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CLACKAMAS COUNTY SHERIFF

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1 Craig Peterson, OSB #120365  
2 Jaimie Fender, OSB #120832  
3 Kimberly Hood, OSB #123008  
4 Robinson Tait, P.S.  
5 901 Fifth Avenue, Suite 400  
6 Seattle, WA 98164  
7 Phone: (206) 676-9640  
8 Fax: (206) 676-9659  
9 Email: cpeterson@robinsontait.com  
10 Email: jfender@robinsontait.com  
11 Email: khood@robinsontait.com

9 CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

10 WELLS FARGO BANK, N.A.,

11 Plaintiff,

NO. 16CV16039

12 v.

WRIT OF EXECUTION IN FORECLOSURE

13  
14 UNKNOWN HEIRS AND DEVISEES OF  
15 PHILLIP J KING, DECEASED, VALERIE  
16 KING, AND PERSONS OR PARTIES  
17 UNKNOWN CLAIMING ANY RIGHT,  
18 TITLE, LIEN, OR INTEREST IN THE  
19 PROPERTY DESCRIBED IN THE  
20 COMPLAINT HEREIN,

21 Defendants.

22 TO: CLACKAMAS COUNTY SHERIFF

23 1. WHEREAS, on July 27, 2017, in the above-entitled court, a judgment of foreclosure  
24 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as  
25 **Exhibit "A"** and made a part hereof;

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

27 WELLS FARGO BANK, N.A.  
28 c/o Wells Fargo Home Mortgage

1  
2 1200 W. 7th St., 2nd Fl.  
3 Los Angeles, CA 90017

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

5 Wells Fargo Home Mortgage  
6 c/o Robinson Tait, P.S.  
7 901 Fifth Avenue, Suite 400  
8 Seattle, Washington 98164

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

11 LEGAL DESCRIPTION IS ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.  
12 and commonly known as 32160 S Shady Dell Road, Molalla, OR 97038.

13 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
14 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
15 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
16 had on March 7, 2006, the date of the Deed of Trust, and also all of the interest which the  
17 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,  
18 which as of August 3, 2017,  
19

20 **Lenders Principal Judgment:**

21		
22	1. Unpaid Principal Balance	<u>\$145,373.46</u>
23	2. Pre-Judgment Interest from October 1, 2015	
24	to April 24, 2017, the date calculated by the Declarant	
25	in the Declaration in Support of Judgment	<u>\$14,485.38</u>
26	3. Lenders Fees and Costs	<u>\$6,098.45</u>
27	4. Attorney's Fees and Costs	<u>\$4,218.90</u>
28		
	<b><i>Total Judgment Award Entered</i></b>	<u><b>\$170,176.19</b></u>

1 **Additional Pre Judgment Interest**

2  
3 1. Accrued Interest from April 25, 2017  
4 to July 27, 2017 the date of entry  
5 of Judgment \$2,386.66

6 ***Total Judgment Award*** \$172,562.85

7  
8 **Post Judgment Interest**

9  
10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$42.55, from July 28,  
11 2017, the day after the entry of judgment, through August 17, 2017,  
12 the date the writ is being requested \$893.55

13 ***Current Total Amount Owing*** \$173,456.40

14  
15 In addition to the above, interest continues to accrue on the total of the amounts listed above  
16 at the rate of 9% per annum or at \$42.55 per diem, in accordance with the General Judgment of  
17 Foreclosure and continues to accrue until the date of sale.

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1  
2 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize  
3 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be  
4 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

5 MAKE RETURN HEREOF within 60 days after you receive this writ.

6  
7 DATED this 30 day of August, 2017.

8  
9  
10  
11 Wendy Watson



12  
13  
14  
15 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.  
16 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,  
17 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING  
18 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST  
19 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

17  
18 Kimberly Hood  
19 [ ] Craig Peterson, OSB #120365  
20 Email: cpeterson@robinsontait.com  
21 [ ] Jaimie Fender, OSB #120832  
22 Email: jfender@robinsontait.com  
23 [ ] Kimberly Hood, OSB #123008  
24 Email: KHood@robinsontait.com  
25 Robinson Tait, P.S.  
26 Attorneys for Plaintiff  
27 Tel: (206) 676-9640  
28 Fax: (206) 676-9659

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

UNKNOWN HEIRS AND DEVISEES OF  
PHILLIP J KING, DECEASED; VALERIE  
KING; AND PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

NO. 16CV16039

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, WELLS FARGO BANK, N.A., 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 - 1  
60005-00858-JUD-OR1720719

