

pd 4250
EC

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

Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney, or company Debtor may contest this writ by filing a claim of exception.

2017 OCT 11 AM 10:57

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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

THE ESTATE OF JOHN MYERS; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF JOHN MYERS; MARK MYERS; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4211 SE CORA ST, PORTLAND, OREGON 97206,
Defendants.

Case No. 16CV28391

WRIT OF EXECUTION

Specially Assigned to the Honorable Judge Leslie Roberts

TO THE MULTNOMAH COUNTY SHERIFF:

On April 20, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Multnomah County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WELLS FARGO BANK, N.A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 4211 SE Cora St, Portland, Oregon 97206 ("Subject Property"), and legally described as:

LOT 12, BLOCK 10, IVANHOE, IN THE CITY OF PORTLAND, IN THE COUNTY OF MULTNOMAH AND STATE OF OREGON.

///
Page 1 - WRIT OF EXECUTION

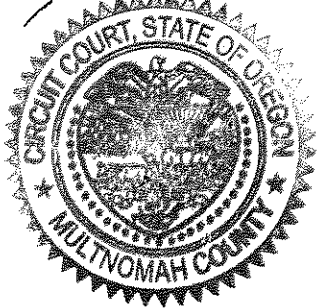
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

The total amount due and owing on the Judgment as of August 25, 2017;

Judgment:	Principal	\$112,166.63
Pre-Judgment:	Interest(4.24%, \$8.24/day)	\$626.24 (2/3/17 through 4/20/17)
	Attorney Fees	\$4,460.00
	Costs	\$1,071.00
	Prevailing Party Fee	\$85.00
Post-Judgment:	Interest(4.24%, \$8.24/day)	\$840.48 (4/21/17 through 8/28/17)
TOTAL:		\$119,249.35

In the name of the State of Oregon, you are hereby directed to proceed to notice for sale and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

DATED Sept. 19, 2017



COURT ADMINISTRATOR FOR
MULTNOMAH COUNTY CIRCUIT
COURT

By: *Elizabeth Lalle*

Presented by:
ALDRIDGE PITE, LLP
[Signature]
Katie Riggs, OSB#095861
Aldridge | Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
Main Office: (858) 750-7600
kriggs@aldridgepite.com
Of Attorneys for Plaintiff

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

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF JOHN MYERS; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF JOHN MYERS; MARK MYERS; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4211 SE CORA ST, PORTLAND, OREGON 97206,

Defendants.

Case No. 16CV28391

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE

PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Specially Assigned to the Honorable Judge Leslie Roberts

Based upon the stipulation of defendant STATE OF OREGON ("Stipulating Defendant"), the Court's Order of Default against defendants THE ESTATE OF JOHN MYERS; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF JOHN MYERS; MARK MYERS; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4211 SE CORA ST, PORTLAND, OREGON 97206 (collectively "Defendants"), the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Plaintiff WELLS FARGO BANK, N.A. ("Plaintiff"),

///

///

Page 1 - GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 4211 SE Cora Street,
3 Portland, Oregon 97206 ("Subject Property"), as evidenced by the Deed of Trust recorded
4 January 7, 2008 in the official records of Multnomah County as instrument number 2008-003273
5 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
6 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
7 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally

8 described as follows:

9 LOT 12, BLOCK 10, IVANHOE, IN THE CITY OF PORTLAND, IN THE COUNTY
10 OF MULTNOMAH AND STATE OF OREGON.

11 2. Stipulating Defendant has a valid and subsisting lien junior to that of Plaintiff.
12 Stipulating Defendant's judgment lien may be found in the official records of the Multnomah
13 County Circuit Court as Case Number 090130252. Stipulating Defendant's lien is superior to all
14 other defendants' interests in the property.

