -2-

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1 according to law (subject to redemption) all of the interest that the borrower CHAR HACEK, a
2 deceased individual, had on the 11th day of July 2003, the date of the Mortgage, and also all of
3 the interest that borrower had thereafter, in the real property described in the Judgment as:

4 Lot 3, Block 10, SLEEPY HOLLOW PHASE II, in the City of Salem, County of
5 Marion and State of Oregon.

6 Tax Parcel Number: R60375

7 The street address of the real property to be levied upon is 1766 Icabod Court NE, Salem,
8 OR 97305.

9 The above referenced property shall be sold to satisfy the following sums: The principal
10 balance and interest in the amount of \$66,007.76; plus accrued fees in the amount of \$10,790.41;
11 plus reasonable attorney fees and costs in the amount of \$6,026.50; plus the prevailing party fee
12 in the amount of \$300.00; plus prejudgment interest after June 4, 2018 through the entry of
13 Judgment on October 29, 2018 in the amount of \$677.16 (\$4.6065 x 147 days); plus post-
14 judgment interest accruing after October 29, 2018 through November 8, 2018 at the rate of 9.0%
15 per annum of \$206.60 (\$20.66 per diem x 10 days) for a total of \$84,008.43 with interest to
16 continue to accrue at the rate of 9.0% per annum (\$20.66 per diem) until the date of sale; Thus,

17 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
18 THE DATE OF SUBMISSION (November 8, 2018) IS AS FOLLOWS:

19	Base Judgment and Interest:	\$66,007.76
20	Accrued Fees Listed on Judgment:	\$10,790.41
21	Attorney Fees and Costs:	\$6,026.50
22	Prevailing Party Fee:	\$300.00
23	Pre-Judgment Interest from	
24	6/5/2018 – 10/29/2018 at 5.625%	
25	(\$4.6065 per diem)	\$677.16

26 WRIT OF EXECUTION -3-

27 **Zieve, Brodnax & Steele, LLP**
28 Janaya L. Carter
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Post-Judgment Interest from
10/30/2018 – 11/8/18 at 9.0%
(\$20.66 per diem) \$206.60

Total due as of November 8, 2018: \$84,008.43, with interest to continue to accrue at 9.0% (\$20.66 per diem) until the date of sale.

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

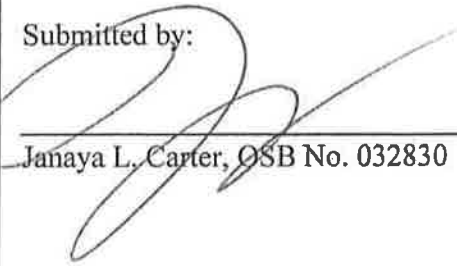
Signed: 12/6/2018 03:08 PM

By: 

Jamie Edgar, Court Clerk



Submitted by:



Janaya L. Carter, OSB No. 032830

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR BCAT 2015-13ATT, a limited liability
company,

Plaintiff,

vs.

GLEN J. HACEK, SR., an individual and heir
to the ESTATE OF CHAR HACEK AKA
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individual; DAVID HACEK, an individual and
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CHAR HACEK AKA CHARMAINE Y
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CHARMAINE Y HACEK, a deceased
individual; MICHAEL P. HACEK, an
individual and heir to the ESTATE OF CHAR
HACEK AKA CHARMAINE Y HACEK, a
deceased individual; CHRISTOPHER N.
HACEK, an individual and heir to the
ESTATE OF CHAR HACEK AKA
CHARMAINE Y HACEK, a deceased

CASE NO. 17CV21371

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

1 individual; LARRY L. THORNTON, an
2 individual; STATE OF OREGON; SLEEPY
3 HOLLOW HOMEOWNERS' ASSOCIATION;
4 and ALL OTHER UNKNOWN PARTIES
5 CLAIMING ANY RIGHT, TITLE, LIEN OR
6 INTEREST IN THE REAL PROPERTY
7 COMMONLY KNOWN AS 1766 ICABOD
8 COURT NE, SALEM, OR 97305,

Defendants.

7 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff,
8 Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual
9 capacity, but solely as trustee for BCAT 2015-13ATT ("Plaintiff") and against defendants Glen
10 Hacek, Sr.; David Hacek; Glen J. Hacek, Jr.; Joshua D. Hacek; Michael P. Hacek; or Christopher
11 P. Hacek ("the Hacek Heirs"); Larry L. Thornton ("Larry"); State of Oregon ("OR State");
12 Sleepy Hollow Homeowners' Association ("HOA"); All Other Unknown Parties claiming any
13 right, title, lien or interest in the real property ("AOP", together with the Hacek Heirs, Larry, OR
14 State, and HOA, collectively "Defendants"), and that Plaintiff has filed a Statement for Attorney
15 Fees, Costs, and Disbursements,

