

1
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

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR MALHEUR COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

NO. 16CV42187

v.

WRIT OF EXECUTION IN FORECLOSURE

THE ESTATE OF DANIEL HARRIS;
UNKNOWN HEIRS AND DEVISEES OF
DANIEL HARRIS; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

TO: MALHEUR COUNTY SHERIFF

1. WHEREAS, on June 13, 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:

WELLS FARGO BANK, N.A.
c/o Wells Fargo
1 Home Campus
Des Moines, IA 50328-0001

1
2
3 For the purpose of this Writ, the Judgment Creditor's address is as follows:

4 Wells Fargo
5 c/o Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
7 Seattle, Washington 98164

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

10 LAND IN MALHEUR COUNTY, OREGON, AS FOLLOWS: IN TWP. 17 S., R. 47 E.,
11 W.M.:

12 SEC. 3: A PARCEL OF LAND BEING IN THE NE1/4 SE1/4 DESCRIBED AS FOLLOWS:

13 PARCEL NO. 2 OF PORTION PLAT NO. 98-10, RECORDED JUNE 26, 1998, AS INSTRUMENT
14 NO. 98-4916, OFFICIAL RECORDS OF MALHEUR COUNTY, OREGON.

15 and commonly known as 230 West Pioneer Rd., Ontario, OR 97914-8400.

16
17 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
18 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
19 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
20 had on May 30, 2003, the date of the Deed of Trust, and also all of the interest which the defendant(s)
21 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
22 June 27, 2017,

23
24 **Lenders Principal Judgment:**

25	1. Unpaid Principal Balance	\$44,349.43
26	2. Pre-Judgment Interest from July 1, 2016	
27	to March 29, 2017, the date calculated by the Declarant	
	in the Declaration in Support of Judgment	<u>\$1,854.49</u>
28	3. Lenders Fees and Costs	<u>\$982.97</u>
	4. Attorney's Fees and Costs	<u>\$4,651.80</u>

1
2 *Total Judgment Award Entered* \$51,838.69

3 **Additional Pre Judgment Interest**

4
5 1. Accrued Interest from March 30, 2017
6 to June 13, 2017, the date of entry
7 of Judgment \$607.24

8 *Total Judgment Award* \$52,445.93

9
10 **Post Judgment Interest**

11 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$12.93, from June 14,
12 2017, the day after the entry of judgment, through June 27, 2017,
13 the date the writ is being requested \$181.02

14 *Current Total Amount Owing* \$ 52,626.95

15
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 \$12.93 per diem, in accordance with the General Judgment of
18 Foreclosure and continues to accrue until the date of sale.
19

20
21 //

22
23 //

24
25
26 //

27
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

DATED this 17th day of JULY, 2017.



Yvonne Cooper

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR MALHEUR COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF DANIEL HARRIS;
UNKNOWN HEIRS AND DEVISEES OF
DANIEL HARRIS; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 16CV42187

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

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60111-00761-JFD-OR1732301

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle, WA 98104
(206) 476-9810

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of \$44,349.43, together with interest at a rate as provided in the Note from July 1, 2016 through March 29, 2017 in the amount of \$1,854.49 with additional pre-judgment interest at the per annum rate of 5.625% as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of \$2,600.00, plus other recoverable amounts of \$982.97 which includes the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable costs of \$2,051.80 as itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.

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

LAND IN MALHEUR COUNTY, OREGON, AS FOLLOWS: IN TWP. 17 S., R. 47 E., W.M.:

SEC. 3: A PARCEL OF LAND BEING IN THE NE1/4 SE1/4 DESCRIBED AS FOLLOWS:

PARCEL NO. 2 OF PORTION PLAT NO. 98-10, RECORDED JUNE 26, 1998, AS INSTRUMENT NO. 98-4916. OFFICIAL RECORDS OF MALHEUR COUNTY, OREGON.

which was recorded on June 2, 2003, under Auditor's File No. 2003-4486, records of Malheur County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described real estate and the whole thereof as security for the payment of the judgment herein set forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the Sheriff of Malheur County in the manner provided for by law, and the proceeds therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60111-00761-JUD-OR1732301

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100
Seattle, WA 98104
(206) 476-9610

1
2 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
3 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
4 Estate of Daniel Harris, Unknown Heirs and Devisees of Daniel Harris, and Persons or Parties
5 Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the Complaint
6 Herein and of any one claiming by, through or under them; and
7

8 3. the Estate of Daniel Harris, Unknown Heirs and Devisees of Daniel Harris, and
9 Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in
10 the Complaint Herein subsequent to May 30, 2003, the date of the Deed of Trust which is foreclosed
11 herein, be forever barred and estopped from claiming or asserting any right, title, lien or interest in or
12 to said property or any part thereof, save and except for the right of redemption as allowed by law;
13 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.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Judgment Creditor: WELLS FARGO 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: \$44,349.43

Simple Interest on the Principal Balance
from July 1, 2016 to March 29, 2017: \$1,854.49

Other Amounts Due Under Terms of Loan: \$982.97

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,600.00
Total Costs: \$2,051.80

Total Attorney Fees and Costs: \$4,651.80

TOTAL DEBT OWED \$51,838.69

//

//

//

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 4
60111-00761-JUD-OR1732301

Law Offices
ROBINSON TAIT, P.S.

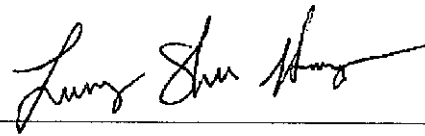
901 Fifth Avenue, Suite 400
Seattle, WA 98164
1 2 0 6 1 0 7 6 9 6 4 0

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pre-Judgment: Additional pre-judgment interest accrues from March 30, 2017, to the date of entry of judgment at the per annum rate of 5.625%, 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: 6/13/2017 08:31 AM



Lung S. Hung, Circuit Court Judge

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com

Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com

Kimberly Hood, OSB #123008
Email: khood@robinsontait.com

Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659


CERTIFICATE OF READINESS- UTCR 5.100

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

1. Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2. Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3. I have served a copy on all parties entitled to service and:
 - No objection has been served on me within that time frame.
 - I received objections that I could not resolve with the objecting party despite reasonable efforts to do so. I have filed with the court 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.
4. The relief sought is against a party who has been found in default.
5. An order of default is being requested with this proposed judgment.
6. Service is not required pursuant to subsection (1)(c) of UTCR 5.100, or by statute, rule, or otherwise.
7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (1)(d) of UTCR 5.100.

Date:

6-2-17



Attorney, OSB

120365