

ORIGINAL  
\_Verified Correct Copy of Original 5/20/2022.\_

18CV02883  
PPWR  
Writ - Proposed  
15297967



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

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

**CASE NUMBER: 18CV02883**

**WRIT OF EXECUTION IN FORECLOSURE**

Plaintiff,

vs.

MERLE HASSETT, Personal Representative  
of the Estate of Carl Edward Owens;  
JPMORGAN CHASE BANK, National  
Association; 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.

\_Verified Correct Copy of Original 5/20/2022.\_

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TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on May 2, 2022, 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 Defendants MERLE HASSETT, Personal Representative of the Estate of Carl Edward Owens and JP MORGAN CHASE BANK ("Defendants") had on November 30, 2001, the date of the foreclosed Deed of Trust which was recorded on December 10, 2001, as Instrument No. REEL 1873, PAGE 112 in the official records of the Marion County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

**Lender's Principal Judgment:**

Unpaid Principal Balance:	\$175,558.23
Pre-Judgment Interest from May 1, 2014 to April 17, 2022, the date set forth in the Judgment at 6.125%, per annum, (\$19.36 per diem):	\$72,171.88
Lender's Fees and Costs:	\$63,624.84
Attorney's Fees and Costs:	\$5,021.95
<b>Total Judgment Entered:</b>	<b>\$316,376.90</b>

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**Additional Pre-Judgment Interest:**

Accrued Interest from April 18, 2022,  
the day after the date set forth in the  
Judgment through May 2, 2022, the  
date of entry of the Judgment, at  
interest at 6.125%, per annum (\$19.36  
per diem): \$271.04

**Total Judgment Entered Including  
Additional Pre-Judgment**

**Interest: \$316,647.94**

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$316,647.94 at the legal rate of interest of 9% per annum, \$78.07 diem, from May 3, 2022 to the date the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

The real property subject to this writ of execution is commonly known as 7565 Bates Road South, Salem, OR 97306 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST,  
c/o Selene Finance, LP  
9990 Richmond Avenue, Suite 400 South  
Houston, TX 77042-4546

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The Judgment Creditor's name and address for the purpose of this Writ is:  
WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST,  
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)  
2112 Business Center Drive  
Irvine, CA 92612  
949-252-9400

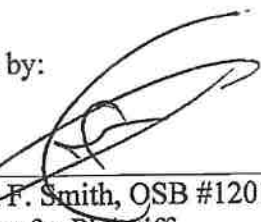
THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and  
sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy  
the Judgment, interest, fees, and costs.

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

5/23/2022 1:19:59 PM



Erious Johnson, Circuit Court Judge

Submitted by: 

Dated: 5/11/2022

Nathan F. 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

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

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

Plaintiff,

vs.

MERLE HASSETT, Personal Representative  
of the Estate of Carol Edward Owens;  
JPMORGAN CHASE BANK, National  
Association; 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: 18CV02883**

**GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:**

- 1. JPMORGAN CHASE BANK**
- 2. MERLE HASSETT, Personal  
Representative of the Estate of Carl Edward  
Owens**

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant JPMORGAN CHASE BANK ("Defendant JPMorgan") was duly served with the Summons and Complaint as required by law; that Defendant JPMorgan failed to appear, that an order of default has been entered against it on Plaintiff's Complaint; that Defendant MERLE HASSETT, Personal Representative of the Estate of Carl Edwards Owens ("Defendant Hassett") entered into a Stipulated General Judgment of Foreclosure on June 4, 2020 and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 7565 Bates Road South, Salem, OR 97306 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

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

3.

Plaintiff is the holder of that certain a note ("Note"), dated November 30, 2001, in the amount of \$228,750.00, and executed by Debora Kay Owens and Carl Edward Owens.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated November 30, 2001 and executed by Debora Kay Owens and Carl Edward Owens ("Borrowers"). The Deed of Trust was recorded on December 10, 2001 under the recording number REEL 1873, PAGE 112 of the Official Records of Marion County, Oregon, against the Property, which is legally described as: See exhibit "1" attached hereto. ("Property") and constitutes a valid lien against the Property.

