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CIVIL DEPARTMENT

17 SEP 20 11:01 AM

ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON



Certified True Copy of The Original
Dated This 24 Day of May, 2017
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON

IN AND FOR THE COUNTY OF TILLAMOOK

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 14CV02574

10

Plaintiff,

11

vs.

**WRIT OF EXECUTION IN
FORELCOSURE**

12

ELEANOR YAP, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CHRISTOPHER K. BULLERT,
DECEASED; UNKNOWN HEIRS AND
DEWISEES OF CHRISTOPHER K.
BULLERT, DECEASED; ELEANOR YAP;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

15

16

17

Defendants.

18

TO: THE SHERIFF OF TILLAMOOK COUNTY, OREGON:

19

1.

20

WHEREAS, on March 17, 2015, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

21

2.

22

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 ELEANOR YAP, PERSONAL
REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER K. BULLERT, DECEASED and
ELEANOR YAP ("Defendants") had on April 7, 2008, the date of the foreclosed Deed of Trust

23

1 which was recorded on April 8, 2008, as Instrument No. 2008-002573 in the official records of the
2 Tillamook County Recorder's Office, and/or all of the interest which Defendants had thereafter, in
3 the real property described in the Judgment to satisfy the Judgment as follows:

4 **Lender's Principal Judgment:**

5 Unpaid Principal Balance:	\$118,640.62
6 Pre-Judgment Interest from August 1, 7 2012 to January 2, 2015, the date set 8 forth in the Judgment at 6.00%, per 9 annum, (\$19.50 per diem):	\$17,222.30
8 Lender's Fees and Costs:	\$2,019.00
9 Attorney's Fees and Costs:	\$2,050.00

10 ***Total Judgment Entered:*** ***\$139,931.92***

11 **Additional Pre-Judgment Interest:**

12 Accrued Interest from January 3, 2015, 13 the day after the date set forth in the 14 Judgment through March 17, 2015, the 15 date of entry of the Judgment, at 6.00%, per annum (\$19.50 per diem):	\$1443.00
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16 ***Total Judgment Entered Including***
17 ***Additional Pre-Judgment***
18 ***Interest:*** ***\$141,374.92***

19 3.

20 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
21 contract rate of interest of 6.00% per annum, \$19.50 per diem, from March 18, 2015, to the date the
22 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
23 costs of this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

24 4.

25 The real property subject to this writ of execution is commonly known as 4585 Alder Cove
26 Road, Netarts, OR 97143 ("Property") and described in Exhibit "1" attached hereto.

27 5.

28 The Judgment Creditor's name and address is:

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4801 Frederica Street

Owensboro, Kentucky 42301-7441

The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. Bank Trust, National Association

c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)

2112 Business Center Drive

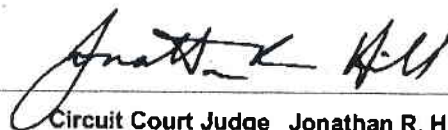
Irvine, CA 92612

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.

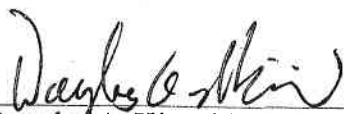
MAKE RETURN HEREOF within 60 days after you receive this Writ.

Signed: 4/17/2017 02:55 PM



Circuit Court Judge Jonathan R. Hill

Submitted by:



Douglas A. Kincaid, OSB #121032

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: dkincaid@mclaw.org

Dated: April 10 2017

LEGAL DESCRIPTION

Beginning at a point which is 433.05 feet South and 87.66 feet East of the Southeast corner of the Northeast quarter of the Northwest quarter of Section 5, Township 2 South, Range 10 West, Willamette Meridian, Tillamook, County, Oregon, said point also being in the center of the old Netarts County Road; thence North $77^{\circ} 29'$ West along the Northerly side of the Netarts Market Road 247.93 feet; thence North $34^{\circ} 05'$ East 166.13 feet to the center of the old county road; thence South $37^{\circ} 54'$ East along the center of the old county road 242.52 feet to the point of beginning.

LESS, however, the portion of the old county road to Netarts, and being situated in the Southwest quarter of the Northeast quarter and Government Lot 2, Section s, Township 2 South, Range 10 West of the Willamette Meridian.

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ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON



Certified True Copy of The Original
Dated This 24 Day of May, 2017
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By [Signature]

CIRCUIT COURT OF OREGON FOR TILLAMOOK COUNTY

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

v.

