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2 Craig Peterson, OSB #120365  
3 Jaimie Fender, OSB #120832  
4 Kimberly Hood, OSB #123008  
5 Robinson Tait, P.S.  
6 901 Fifth Avenue, Suite 400  
7 Seattle, WA 98164  
8 Phone: (206) 676-9640  
9 Fax: (206) 676-9659  
10 Email: cpeterson@robinsontait.com  
11 Email: jfender@robinsontait.com  
12 Email: khood@robinsontait.com

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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

KEY BANK N.A.,

Plaintiff,

NO. 16CV21811

v.

WRIT OF EXECUTION IN FORECLOSURE

BETTY J. KILWIEN, THE ESTATE OF  
VINCENT G. KILWIEN, DECEASED, GWEN  
TRANO, UNKNOWN HEIRS AND  
DEVISEES OF CAROLYN L. UPCHURCH,  
DECEASED, AND PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HERFIN,

Defendants.

TO: DESCHUTES COUNTY SHERIFF

1. WHEREAS, on May 25, 2017, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

Key Bank N.A.  
c/o Key Bank National Association

1 P O Box 11500  
2 MS WA 31-03-0575  
3 Tacoma, WA 98411  
4

5 For the purpose of this Writ, the Judgment Creditor's address is as follows:

6 Key Bank National Association  
7 c/o Robinson Tait, P.S.  
8 901 Fifth Avenue, Suite 400  
9 Seattle, Washington 98164

10 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is  
11 legally described as

12 LOT TWENTY-SEVEN (27), BLOCK SIX (6), TALL PINES THIRD ADDITION,  
13 RECORDED JULY 23, 1973, IN CABINET B, PAGE 347, DESCHUTES COUNTY, OREGON  
14 and commonly known as 16183 HAWKS LAIR RD, LA PINE, OR 97739.

15 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
16 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
17 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
18 had on July 23, 2001, the date of the Deed of Trust, and also all of the interest which the defendant(s)  
19 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of  
20 August 2, 2017,  
21

22 **Lenders Principal Judgment:**

23 1. Unpaid Principal Balance	<u>\$35,752.09</u>
24 2. Pre-Judgment Interest from May 25, 2014	
25 to November 24, 2016, the date calculated by the Declarant	
26 in the Declaration in Support of Judgment	<u>\$4,790.45</u>
27 3. Lenders Fees and Costs	<u>\$1,169.00</u>
28 4. Attorney's Fees and Costs	<u>\$3,030.00</u>

***Total Judgment Award Entered*** \$48,751.14

1  
2 Additional Pre Judgment Interest

3  
4 1. Accrued Interest from November 25, 2016  
5 to May 25, 2017 the date of entry  
6 of Judgment \$966.42  
7  
8 *Total Judgment Award* \$49,717.56

9  
10 Post Judgment Interest

11 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$12.26, from May 26,  
12 2017, the day after the entry of judgment, through August 2, 2017,  
13 the date the writ is being requested \$845.94

14  
15 *Current Total Amount Owning* \$50,563.50


16 In addition to the above, interest continues to accrue on the total of the amounts listed above  
17 at the rate of 9% per annum or at \$12.26 per diem, in accordance with the General Judgment of  
18 Foreclosure and continues to accrue until the date of sale.

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

22 MAKE RETURN HEREOF within 60 days after you receive this writ.

23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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26 Signed: 8/14/2017 11:03 AM

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**Administrative Analyst Lisa Marx**  
for Jeff Hall, Trial Court Administrator



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

KEY BANK N.A.,

Plaintiff,

v.

BETTY J. KILWIEN; THE ESTATE OF  
VINCENT G. KILWIEN, DECEASED; GWEN  
TRANO; UNKNOWN HEIRS AND  
DEVISEES OF CAROLYN L. UPCHURCH,  
DECEASED; AND PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN.

Defendants.

