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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF LINCOLN

BANK OF AMERICA, N.A.,  
SUCCESSOR BY MERGER TO BAC  
HOME LOANS SERVICING, LP FKA  
COUNTRYWIDE HOME LOANS  
SERVICING, LP, ITS SUCCESSORS IN  
INTEREST AND/OR ASSIGNS

Plaintiff,

vs.

UNKNOWN HEIRS OF HELEN P. BUES;  
UNKNOWN SUCCESSOR TRUSTEE OF  
THE HELEN P. BUES TRUST, DATED  
SEPT. 24, 2004; MELODY ANN SMITH,  
AS SUCCESSOR TRUSTEE OF THE  
HELEN P. BUES TRUST, DATED SEPT.  
24, 2004; MARYANNE BUES-  
BARTLETT, INDIVIDUALLY; DWIGHT  
BUES; STATE OF OREGON;  
OCCUPANTS OF THE PREMISES; AND  
THE REAL PROPERTY LOCATED AT  
360 SOUTHWEST DOUBLE EAGLE  
DRIVE, WALDPORT, OREGON 97394

Defendants.

Case No. 131616

WRIT OF EXECUTION

RECEIVED

OCT 10 2017

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

*JmA*

TO: LINCOLN COUNTY SHERIFF

1- WRIT OF EXECUTION  
S&S No. 17-119922

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 WHEREAS, on August 11, 2017, in the above-entitled court, a General Judgment of  
2 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and  
3 was duly entered and docketed in the above-entitled cause

4 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
5 commanded to sell, in the manner prescribed by law for the sale of real property upon execution  
6 (subject to redemption) all of the interest which the defendants had on October 14, 1999, the date  
7 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the  
8 real property described in the judgment:

9 LOT 1, BLOCK 8, CEDAR HEIGHTS PARK PHASE 3, IN LINCOLN COUNTY, OREGON.  
10 and commonly known as 360 Double Eagle, Waldport, OR 97394 to satisfy the sum of  
11 \$125,507.75, as of August 15, 2017, together with additional post judgment interest of 9.00%  
12 from that date (\$30.92 per day), and costs of this execution, making due return within 60 days  
13 after you receive this writ.  
14

15 //  
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1 BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS  
2 SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP, its successors in  
3 interest and/or assigns is the Judgment Creditor, and its address for purpose of this writ only is:  
4 C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
5 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.  
6



Signed: 8/17/2017 04:08 PM

10  
11

A handwritten signature in black ink, appearing to read "St. Zalewski".

12  
13

**Circuit Court Clerk Steven Zalewski**

14 Submitted by:  
15 Attorneys for Plaintiff,  
16 SHAPIRO & SUTHERLAND, LLC

17 By:   
18 \_\_\_\_\_

19 [ ] James A. Craft #090146 [jcraft@logs.com]  
20 [X] Kelly D. Sutherland #873575 [ksutherland@logs.com]  
21 [ ] Cara J. Richter #094855 [crichter@logs.com]  
22 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
23 [ ] Joshua R. Orem # 116872 [jorem@logs.com]\*  
24 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
25 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
26 (360)260-2253; Fax (360)260-2285

27 3- WRIT OF EXECUTION  
28 S&S No. 17-119922

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LINCOLN

BANK OF AMERICA, N.A., SUCCESSOR BY  
MERGER TO BAC HOME LOANS SERVICING,  
LP FKA COUNTRYWIDE HOME LOANS  
SERVICING, LP, ITS SUCCESSORS IN  
INTEREST AND/OR ASSIGNS,

Case No. 131616

Plaintiff,

GENERAL JUDGMENT OF  
FORECLOSURE

vs.

UNKNOWN HEIRS OF HELEN P. BUES;  
UNKNOWN SUCCESSOR TRUSTEE OF THE  
HELEN P. BUES TRUST, DATED SEPT. 24,  
2004; MELODY ANN SMITH, AS SUCCESSOR  
TRUSTEE OF THE HELEN P. BUES TRUST,  
DATED SEPT. 24, 2004; MARYANNE BUES-  
BARTLETT, INDIVIDUALLY; DWIGHT BUES;  
STATE OF OREGON; OCCUPANTS OF THE  
PREMISES; AND THE REAL PROPERTY  
LOCATED AT 360 SOUTHWEST DOUBLE  
EAGLE DRIVE, WALDPOR, OREGON 97394,

Defendants.

