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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF MARION

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
MERILL LYNCH MORTGAGE
INVESTORS, INC., MORTGAGE PASS-
THROUGH CERTIFICATES, MANA
SERIES 2007-OAR5

Plaintiff,

vs.

CHARLES H. STRINGHAM,
INDIVIDUALLY AND AS TRUSTEE OF
THE CHARLES H. STRINGHAM TRUST,
UNDER AGREEMENT DATED APRIL
28, 2011; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
TOWD POINT MORTGAGE TRUST
2019-3, U.S. BANK NATIONAL
ASSOCIATION, AS INDENTURE
TRUSTEE; UNITED STATES OF
AMERICA; PARTIES IN POSSESSION

Defendants.

Case No. 19CV18843

WRIT OF EXECUTION

TO: MARION COUNTY SHERIFF

WHEREAS, on January 18, 2022, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

1- WRIT OF EXECUTION
JLF No. 19-124709

JANEWAY LAW FIRM, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360) 260-2253 (800)970-5647
Fax (360) 260-2285
ksutherland@logs.com

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
3 (subject to redemption) all of the interest which the defendants had on June 26, 2007, the date of
4 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
5 property described in the judgment:

6 A PART OF LOT 6, BLOCK 6, IN SOUTH WEST ADDITION TO THE TOWN OF SALEM,
7 IN THE CITY OF SALEM, MARION COUNTY, STATE OF OREGON, (SEE VOLUME 1,
8 PAGE 28, RECORD OF TOWN PLATS FOR SAID COUNTY AND STATE), AND MORE
9 PARTICULARLY DESCRIBED AS FOLLOWS:

10 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, AND RUNNING THENCE
11 SOUTH ALONG THE ALLEY PARALLEL WITH FIR STREET, 100 FEET; THENCE WEST
12 PARALLEL WITH MILLER STREET, 45 FEET; THENCE NORTH PARALLEL WITH FIR
13 STREET, 100 FEET TO THE SOUTHERLY LINE OF MILLER STREET, THENCE EAST
14 ALONG THE SOUTH LINE OF MILLER STREET 45 FEET TO THE PLACE OF
15 BEGINNING.

16 and commonly known as 260 Miller Street South, Salem, OR 97302 to satisfy the sum of
17 \$461,496.50, as of May 3, 2022, together with additional post judgment interest of 9.00% from
18 that date (\$110.92 per day), and costs of this execution, making due return within 60 days after
19 you receive this writ.

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27 2- WRIT OF EXECUTION
28 JLF No. 19-124709

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1 HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors,
2 Inc., Mortgage Pass-Through Certificates, MANA Series 2007-OAR5 is the Judgment Creditor,
3 and its address for purpose of this writ only is: C/O Janeway Law Firm, LLC, 1499 SE Tech
4 Center Place, Suite 255, Vancouver, WA 98683 (360) 260-2253. Janeway Law Firm, LLC is the
5 attorney for the Judgment Creditor.
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12 Circuit Court Judge Daniel J Wren

13 Submitted by:
14 Attorneys for Plaintiff,
15 JANEWAY LAW FIRM, LLC

16 By: 

17 James A. Craft #090146 [jcraft@janewaylaw.com]
18 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
19 (360) 260-2253; Fax (360) 260-2285
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25 3- WRIT OF EXECUTION
26 JLF No. 19-124709

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

HSBC BANK USA, NATIONAL ASSOCIATION
AS TRUSTEE FOR MERILL LYNCH
MORTGAGE INVESTORS, INC., MORTGAGE
PASS-THROUGH CERTIFICATES, MANA
SERIES 2007-OAR5,

Plaintiff,

vs.

CHARLES H. STRINGHAM, INDIVIDUALLY
AND AS TRUSTEE OF THE CHARLES H.
STRINGHAM TRUST, UNDER AGREEMENT
DATED APRIL 28, 2011; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; TOWD POINT MORTGAGE TRUST 2019-
3, U.S. BANK NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE; UNITED STATES OF
AMERICA; PARTIES IN POSSESSION,

Defendants.

Case No. 19CV18843

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Charles H. Stringham, Individually and
as Trustee of the Charles H. Stringham Trust, under Agreement dated April 28, 2011, Mortgage
Electronic Registration Systems, Inc., United States of America and Towd Point Mortgage Trust
2019-3, U.S. Bank National Association, As Indenture Trustee:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
JLF No. 19-124709

Janeway Law Firm, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360) 260-2253 (800)970-5647
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ksutherland@jogs.com

1 It is hereby

2 ORDERED AND ADJUDGED:

- 3 1. The real property to which this judgment relates (hereafter the "Property") is situated in
4 Marion County, Oregon is commonly known as 260 Miller Street South, Salem, OR 97302
5 and is legally described as follows:
6