5.

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

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6.

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

7.

A judgment of foreclosure in the amount of \$316,376.90 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

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.

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12.

Borrowers Debora Kay Owens and Carl Edward Owens are 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 Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

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

16.

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

17.

This suit does not constitute an attempt to collect the debt against Borrowers Debora Kay Owens and Carl Edward Owens. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

**DECLARATION OF DEBT SECURED BY DEED OF TRUST  
(Pursuant to Senate Bill 368)**

18.

Under the terms of the Deed of Trust and the Note dated November 30, 2001, in the original principal amount of \$228,750.00, there is now due and owing the following amounts, to be



1 hereinafter described as the Amount Due:  
2

3 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

4 **1. Judgment Creditor:**

5 Address:

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

6 c/o MALCOLM ♦ CISNEROS,

7 A Law Corporation

8 2112 Business Center Drive, 2<sup>nd</sup> Floor

9 Irvine, California 92612

10  
11 **Judgment Attorney:**

12 Address:

Nathan F. Smith

13 MALCOLM ♦ CISNEROS, A Law Corporation

14 2112 Business Center Drive, 2<sup>nd</sup> Floor

Irvine, California 92612

15 Telephone Number:

(949) 252-9400

16 **2. Persons or Public Bodies Entitled to**

17 **a Portion the Judgment:**

N/A

18 **3. Judgment Amount:**

\$316,376.90

19 **4. Pre-Judgment Interest:**

20 Simple interest to accrue on \$175,558.23 from  
21 June 1, 2014 to the date the Judgment is entered  
22 into the Court's register at interest at 6.125% per  
23 annum, \$19.36 per diem.  
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**5. Post-Judgment Interest:**

Simple interest to accrue on \$316,376.90 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

**7. Attorney's Fees and Costs:**

An award of \$5,021.95 in attorney's fees and costs is made.

4/26/2022 3:19:56 PM



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Erious Johnson, Circuit Court Judge

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Submitted by:

Dated: April 25, 2022

/s/Nathan F. Smith  
Nathan F. 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

## LEGAL DESCRIPTION

Parcel 2 of PARTITION PLAT NO. 92-50, recorded May 28, 1992, in Reel 955, Page 77, Film Records for Marion County, Oregon.

TOGETHER WITH an easement for ingress and egress, 10 feet in width, 5 feet on each side of the following described centerline:

Beginning on the Northwesterly right of way line of County Road No. 817 (Bates Road), at a point which is 844.35 feet West and 270.13 feet South  $12^{\circ}40'22''$  West from the East 1/4 corner of Section 29, Township 8 South, Range 3 West of the Willamette Meridian, in the County of Marion and State of Oregon; thence South  $28^{\circ}56'54''$  West, along the center of said driveway 74.68 feet to the North line of Parcel 2, Partition Plat No. 92-50, Marion County Record of Partition Plat, Marion County, Oregon.

1 **CERTIFICATE OF READINESS**

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

- 3  Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule  
4 or otherwise.
- 5  The relief sought is against an opposing party who has been found in default.
- 6  An order of default is being requested with this proposed judgment.
- 7  Each opposing party affected by this order or judgment has stipulated to the order or  
8 judgment, as shown by each opposing party's signature on the document being  
9 submitted.
- 10  Each opposing party affected by this order or judgment has approved the order or  
11 judgment, as shown by signature on the document being submitted or by written  
12 confirmation of approval sent to me.
- 13  I have served a copy of this order or judgment on all parties entitled to service and:  
14  No objection has been served on me.  
15  I received objections that I could not resolve with the opposing party despite  
16 reasonable efforts to do so. I have filed a copy of the objections I received and  
17 indicated which objections remain unresolved.
- 18  After conferring about objections, [role and name of opposing party] agreed  
19 to independently file any remaining objection.
- 20  This is a proposed judgment that includes an award of punitive damages.

21  
22 DATED: April 25, 2022

23 By: /s/ Diane Duran  
24 Diane Duran  
25 Paralegal  
26 MALCOLM ♦ CISNEROS, A Law Corporation  
27 2112 Business Center Drive, Second Floor  
28 Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)