Default having been entered against Defendant(s), Occupant of the Premises, Unknown  
Heirs of Helen P. Bues, The Real Property at 360 Southwest Double Eagle Drive, Waldport, OR  
97394, State of Oregon and Dwight Bues and Plaintiff having prevailed at Trial against  
Defendant, Maryanne Bues- Bartlett:

1 - GENERAL JUDGMENT OF FORECLOSURE  
S&S No. 17-119922

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 It is hereby

2 ORDERED AND ADJUDGED:

3 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
4 Lincoln County, Oregon is commonly known as 360 Double Eagle, Waldport, OR 97394  
5 and is legally described as follows:

6 LOT 1, BLOCK 8, CEDAR HEIGHTS PARK PHASE 3, IN LINCOLN COUNTY,  
7 OREGON.  
8

9  
10 2. The Deed of Trust executed and delivered by Defendant, Helen P. Bues ("Borrower") on or  
11 about October 14, 1999 and recorded on October 25, 1999 as Document No. B391 P1588 in  
12 the official records of Lincoln County, Oregon, is a valid and perfected lien against all of the  
13 Property for the amount of Plaintiff's judgment as provided herein.

14 3. The Plaintiff is the holder of the original note dated October 14, 1999 and made by Helen P.  
15 Bues in the amount of \$103,250.00. A copy of the Note was attached to the complaint as  
16 Exhibit "1". Plaintiff is the holder of the Note and the beneficial interest in the Deed of  
17 Trust (together the "Loan").  
18

19 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
20 interest in the Property is foreclosed and terminated excepting only any statutory right of  
21 redemption as provided by Oregon law.

22 //

23 //

24 //

25 2 - GENERAL JUDGMENT OF FORECLOSURE  
26 S&S No. 17-119922

SHAPIRO & SUTHERLAND, LLC  
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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
5 interests and priorities.
- 6
- 7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 8 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or  
9 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lincoln  
10 County Sheriff's Office in accordance with the process for sale upon execution, and the  
11 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the  
12 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority  
13 as their interest may appear or to the clerk of the court to be distributed to such party of  
14 parties as may establish their right thereto.
- 15
- 16 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 17 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property  
18 from and after the date of the sale and is entitled to such remedies as are available at law or  
19 in equity to secure possession.
- 20
- 21 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or  
22 any person holding possession under or through such Defendant(s) shall refuse to surrender  
23 possession to the purchaser immediately on the purchaser's demand for possession.

24 //

1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2 Principal	\$83,777.30	
3 Prejudgment interest at 7.875% through June 4 8, 2017 5 (accruing thereafter until entry of judgment 6 at \$18.08 per diem)		\$35,862.88
7 Late Charges	\$28.89	
8 Other Costs and fees (recoverable)	0.00	
9 Subtotal		\$83,806.19
10 Total plus Prejudgment Interest		\$119,669.07

11 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

12 Costs		\$2,207.88
13 Title Search Cost	\$510.00	
14 Filing Fee	\$531.00	
15 Lis Pendens Recording Fee	\$63.00	
16 Service by Publication	\$503.88	
17 Service Costs	\$325.00	
18 Prevailing Party Fee	\$275.00	
19 Attorney fees		\$2,350.00
20 Total		\$4,557.88

21 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate  
22 of 9% per annum pursuant to ORS 82.010.