7 A PART OF LOT 6, BLOCK 6, IN SOUTH WEST ADDITION TO THE TOWN OF
8 SALEM, IN THE CITY OF SALEM, MARION COUNTY, STATE OF OREGON,
9 (SEE VOLUME 1, PAGE 28, RECORD OF TOWN PLATS FOR SAID COUNTY
10 AND STATE), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
11 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, AND RUNNING
12 THENCE SOUTH ALONG THE ALLEY PARALLEL WITH FIR STREET, 100
13 FEET; THENCE WEST PARALLEL WITH MILLER STREET, 45 FEET; THENCE
14 NORTH PARALLEL WITH FIR STREET, 100 FEET TO THE SOUTHERLY LINE
15 OF MILLER STREET, THENCE EAST ALONG THE SOUTH LINE OF MILLER
16 STREET 45 FEET TO THE PLACE OF BEGINNING.

- 17 2. The Deed of Trust executed and delivered by Defendant, Charles H. Stringham and Michelle
18 L. Stringham, as tenants by the entirety ("Borrower") on or about June 26, 2007 and recorded
19 on July 9, 2007 as Reel 2836, Page 457 in the official records of Marion County, Oregon, is a
20 valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as
21 provided herein.
22 3. The Plaintiff is the holder of the original note dated June 26, 2007 and made by Charles H.
23 Stringham in the amount of \$320,000.00. A copy of the Note was attached to the complaint
24 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
25 (together the "Loan").
26

27 2 - GENERAL JUDGMENT OF FORECLOSURE AND
28 SALE
JLF No. 19-124709

Janeway Law Firm, LLC
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- 1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest
2 in the Property is foreclosed and terminated excepting only any statutory right of redemption
3 as provided by Oregon law.
- 4 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants
5 and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and
6 good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate
7 the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and
8 priorities.
- 9 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 10 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
11 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion County
12 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
13 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
14 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may
15 appear or to the clerk of the court to be distributed to such party of parties as may establish
16 their right thereto.
- 17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 18 9. The purchaser at the sale is entitled to such remedies as are available at law or in equity to
19 secure possession.
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1 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 2 any person holding possession under or through such Defendant(s) shall refuse to surrender
 3 possession to the purchaser immediately on the purchaser's demand for possession.

4 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$351,802.89	
Prejudgment variable interest through November 22, 2021 (accruing thereafter until entry of judgment at \$24.10 per diem)			\$45,800.72
Other Costs and fees (recoverable)		42,891.69	
Property Tax	\$10,839.54		
Hazard Insurance	\$13,858.35		
Property Inspections	\$560.00		
Property Preservation	\$18,307.87		
Suspense Balance	(\$674.07)		
	Subtotal		\$394,694.58
	Total plus Prejudgment Interest		\$440,495.30

16 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$3,155.00
Title Search Cost		\$1,054.00	
Skip Trace Costs		\$50.00	
Filing Fee		\$560.00	
Lis Pendens Recording Fee		\$91.00	
Service Costs		\$1,125.00	
Prevailing Party Fee		\$275.00	
Attorney fees			\$4,850.00
Total			\$8,005.00

1 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
2 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

3 14. In no event should this judgment be construed as establishing personal liability for any
4 persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief
5 from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale
6 are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and
7 Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

9 15. Execution may issue against the subject property for the aggregate amount found due Plaintiff
10 herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff
11 may credit bid up to the Amounts Due plus such additional amounts as provided by ORS
12 18.936 or other applicable law.

13 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the Court
14 and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment
15 as to the amounts due shall be terminated.
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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 JLF No. 19-124709

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28

1 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
2 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through
3 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

4 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
5 necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure
6 sale to obtain possession.
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14 Circuit Court Judge Daniel J Wren

15 **Certificate of Readiness under UTCR 5 100**

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

- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
18 shown by each party's signature on the document being submitted.
19 2. Each party affected by this order or judgment has approved the order or judgment, as shown
20 by each party's signature on the document being submitted or by written confirmation of approval
21 sent to me.
22 3. I have served a copy of this order or judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable efforts to do so.
25 I have filed a copy of the objections I received and indicated which objections remain unresolved.
26 c. After conferring about objections, [role and name of objecting party] agreed to independently
27 file any remaining objection.
28 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
5. This is a proposed judgment that includes an award of punitive damages and notice has been

6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
JLF No. 19-124709

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1 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
2 this rule.

3 6. [] Other: _____

4 Submitted by:
5 Attorneys for Plaintiff,
6 JANEWAY LAW FIRM, LLC

7 By:  _____ 1-6-2022

8 James A. Craft #090146 [jcraft@janewaylaw.com]
9 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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7- GENERAL JUDGMENT OF FORECLOSURE AND
SALE
JLF No. 19-124709

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