15 3. The Deed of Trust is foreclosed and upon entry of this Judgment the court
16 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the
17 Sheriff, in the manner provided by law;

18 4. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
19 due under the Note and Deed of Trust. Any future advances, fees, costs and/or disbursements
20 that may be reasonably made or incurred pursuant to the terms of the Note and Deed of Trust up
21 to the date of the execution sale shall be subject to a motion for supplemental judgment. The
22 Amount Due is to be satisfied by sale of the Subject Property as directed under this Judgment;

23 5. Plaintiff is owed reasonable attorney fees, pursuant to the Note, Deed of Trust,
24 and ORCP Rule 68(C), which amount may be added to the outstanding obligation due and owing
25 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. This
 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

Page 2 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE

1 6. Plaintiff is owed costs of suit pursuant to the Note, Deed of Trust, and ORCP
2 Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and
3 owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale.
4 This amount to be satisfied by sale of the Subject Property as directed under this Judgment;

5 7. Plaintiff is owed the prevailing party fee of \$85.00, this amount to be satisfied by
6 sale of the Subject Property as directed under this Judgment.

7 8. The Sheriff shall make a return on the writ of execution to the court administrator
8 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
9 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
10 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to Stipulating
11 Defendant up to the full amount of its lien, which is \$12,800. The Defendants and all persons
12 claiming through or under Defendants, whether lien claimants, judgment creditors, claimants
13 arising under junior mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be
14 barred and foreclosed from all rights, claims, interest or equity of redemption in the Subject
15 Property and every part of the Subject Property when the time for redemption has elapsed;

16 9. Plaintiff or any other party to this action may become a purchaser at the
17 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
18 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
19 successor in interest may apply to this Court for a writ of assistance to gain possession of the
20 subject property if Defendants or any other party or person refuses to surrender possession;

21 ///
22 ///
23 ///
24 ///
25 ///
 ///

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

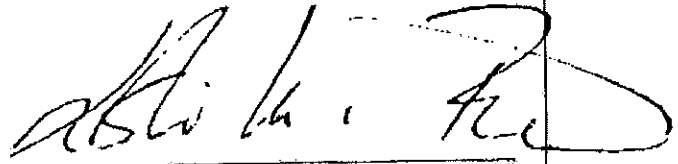
DECLARATION OF AMOUNT DUE

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$112,166.63.
2. Simple interest at the variable rate currently at 4.240% (\$8,240 *per diem*) after 2/3/2017, through the date of sale.
3. Attorney fees of \$ 4,460
4. Costs of \$ 1071
5. Prevailing party fee; \$85.00.

IT IS SO ADJUDGED.

Signed: 4/18/2017 10:17 AM



Circuit Court Judge Leslie Roberts

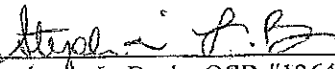
<STIPULATIONS NEXT PAGE.>

1 IT IS SO STIPULATED:

2 Submitted and stipulated to by:

3 ALDRIDGE PITE, LLP

4

5  Date 4/4/17

6 Stephanie L. Beale, OSB #136474


7 sbeale@aldridgepite.com

8 *Of Attorneys for Plaintiff*

9 *Wells Fargo Bank, N.A.*

10

11 ELLEN F. ROSENBLUM, Attorney General

12  Date 4/4/17

13 Daniel J. Rice, OSB #084536

14 Assistant Attorney General

15 Department of Justice

16 daniel.rice@doj.state.or.us

17 *Of Attorneys for Defendant*

18 *State of Oregon*

19

20

21

22

23

24

25

26

27

28

29

1 CERTIFICATE OF READINESS

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

3 Service is not required under UTCR 5.100 because the other party has
4 been found **in default** or an order of default is being requested with this proposed
5 Order or Judgment; because this Order or Judgment is submitted **ex parte** as
6 allowed by statute or rule; or this Order or Judgment is being submitted in open
7 court with all parties present.

8 Each party affected by this Order or Judgment has stipulated to or
9 approved the Order or Judgment, as shown by the signatures on the Order or
10 Judgment.

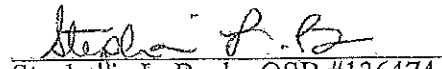
11 I have served a copy of this Order or Judgment and written notice of the
12 objection period set out in UTCR 5.100 on all parties entitled to service and:

13 No objections have been served on me within that time frame;

14 I received objections that I could not resolve with the other party
15 despite reasonable efforts to do so. I have filed with the Court a copy of
16 the objections I received and indicated which objections remain
17 unresolved.

18 After conferring about objections, the other party agreed to file any
19 remaining objection with the Court.

20 Dated: 4/4/17

21 
22 Stephanie L. Beale, OSB #136474