23 //  
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is  
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no  
3 event should it be construed as establishing personal liability for any persons whose debt has  
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay  
6 the amounts due to Plaintiff, Plaintiff shall not be entitled to any further judgment, including  
7 a judgment for deficiency.  
8

9 15. Execution may issue for the aggregate amount found due Plaintiff herein as detailed in  
10 Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to  
11 the Amounts Due plus such additional amounts as provided by ORS 18.936 or other  
12 applicable law.  
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
20 18.936.  
21

22 //

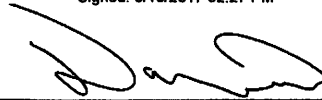
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
4

Signed: 8/10/2017 02:27 PM



Circuit Court Judge David V. Cramer

8 Submitted by:  
9 Attorneys for Plaintiff,  
10 SHAPIRO & SUTHERLAND, LLC

11 By: \_\_\_\_\_

James A. Craft #090146 [jcraft@logs.com]  
12  Kelly D. Sutherland #873575 [ksutherland@logs.com]  
 Cara J. Richter #094855 [crichter@logs.com]  
13  Holger Uhl #950143 [huhl@logs.com]\*  
14  Joshua R. Orem # 116872 [jorem@logs.com]\*  
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25 6 - GENERAL JUDGMENT OF FORECLOSURE  
26 S&S No. 17-119922

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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON

6 IN AND FOR THE COUNTY OF LINCOLN

7 BANK OF AMERICA, N.A., SUCCESSOR BY  
8 MERGER TO BAC HOME LOANS SERVICING,  
9 LP FKA COUNTRYWIDE HOME LOANS  
SERVICING, LP, ITS SUCCESSORS IN  
INTEREST AND/OR ASSIGNS

Case No. 131616

10 Plaintiff,

CERTIFICATE OF READINESS

11 vs.

12 UNKNOWN HEIRS OF HELEN P. BUES;  
13 UNKNOWN SUCCESSOR TRUSTEE OF THE  
HELEN P. BUES TRUST, DATED SEPT. 24,  
14 2004; MELODY ANN SMITH, AS SUCCESSOR  
TRUSTEE OF THE HELEN P. BUES TRUST,  
15 DATED SEPT. 24, 2004; MARYANNE BUES-  
BARTLETT, INDIVIDUALLY; DWIGHT BUES;  
16 STATE OF OREGON; OCCUPANTS OF THE  
PREMISES; AND THE REAL PROPERTY  
17 LOCATED AT 360 SOUTHWEST DOUBLE  
EAGLE DRIVE, WALDPORT, OREGON 97394

18 Defendants.

19  
20 **Certificate of Readiness under UTCR 5 100**

21 I certify that on AUG 09 2017, 2017, this proposed judgment/order is ready  
22 for judicial signature because:

23      Service is not required under UTCR 5.100 (1)(c) because the other party has been found in  
24 **default** or an order of default is being requested with this proposed judgment/order; because  
this judgment/order is submitted **ex parte** as allowed by statute or rule; or this judgment/order  
25 is being submitted in **open court** with all parties present.

26 CERTIFICATE OF READINESS  
S&S No. 17-119922

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1 \_\_\_ Each party affected by this judgment/order has **stipulated** to or **approved** the  
2 judgment/order, as shown by the signatures on the judgment/order, or by written confirmation  
3 sent to me.

4  I have **served** (complete service section below) a copy of this judgment/order and the  
5 *Notice of Proposed Judgment/order* to all parties entitled to service. **And:**

6  No objection has been served on me within the 7-day time frame.

7 \_\_\_ I received objections that I could not resolve with the other party despite reasonable efforts  
8 to do so. I have filed with the court a copy of the objections I received and indicated which  
9 objections remain unresolved.

10 \_\_\_ After conferring about objections, the other party agreed to file any remaining objection  
11 with the court.

12 DATED: August 9, 2017

13 Attorneys for Plaintiff  
14 SHAPIRO & SUTHERLAND, LLC

15 By: \_\_\_\_\_

- 16  James A. Craft #090146 [jcraft@logs.com]
- 17  Kelly D. Sutherland #873575 [ksutherland@logs.com]
- 18  Cara J. Richter #094855 [crichter@logs.com]
- 19  Holger Uhl #950143 [huhl@logs.com]\*
- 20  Joshua R. Orem # 116872 [jorem@logs.com]\*
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