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

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

RONALD L. SPERRY, III, ESQ., as personal  
representative of The Estate of Virginia Joy  
Tourville; and all other persons, parties, or  
occupants unknown claiming any legal or  
equitable right, title, estate, lien, or interest in  
the real property described in the complaint  
herein, adverse to Plaintiff's title, or any cloud  
on Plaintiff's title to the Property.

Defendants.

**CASE NUMBER: 18CV21864**

**WRIT OF EXECUTION IN FORECLOSURE**

**TO: THE SHERIFF OF MARION COUNTY, OREGON:**

1.

WHEREAS, on July 6, 2020, in the above-entitled Court, a General Judgment of Foreclosure  
("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to redemption, if applicable), all of the interest which the Defendant RONALD L. SPERRY, III, ESQ., as Personal Representative of the Estate of Virginia Joy Tourville ("Defendant") had on January 14, 2008, the date of the foreclosed Deed of Trust which was recorded on January 18, 2008, as Instrument No. 214637, Reel 2910 Page 351 in the official records of the Marion County Recorder's Office, and/or all of the interest which Defendant had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

**Lender's Principal Judgment:**

Unpaid Principal Balance:	\$118,377.76
Interest Amount:	\$33,916.89
Lender's Fees and Costs:	\$15,102.73
Attorney's Fees and Costs:	\$8,525.45
<b><i>Total Judgment Entered:</i></b>	<b><i>\$175,922.83</i></b>

**Additional Pre-Judgment Interest:**

Accrued Interest from September 1, 2019 the day after the date set forth in the Judgment through July 6, 2020, the date of entry of the Judgment, at 3.43%, per annum (\$11.12 per diem):

	\$3,436.08
--	------------

***Total Judgment Entered Including***

***Additional Pre-Judgment***

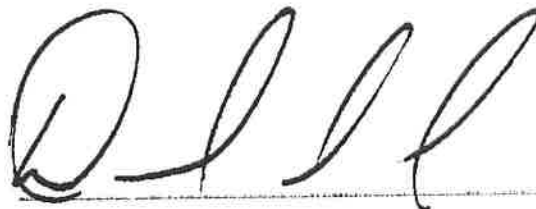
<b><i>Interest:</i></b>	<b><i>\$179,358.91</i></b>
-------------------------	----------------------------



1            THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and  
2 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy  
3 the Judgment, interest, fees, and costs.

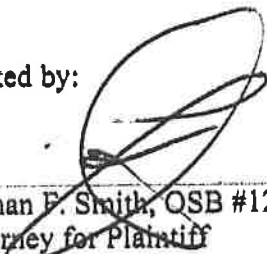
4            MAKE RETURN HEREOF within 60 days after you receive this Writ.

5  
6  
7  
8            2/28/2022 11:17:01 AM



**Circuit Court Judge David Leith**

9  
10 Submitted by:



11  
12 Dated: January 27, 2022

13 Nathan F. Smith, OSB #120112  
14 Attorney for Plaintiff  
15 MALCOLM ♦ CISNEROS, A Law Corporation  
16 2112 Business Center Drive, Second Floor  
17 Irvine, California 92612  
18 Phone: (949) 252-9400  
19 Fax: (949) 252-1032  
20 Email: nathan@mclaw.org

EXHIBIT "1"

LOT 6, VALLEYVIEW ESTATES, IN THE CITY OF SALEM, COUNTY OF MARION AND  
STATE OF OREGON

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

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

CASE NUMBER: 18CV21864

Plaintiff,

vs.

GENERAL JUDGMENT OF  
FORECLOSURE

RONALD L. SPERRY, III, ESQ., as personal  
representative of The Estate of Virginia Joy  
Tourville; and all other persons, parties, or  
occupants unknown claiming any legal or  
equitable right, title, estate, lien, or interest in  
the real property described in the complaint  
herein, adverse to Plaintiff's title, or any cloud  
on Plaintiff's title to the Property.

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record  
herein that Plaintiff, Nationstar Mortgage LLC d/b/a Champion Mortgage Company ("Plaintiff"),  
filed its Complaint for Foreclosure of Deed of Trust; that Defendant RONALD L. SPERRY, III,  
ESQ., as Personal Representative of The Estate of Virginia Joy Tourville ("Defendant") was duly  
served with the Summons and Complaint as required by law; that Defendant into a Stipulation with

1 Plaintiff, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of  
2 trust against the property commonly known as 1074 RODAN AVENUE SE, SALEM, OR 97306  
3 ("Property") and extinguishing any and all interest of the Defendant in the Property.

4 2.