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

17 **1.**

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

22 **2.**

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

24 **3.**

25 The Deed of Trust executed by Borrowers and recorded on August 4, 2003, in the Marion

1 County Recorder's Office as reel # 2171 Page 233, is a valid mortgage lien for the amount of
2 Plaintiff's judgment set forth in paragraph 1 against all the real property, located in Marion
3 County, Oregon commonly referred to as 1766 Icabod Court NE, Salem, OR 97305, with a legal
4 description as follows:

5 Lot 3, Block 10, SLEEPY HOLLOW PHASE II, in the City of Salem, County of Marion
6 and State of Oregon.

7 APN: R60375.

8 **4.**

9 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
10 property, and all other interest in the property gained by him thereafter, or so much interest as
11 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Marion
12 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

13 **5.**

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

18 **6.**

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

23 **7.**

24 Plaintiff or any other party to this suit or third party purchase may become the purchaser
25 at the sale of the real property. The purchaser is entitled to exclusive possession of the real

1 property from and after the date of sale and is entitled to such remedies as are available at law to
2 secure possession, including writ of assistance, if the Defendants and any other party or person
3 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
4 possession.

5 **SECURED DEBT**

- 6 1. Judgment Creditor: Wilmington Savings Fund Society, FSB, doing
7 business as Christiana Trust, not in its individual
8 capacity, but solely as trustee for BCAT 2015-
9 13ATT
10 c/o Zieve, Brodnax, & Steele, LLP
11 One World Trade Center
12 121 Southwest Salmon St., 11th Floor
13 Portland, OR 97204
14 714-848-7920
- 15 2. Judgment Creditor's Attorney: Amy F. Harrington
16 Janaya L. Carter
17 Zieve, Brodnax, & Steele, LLP
18 One World Trade Center
19 121 Southwest Salmon St., 11th Floor
20 Portland, OR 97204
21 714-848-7920
- 22 3. Person or public body entitled to any portion of money award herein: None

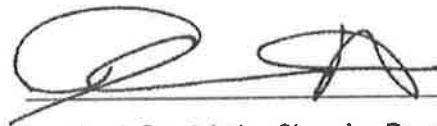
23 **4. Total Amount of Secured Debt:**

LENDERS' PRINCIPAL AND INTEREST	
Principal Balance	\$ 51,927.23
Accrued interest on the principal balance through 6/4/18	\$ 14,080.53
Accrued fees on the principal balance through 6/4/18	\$ 10,790.41
Additional pre-judgment interest to accrue from 6/5/18 to the date this judgment is entered, at the note rate of 5.625% (\$4.6065 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 6/5/18 to the date of judgment. This post-judgment interest shall accrue at	

1	the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
2		
3	Total Principal and Interest Through 6/4/18 at the rate of 5.625% per annum (\$4.6065 per diem).	\$ 76,798.17
4	ATTORNEYS' FEES AND COSTS	
5	Attorney Fees	\$ 3,280.00
6	Attorney Costs	\$ 2,746.50
7	Total Attorney Fees and Costs	\$ 6,026.50
8	Prevailing Party Fee	\$ 300.00
9	TOTAL SECURED DEBT (JUDGMENT)	\$ 83,124.67

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

Signed: 10/29/2018 12:51 PM



Circuit Court Judge Channing Bennett

22 **UTCRC 5.100(2) CERTIFICATE OF READINESS**

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

- 24 1. Each party affected by this order of judgment has stipulated to the order or judgment,
25 as shown by each party's signature on the document being submitted.

- 1 2. Each party affected by this order of judgment has approved the order or judgment, as
2 shown by each party's signature on the document being submitted or by written
3 confirmation of approval sent to me.
- 4 3. I have served a copy of this order of judgment on each party entitled to service and:
5 a. No objection has been served on me.
6 b. I received objections that I could not resolve with a party despite reasonable
7 efforts to do so. I have filed a copy of the objections I have received and
8 indicated which objections remained unresolved.
9 c. After conferring about objections [role and name of objecting party] agreed to
10 independently file any remaining objection.
- 11 4. The relief sought is against an opposing party who has been found in default.
12 5. An order of default is being requested with this proposed judgment.
13 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
14 otherwise.
15 7. This is a proposed judgment that includes an award of punitive damages and notice as
16 been served on the Director of the Crime Victims' Assistance Section as required by
17 subsection (5) of the rule.
18 8. Other: _____
19
20
21

22 Submitted By:

23 /s/ Janaya L. Carter 8/14/18
24 Amy F. Harrington, OSB No. 123363
25 Janaya L. Carter, OSB No. 032830
26 Attorneys for Plaintiff

27 GENERAL JUDGMENT OF FORECLOSURE -6-

28 **ZIEVE, BRODNAX, & STEELE, LLP**
Amy Harrington, Esq.
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