*Law Office*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100  
Seattle, WA 98161  
(206) 467-9610

1  
2 IT IS HEREBY ORDERED AND ADJUDGED THAT:

3 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of  
4 \$145,373.46, together with interest at a rate as provided in the Note from October 1, 2015 through April  
5 24, 2017 in the amount of \$14,485.38 with additional pre-judgment interest at the per diem rate of  
6 \$25.39 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the  
7 amount of \$2,050.00, plus other recoverable amounts of \$6,098.45 which includes the amounts itemized  
8 in the declaration of the lender in support of motion for judgment plus allowable costs of \$2,168.90 as  
9 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said  
10 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.  
11

12 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally  
13 described as follows:  
14

15 LEGAL DESCRIPTION IS ATTACHED HERETO AS **EXHIBIT A**.

16 which was recorded on March 24, 2006, under Auditor's File No. 2006-025920, records of  
17 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above  
18 described real estate and the whole thereof as security for the payment of the judgment herein set  
19 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
20 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds  
21 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and  
22 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first  
23 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or  
24 interest of Unknown Heirs and Devisees of Phillip J King, Deceased, Valerie King, and Persons or  
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27  
28

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 2  
60005-00858-11-D-OR1729749

*Law Office*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100  
Seattle, WA 98101  
1 2 0 6 3 4 7 3 9 6 1 0

1 Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the  
2 Complaint Herein and of any one claiming by, through or under them; and  
3

4 3. Unknown Heirs and Devisees of Phillip J King, Deceased, Valerie King, and Persons  
5 or Parties Unknown Claiming Any Right, Title, Lien, or Interest in the Property Described in the  
6 Complaint Herein subsequent to March 7, 2006, the date of the Deed of Trust which is foreclosed  
7 herein, be forever barred and estopped from claiming or asserting any right, title, lien or interest in or  
8 to said property or any part thereof, save and except for the right of redemption as allowed by law;  
9  
10 and

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  
20 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
21 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
22 pay the remaining proceeds as directed by the court in the order of distribution.  
23  
24

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

27 Judgment Creditor:

WELLS FARGO BANK, N.A.  
c/o Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400

28  
GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 3  
60005-00858-JUD-OR1720749

*Law Offices*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400  
Seattle WA 98101  
(206) 676-9610



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Seattle, WA 98164  
(206) 676-9640

Attorney for Judgment Creditor: Craig Peterson  
Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
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: None

Principal Balance: \$145,373.46

Simple Interest on the Principal Balance  
from October 1, 2015 to April 24, 2017: \$14,485.38

Other Amounts Due Under Terms of Loan: \$6,098.45

Attorneys' Fees and Costs:  
Attorneys' Fee: \$2,050.00  
Total Costs: \$2,168.90

Total Attorney Fees and Costs: \$4,218.90

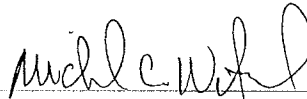
*TOTAL DEBT OWED* \$170,176.19

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1  
2 Pre-Judgment: Additional pre-judgment interest accrues from April 24, 2017, to the date of  
3 entry of judgment at the per diem rate of \$25.39, in accordance with the Note

4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with  
5 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.  
6  
7  
8

Signed: 7/27/2017 04:27 PM

9  
10 

11 Circuit Court Judge Michael C. Wetzel

12  
13  
14 Submitted by:

15  
16 

17  Craig Peterson, OSB #120365

Email: cpeterson@robinsontait.com

18  Jaimie Fender, OSB #120832

Email: jfender@robinsontait.com

19  Kimberly Hood, OSB #123008

Email: khood@robinsontait.com

20  Michael Althouse, OSB #150793

Email: malthouse@robinsontait.com

21  Gregory Morphew, OSB #170214

Email: gmorphew@robinsontait.com

22 Robinson Tait, P.S.

23 Attorneys for Plaintiff

24 Tel: (206) 676-9640

25 Fax: (206) 676-9659  
26  
27  
28

# Exhibit A

A  
EXHIBIT "ONE"

Lot 19, REPLAT OF SHADY DELL, County of Clackamas and State of Oregon.

EXCEPT the portion of block 19, lying South of a line drawn between a point on the Westerly line of said Block, which is North  $14^{\circ}30'$  East, 82.00 feet from the Southwest corner of said Block, and a point on the Easterly line of said Block, which is North  $68^{\circ}$  East, measured along the Block line, 82.00 feet from the Southeast corner of said Block.

(116)

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:

5-15-17

  
\_\_\_\_\_  
Attorney, OSB

120365