ELEANOR YAP, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER K. BULLERT, DECEASED; UNKNOWN HEIRS AND DEVISEES OF CHRISTOPHER K. BULLERT, DECEASED; ELEANOR YAP; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 14CV02574

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

MONETARY JUDGMENT AGAINST: DEFENDANT #1: ELEANOR YAP, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER K. BULLERT, DECEASED

GENERAL JUDGMENT AGAINST: DEFENDANT #3: ELEANOR YAP

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, U.S. BANK NATIONAL ASSOCIATION, appearing and being represented by ZACHARY BRYANT, 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

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1
60221-0213-JUD-2742659

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

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

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, U.S. BANK NATIONAL ASSOCIATION be awarded judgment against
6 defendants, ELEANOR YAP, PERSONAL REPRESENTATIVE OF THE ESTATE OF
7 CHRISTOPHER K. BULLERT, DECEASED, in the sum of \$118,640.62, together with interest at the
8 rate of 6.000% as provided in the Note from August 1, 2012 through June 19, 2014 in the amount of
9 \$17,222.30 with additional interest at the rate of \$19.50 as provided in the Note to the date of sale; plus
10 reasonable attorneys' fees in the amount of \$2,050.00, plus allowable costs of \$2,019.00 as itemized in
11 the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
12 bear interest until paid at the statutory rate; and
13

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

17 SEE LEGAL DESCRIPTION ATTACHED HERETO AS **EXHIBIT A**

18 which was recorded on April 8, 2008, under Auditor's File No. 2008-002573, records of Tillamook
19 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
20 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
21 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
22 Sheriff of Tillamook County in the manner provided for by law, and the proceeds therefrom shall be
23 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
24 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
25 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest
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2 ELEANOR YAP, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTOPHER K.
3 BULLERT, DECEASED and ELEANOR YAP AS AN INDIVIDUAL and of any one claiming by,
4 through or under them; and

5 3. ELEANOR YAP, PERSONAL REPRESENTATIVE OF THE ESTATE OF
6 CHRISTOPHER K. BULLERT, DECEASED and ELEANOR YAP AS AN INDIVIDUAL
7 subsequent to April 7, 2008, the date of the Deed of Trust which is foreclosed herein, be forever
8 barred and estopped from claiming or asserting any right, title, lien or interest in or to said property or
9 any part thereof, save and except for the right of redemption as allowed by law; and

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

18
19 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
20 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
21 pay the remaining proceeds as directed by the court in the order of distribution.
22
23

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25 **MONEY AWARD**

26 Judgment Creditor:

U.S. BANK NATIONAL ASSOCIATION
c/o Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104

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Attorney for Judgment Creditor:

ZACHARY BRYANT
Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104

Judgment Debtor:

ELEANOR YAP, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CHRISTOPHER K. BULLERT, DECEASED
c/o Katherine L. West
Wyse Kadish LLP
621 SW Morrison Street Suite 1300
Portland, OR 97205
DOB: Unknown
Social Security No.: ***-**-8645
Driver's License Number: Unknown

Attorney for Judgment Debtor:

KATHERINE L. WEST
Wyse Kadish LLP
621 SW Morrison Street Suite 1300
Portland, OR 97205

Other Entities entitle to Portion of
Judgment, Other than Creditor's Attorney:

N/A

Principal Amount:

\$118,640.62

Simple Interest on the Principal Amount
from August 1, 2012 to January 2, 2015
with a per diem of \$19.50 thereafter:

\$17,222.30

Total Costs:

\$2,019.00

Attorneys' Fee (for determination of
Amount owed, establishment of priority,
and foreclosure) :

\$2,050.00

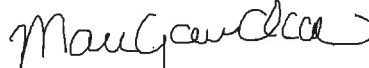
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Post-Judgment: Simple Interest Accrues on the total of the amounts listed above at the rate of \$19.50 in accordance with the Note from the date of entry of this Judgment.

DONE IN COURT this ____ day of _____, 2015.

Signed: 3/13/2015 03:41 PM



JUDGE

Submitted by:



Matt Booth, OSB #082663
Email: mbooth@robinsontait.com
 Zachary Bryant, OSB #113409
Email: zbryant@robinsontait.com
 Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Brandon Smith, OSB #124584
Email: bsmith@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF **TILLAMOOK**, STATE OF **OREGON**, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 433.05 FEET SOUTH AND 87.66 FEET EAST OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 10 WEST, WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON; SAID POINT ALSO BEING IN THE CENTER OF THE OLD NETARTS COUNTY ROAD; THENCE NORTH 77°29' WEST ALONG THE NORTHERLY SIDE OF THE NETARTS MARKET ROAD 247.93 FEET; THENCE NORTH 34°05' EAST 166.13 FEET TO THE CENTER OF THE OLD COUNTY ROAD; THENCE SOUTH 37°54' EAST ALONG THE CENTER OF THE OLD COUNTY ROAD 242.52 FEET TO THE POINT OF BEGINNING, LESS HOWEVER THE PORTION OF THE OLD COUNTY ROAD TO NETARTS, AND BEING SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 2 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN.
