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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS TRUSTEE
FOR BCAT 2014-4TT,

Case No. 15CV1151

WRIT OF EXECUTION

Plaintiff,

v.

LARRY NUNGARAY; SUE NUNGARAY;
OREGON DEPARTMENT OF REVENUE;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 810
BOWER AVENUE, NYSSA, OR 97913,

Defendant.

TO THE MALHEUR COUNTY SHERIFF:

On December 2, 2015, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MALHEUR County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WILMINGTON SAVINGS FUND SOCIETY, FSB, DOING BUSINESS AS CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR BCAT 2014-4TT c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 810 BOWER

RECEIVED APR 05 2019

1 AVENUE, NYSSA, OR 97913 ("Subject Property"), and legally described as:

2 LAND IN THE WESTFIELD ADDITION, CITY OF NYSSA, MALHEUR COUNTY,
3 OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS FOLLOWS:

4 IN BLOCK 85: LOTS 14 THROUGH 17 INCLUSIVE.

5 The total amount due and owing on the Judgment as of April 3, 2019;

6 Judgment:	Principal	\$141,964.42
7 Pre-Judgment:	Interest(4.875%,\$14.73/day)	\$382.98 (11/6/2015 through 12/2/2015)
8	Attorney Fees	\$2,745.00
9	Costs	\$1,869.47
10	Prevailing Party Fee	\$300.00
11 Post-Judgment:	Interest(4.875%,\$14.73/day)	\$17,941.14 (12/3/2015 through 4/3/2019)
12	Attorney Fees	\$205.00
13	Costs	\$0.00
14		

15 **TOTAL: \$165,408.01**

16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
17 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
18 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
19 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
20 holder of the certificate of sale.

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Page 2 – WRIT OF EXECUTION

1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.

4 Court Administrator For
5 Malheur County Circuit Court

6
7 Jamie Young
8 4.5.2019

8 Presented by:

9 ALDRIDGE PITE, LLP

10 By: _____

11 Katie Riggs, OSB #095861
12 of Attorneys for Judgment Creditor
13 (858) 750-7600
14 (503) 222-2260 (facsimile)
15 orecourtnotices@aldridgepite.com



Verified Correct Copy of Original 4/20/2017.

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ORIGINAL

FILED
Malheur County Circuit Court

DEC 01 2015

Entered/Docketed
Date 12-2-15

Time 2:17 .m By ck

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

WILMINGTON SAVINGS FUND SOCIETY,
FSB, DOING BUSINESS AS CHRISTIANA
TRUST, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS TRUSTEE
FOR BCAT 2014-4TT,

Case No. 15CV1151

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

Plaintiff,

ORCP Rule 69

v.

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

LARRY NUNGARAY; SUE NUNGARAY;
OREGON DEPARTMENT OF REVENUE;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 810
BOWER AVENUE, NYSSA, OR 97913,

Defendants.

Based upon the Court's Order of Default against defendants Larry Nungaray; Sue Nungaray; Oregon Department Of Revenue; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Real Property Commonly Known as 810 Bower Avenue, Nyssa, OR 97913, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Wilmington Savings Fund Society, FSB, Doing Business as Christiana Trust, not in its Individual Capacity But Solely as Trustee for BCAT 2014-4TT ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest is the real property located at 810 Bower Avenue, Nyssa, OR 97913 ("Subject Property"), as evidenced by the Deed of Trust recorded April 29,

1 2004 in the official records of Malheur County as instrument number 2004-3081 ("Deed of
2 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
3 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
4 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

5 **LAND IN THE WESTFIELD ADDITION, CITY OF NYSSA, MALHEUR**
6 **COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS**
7 **FOLLOWS:**

8 **IN BLOCK 85: LOTS 14 THROUGH 17 INCLUSIVE.**

9 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
10 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the
11 Sheriff, in the manner provided by law;

12 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
13 due under the Note and Deed of Trust, which as of November 6, 2015, is \$141,964.42 (excluding
14 attorney fees and costs), together with interest at the rate of 4.87500% (\$14.73 *per diem*) and any
15 future advances and/or fees that may be made or incurred pursuant to the terms of the Note and
16 Deed of Trust up to the date of the execution sale. This amount is to be satisfied by sale of the
17 Subject Property as directed under this Judgment;

18 4. Plaintiff is owed reasonable attorney fees in the amount of \$2,745.00, plus the
19 remaining flat rate fees of \$205.00 for an uncontested execution on the Judgment, pursuant to the
20 Note and Deed of Trust and ORCP Rule 68(C), which amount may be added to the outstanding
21 obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of
22 the sheriff's sale. Pursuant to the Deed of Trust, these fees continue to accrue to the date of the
23 execution sale. This amount to be satisfied by sale of the Subject Property as directed under this
24 Judgment;

25 5. Plaintiff is owed costs of suit in the amount of \$1,869.47, pursuant to the Note
26 and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the

1 outstanding obligation due and owing under the Note and Deed of Trust and recovered from the
2 proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these costs continue to accrue to the
3 date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed
4 under this Judgment;

5 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
6 sale of the Subject Property as directed under this Judgment.

7 7. The Sheriff shall make a return on the writ of execution to the court administrator
8 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
9 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
10 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
11 parties as may establish their right thereto. The Defendants and all persons claiming through or
12 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
13 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
14 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
15 every part of the Subject Property when the time for redemption has elapsed;

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8. Plaintiff or any other party to this action may become a purchaser at the foreclosure sale, and such purchaser shall be immediately let into possession of the subject property, until redemption of the property, if any. The purchaser at the foreclosure sale or any successor in interest may apply to this Court for a writ of assistance to gain possession of the subject property if Defendants or any other party or person refuses to surrender possession;

IT IS SO ADJUDGED

Dated: 12/1/16


CIRCUIT COURT JUDGE

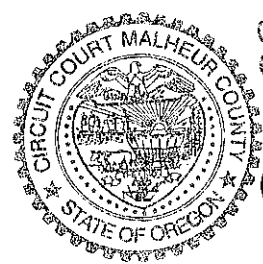
Lung S. Hung
Circuit Judge

Presented By:
Aldridge Pite, LLP

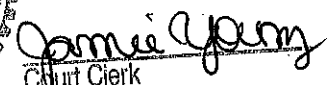
Smathenia
Sarah Mathenia, OSB #120681
(858) 750-7600
(503) 222-2260 (Fax)
smathenia@aldridgepite.com

621 SW Morrison Street, Suite 425
Portland, OR 97205

Of Attorneys for Plaintiff



CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL.


Court Clerk