

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

Craig Peterson, OSB #120365
Jaimie Fender, OSB #120832
Kimberly Hood, OSB #123008
Michael Althouse, OSB #150793
Gregory Morphew, OSB #170214
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
Phone: (206) 676-9640
Fax: (206) 676-9659
Email: cpeterson@robinsontait.com
Email: jfender@robinsontait.com
Email: khood@robinsontait.com
Email: malthouse@robinsontait.com
Email: gmorphew@robinsontait.com

CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

<p>QUICKEN LOANS INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>THE ESTATE OF DANIEL A. GRUBE, DECEASED; UNKNOWN HEIRS AND DEWISEES OF DANIEL A. GRUBE, DECEASED; WILLIAM GRUBE; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,</p> <p style="text-align: center;">Defendants.</p>	<p>NO. 16CV27398</p> <p>WRIT OF EXECUTION IN FORECLOSURE</p>
--	--

TO: JOSEPHINE COUNTY SHERIFF

1
2 1. WHEREAS, on May 10, 2017, in the above-entitled court, a judgment of foreclosure
3 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as
4 **Exhibit "A"** and made a part hereof;

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

6 Quicken Loans Inc.
7 c/o Quicken Loans
8 1050 Woodward Avenue
9 Detroit, MI 48226

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

11 Quicken Loans
12 c/o Robinson Tait, P.S.
13 901 Fifth Avenue, Suite 400
14 Seattle, Washington 98164

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

17 LOT 2, SUMMERFIELD ESTATES, PHASE 1, IN THE CITY OF GRANTS PASS,
18 JOSEPHINE COUNTY, OREGON, ACCORDING TO THE PLAT THEREOF MAY 8, 2014, AS
19 DOCUMENT NO. 2014-004568, VOLUME 9, PAGE 792, PLAT RECORDS.

20 and commonly known as 2849 SW ELMER NELSON LN, Grants Pass, OR 97527.

21
22 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
23 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
24 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
25 had on December 31, 2015, the date of the Deed of Trust, and also all of the interest which the
26 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
27 which as of May 17, 2017,
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 19 day of May, 2017.

Title **Court Clerk**

By: *B. Morgan*

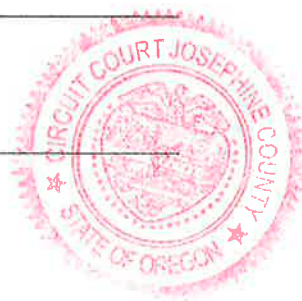


EXHIBIT A

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 JOSEPHINE COUNTY

QUICKEN LOANS INC.,

Plaintiff,

v.

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

Defendants.

NO. 16CV27398

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, QUICKEN LOANS INC., 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 - I
60445-00130-JUD-OR1712778

Law Office
ROBINSON TAIT, P.S.,

901 Fifth Avenue, Suite 400
Seattle, WA 98101
206.461.0610

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, QUICKEN LOANS INC. be awarded judgment in the sum of \$235,679.28, together with interest at a rate as provided in the Note from March 1, 2016 through February 9, 2017 in the amount of \$10,507.26 with additional pre-judgment interest at the per diem rate of \$30.67 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 \$2,513.65 which includes the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable costs of \$2,946.33 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 Josephine County, Oregon, legally described as follows:

LOT 2, SUMMERFIELD ESTATES, PHASE 1, IN THE CITY OF GRANTS PASS,
JOSEPHINE COUNTY, OREGON, ACCORDING TO THE PLAT THEREOF
RECORDED MAY 8, 2014, AS DOCUMENT NO. 2014-004568, VOLUME 9,
PAGE 792, PLAT RECORDS.

which was recorded on December 31, 2015, under Auditor's File No. 2015-017149, records of Josephine 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 Josephine 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 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien and charge upon said real estate. prior and superior to any right, title, estate, lien or interest of the defendant and of any one claiming by, through or under them; and

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60445-00130-JUD-OR1712778

Law Offices
ROBINSON TAIT, P.S.,
891 Fifth Avenue, Suite 100
Seattle WA 98101
(206) 456-9010

1
2 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
3 property described above or any part thereof subsequent to December 31, 2015, the date of the Deed
4 of Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any
5 right, title, lien or interest in or to said property or any part thereof, save and except for the right of
6 redemption as allowed by law; and
7

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

16 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
17 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
18 pay the remaining proceeds as directed by the court in the order of distribution.
19
20

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

23 Judgment Creditor: QUICKEN LOANS INC.
24 c/o Robinson Tait, P.S.
25 901 Fifth Avenue, Suite 400
26 Seattle, WA 98164
(206) 676-9640

27 Attorney for Judgment Creditor: Craig Peterson
28 Robinson Tait, P.S.
901 Fifth Avenue, Suite 400

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 3
60445-00130-JUD-CR1712778

In Office
ROBINSON TAIT, P.S.

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

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:

N/A

Principal Balance: \$235,679.28

Simple Interest on the Principal Balance
from March 1, 2016 to February 9, 2017: \$10,507.26

Other Amounts Due Under Terms of Loan: \$2,513.65

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,600.00
Total Costs: \$2,946.33

Total Attorney Fees and Costs: \$5,546.33

TOTAL DEBT OWED \$254,246.52

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 February 10, 2017, to the date of entry of judgment at the per diem rate of \$30.67, 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.

DONE IN COURT this ____ day of _____, 2017.

Signed: 5/9/2017 04:09 PM



Circuit Court Judge Thomas M. Hull

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
 Michael Althouse, OSB #150793
Email: malthouse@robinsontait.com
 Gregory Morphew, OSB #170214
Email: gmorphew@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:

5-5-17



Attorney, OSB

120365