5 The Court being fully advised; it is hereby  
6 ORDERED AND ADJUDGED that:

7 3.

8 Plaintiff is the holder of that certain Adjustable-Rate Note Home Equity Conversion  
9 ("Note"), dated January 14, 2008, in the amount of \$238,500.00, and executed by Decedent Virginia  
10 J. Tourville aka Virginia Joy Tourville.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") dated January 14, 2008  
13 and executed by Decedent Virginia J. Tourville aka Virginia Joy Tourville. The Deed of Trust was  
14 recorded on January 18, 2008 under Control Number 214637, Reel 2910 Page 351 of the Official  
15 Records of Marion County, Oregon, against the Property, which is legally described in Exhibit "1"  
16 attached hereto ("Property") and constitutes a valid lien against the Property.

17 5.

18 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared  
19 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

20 6.

21 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
22 interest, lien, or claim of the Defendant and any other party in the Property, which are hereby  
23 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendant  
24 may be entitled under Oregon law.

25 7.

26 A judgment of foreclosure in the amount of \$175,922.83 shall be granted in favor of Plaintiff,  
27 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –  
28 Not a Money Award ("Amount Owed").



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8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

9.

Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary costs and expenses incurred to enforcing the Note and Deed of Trust.

10.

Any increased interest or any such additional amounts as Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute liens on the Property, together with insurance and repairs necessary to prevent the impairment of the Property, together with interest thereon from the date of payment may also be added to the Amount Owed and paid from the proceeds from the sale of the Property.

11.

Defendant and all parties claiming an interest in the Property as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and every portion thereof, excepting only any statutory right of redemption provided by the laws of the State of Oregon.

12.

Defendant is not entitled to a homestead exemption in the Property.

13.

Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendant, any of them, or any other party or person shall refuse to surrender

1 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

2 15.

3 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to  
4 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to  
5 obtain possession of the Property.

6 16.

7 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
8 hereinafter described as the Amount Owed.

9 17.

10 This suit does not constitute an attempt to collect the debt against Defendant. Rather, it is a  
11 suit to execute upon the Property as security for the Amount Owed.

12 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

13 **(Pursuant to Senate Bill 368)**

14 18.

15 Under the terms of the Deed of Trust and the Note dated January 14, 2008, in the original  
16 principal amount of \$238,500.00, there is now due and owing the following amounts, to be  
17 hereinafter described as the Amount Due:

18  
19 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

20 **1. Judgment Creditor:**

Nationstar Mortgage LLC d/b/a Champion

21 Address:

Mortgage Company

22 c/o MALCOLM ♦ CISNEROS,

23 A Law Corporation

24 2112 Business Center Drive, 2<sup>nd</sup> Floor

25 Irvine, California 92612

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**Judgment Attorney:**

Nathan F. Smith

**Address:**

MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612

**Telephone Number:**

(949) 252-9400

**2. Persons or Public Bodies Entitled to  
a Portion the Judgment:**

N/A

**3. Judgment Amount:**

\$167,397.38

**4. Pre-Judgment Interest:**

Simple interest to accrue on \$118,377.76 from  
September 1, 2019 to the date the Judgment is  
entered into the Court's register at 3.43% per  
annum, \$11.12 per diem.

**5. Post-Judgment Interest:**

Simple interest to accrue on \$175,922.83 plus  
Pre-Judgment Interest from the day after the  
General Judgment is entered to the date upon  
which the Writ of Execution in Foreclosure is  
levied at the legal rate of interest or 9% per  
annum, whichever is greater.

**6. Periodic accrual:**

N/A

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**7. Attorney's Fees and Costs:** An award of \$8,525.45 in attorney's fees and costs is made.

<b>Attorney Fees:</b>	\$4191.50
<b>Filing Cost:</b>	\$560.00
<b>Additional Filing Costs:</b>	\$63.95
<b>Recording Cost:</b>	\$61.00
<b>Process Service Cost:</b>	\$190.00
<b>Probate Costs:</b>	\$3,259.00
<b>Mediation Cost:</b>	\$200.00
<b>Total Fees and Costs:</b>	\$8,525.45

Signed: 3/27/2020 02:55 PM



Circuit Court Judge Claudia M. Burton

Submitted by:

---

Nathan P. Smith, OSB #120112  
Attorney for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: nathan@mclaw.org

# EXHIBIT 1

[REDACTED]

[REDACTED]

[REDACTED]

LOT 6, VALLEYVIEW ESTATES, IN THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on all parties entitled to service and:
  - No objection has been served on me.
  - 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.
  - After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 1/9, 2019<sup>20</sup>

By: 

Betsy Chavarria  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)