NO. 16CV21811

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the  
above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the  
plaintiff, KEY BANK N.A., appearing and being represented by CRAIG PETERSON, Attorney of  
Robinson Tait, and after considering the pleadings and affidavits on file herein, findings of fact and  
conclusion of law being unnecessary under Civil Rule 69D, the court finds that the allegations  
contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the

1 plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of  
2 the plaintiff forthwith as more particularly hereafter set forth. Therefore,  
3

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, KEY BANK N.A., be awarded judgment in the sum of \$35,752.09, together  
6 with interest at a rate as provided in the Note from May 25, 2014 through November 24, 2016 in the  
7 amount of \$4,790.45 with additional pre-judgment interest at the per diem rate of \$5.31 as provided in  
8 the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$3,030.00,  
9 plus other recoverable amounts of \$1,169.00 which includes the amounts itemized in the declaration of  
10 the lender in support of motion for judgment plus allowable costs of \$4,009.60 as itemized in the bill of  
11 disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest  
12 until paid at the statutory rate or at the contract rate, whichever is greater; and,  
13

14 2. Plaintiff's Deed of Trust on real property in Deschutes County, Oregon, legally  
15 described as follows:  
16

17 LOT TWENTY-SEVEN (27), BLOCK SIX (6), TALL PINES THIRD ADDITION,  
18 RECORDED JULY 23, 1973, IN CABINET B, PAGE 347, DESCHUTES  
19 COUNTY, OREGON

20 which was recorded on August 3, 2001, under Auditor's File No. 2001-38118, records of Deschutes  
21 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described  
22 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that  
23 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the  
24 Sheriff of Deschutes County in the manner provided for by law, and the proceeds therefrom shall be  
25 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as  
26 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien  
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2 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of Betty J.  
3 Kilwien, the Estate of Vincent G. Kilwien, Deceased, Gwen Trano, Unknown Heirs and Devisees of  
4 Carolyn L. Upchurch, Deceased, and Persons or Parties Unknown Claiming Any Right, Title, Lien,  
5 or Interest in the Property Described in the Complaint Herein and of any one claiming by, through or  
6 under them; and  
7

8           3.       Betty J. Kilwien, the Estate of Vincent G. Kilwien, Deceased, Gwen Trano, Unknown  
9 Heirs and Devisees of Carolyn L. Upchurch, Deceased, and Persons or Parties Unknown Claiming  
10 Any Right, Title, Lien, or Interest in the Property Described in the Complaint Herein to July 23,  
11 2001, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from  
12 claiming or asserting any right, title, lien or interest in or to said property or any part thereof, save  
13 and except for the right of redemption as allowed by law; and  
14

15           4.       Plaintiff be granted the right to become a bidder and purchaser at the sale and the  
16 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to  
17 law, and to all right, title and interest in any rents and profits generated or arising from the property  
18 during the statutory redemption period, and plaintiff is entitled to such remedies as are available at law to  
19 secure possession, including writ of assistance, if defendants or any of them or any other party or person  
20 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for  
21 possession; and  
22

23           5.       Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
24 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
25 pay the remaining proceeds as directed by the court in the order of distribution.  
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GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE # 3  
60079-06299-11 D-OR1731261

Robinson Tait P S

500 Fifth Avenue, Suite 400  
Seattle, WA 98101  
206.461.0100

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DECLARATION DETERMINING AMOUNT OF DEBT  
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

Judgment Creditor: KEY BANK N.A.  
c/o Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson  
Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640

The name of any person or public body,  
other than the Judgment Creditor's  
Attorney, who is entitled to any  
portion of the judgment: None

Principal Balance: \$35,752.09

Simple Interest on the Principal Balance  
from May 25, 2014 to November 24, 2016: \$4,790.45

Other Amounts Due Under Terms of Loan: \$1,169.00

Attorneys' Fees and Costs:  
Attorneys' Fee: \$3,030.00  
Total Costs: \$1,009.60

Total Attorney Fees and Costs: \$7,039.60

**TOTAL DEBT OWED \$48,751.14**



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Pre-Judgment: Additional pre-judgment interest accrues from November 25, 2016, to the date of entry of judgment at the per diem rate of \$5.31, in accordance with the Note

Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed: 5/25/2017 07:42 AM



**Circuit Court Judge Stephen P. Forte**

Submitted by:



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 Jaimie Fender, OSB #120832  
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 Kimberly Hood, OSB #123008  
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