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

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

THE ESTATE OF MANFRED BEIL; THE UNKNOWN HEIRS AND ASSIGNS OF MANFRED BEIL; THE UNKNOWN DEVISEES OF MANFRED BEIL; DAGMAR E. BEIL; THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; STATE OF OREGON, DEPARTMENT OF HUMAN SERVICES (ESTATE ADMINISTRATION UNIT); and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1339 NW WARRENTON DRIVE, WARRENTON, OR 97146,

Defendant.

Case No. 16CV27939

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants THE ESTATE OF MANFRED BEIL; THE UNKNOWN HEIRS AND ASSIGNS OF MANFRED BEIL; THE UNKNOWN DEVISEES OF MANFRED BEIL; DAGMAR E. BEIL; THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; STATE OF OREGON, DEPARTMENT OF HUMAN SERVICES (ESTATE ADMINISTRATION UNIT); and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1339 NW WARRENTON DRIVE, WARRENTON, OR 97146, the records on file herein, and pursuant to the Motion for General

1 Judgment and Declaration of Amount Due by Default by Plaintiff WELLS FARGO BANK,
2 N.A. ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 1339 NW
5 WARRENTON DRIVE, WARRENTON, OR 97146 ("Subject Property"), as evidenced by the
6 Deed of Trust recorded December 27, 2006 in the official records of Clatsop County as
7 instrument number 200614405 ("Deed of Trust"), is a viable first priority lien, superior to the
8 interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all
9 Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The
10 Subject Property is legally described as follows:

11 LOTS 41, 42, 43 AND 44, BLOCK 31, FLAVEL, IN THE CITY OF WARRENTON,
12 CLATSOP COUNTY, OREGON

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

16 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
17 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
18 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
19 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

20 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
21 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
22 68(C), which amount may be added to the outstanding obligation due and owing under the Note
23 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
24 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
25 by sale of the Subject Property as directed under this Judgment;

26 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule

1 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
2 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
3 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
4 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

5 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
6 sale of the Subject Property as directed under this Judgment.

7 7. 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 such party or
11 parties as may establish their right thereto. The Defendants and all persons claiming through or
12 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
13 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
14 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
15 every part of the Subject Property when the time for redemption has elapsed;

16 8. 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 **DECLARATION OF AMOUNT DUE BY DEFAULT**

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

- 24 1. The amount owed to Plaintiff on the note is \$168,824.22 through 3/30/2017.
25 2. Simple interest at the variable rate currently at 2.31% (\$10.66 *per diem*) after
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1 3/30/2017, through the date of sale.

2 3. Attorney fees of \$2,550.00, plus \$650, through the date of sale.

3 4. Costs of \$3,828.00, plus costs accrued through the date of sale.


4 5. Prevailing party fee: \$300.00.

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6 **IT IS SO ADJUDGED**

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Signed: 6/16/2017 04:04 PM



Circuit Court Judge Cindee S. Matyas

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CERTIFICATE OF READINESS

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

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1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.

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2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

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3. I have served a copy of this Order or Judgment on all parties entitled to service and:

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

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b. I received objections that I could not resolve with the opposing 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;

c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.

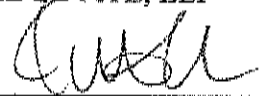
4. The relief sought is against an opposing party who has been found in default.

5. An order of default is being requested with this proposed judgment.

6. Service is not required pursuant to subsection (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 6/17/12

Katie Riggs (OSB # 095861)
(858) 750-7600
(619) 326-2430
kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff