

RCUD DESCHUTES 21SEP17 16:12

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12 CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

13 WELLS FARGO BANK, N.A.,

14 Plaintiff,

NO. 17CV01431

15 v.

WRIT OF EXECUTION IN FORECLOSURE

16 GAYLE M. CARSEY, PPU, AND PERSONS
17 OR PARTIES UNKNOWN CLAIMING ANY
18 RIGHT, TITLE, LIEN, OR INTEREST IN
19 THE PROPERTY DESCRIBED IN THE
20 COMPLAINT HEREIN,

21 Defendants.

22 TO: DESCHUTES COUNTY SHERIFF

23 1. WHEREAS, on July 19, 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
1 Home Campus
Des Moines, IA 50328-0001

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

Wells Fargo
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, Washington 98164

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

LEGAL DESCRIPTION IS ATTACHED TO THE JUDGMENT HERETO AS EXHIBIT A.
and commonly known as 62260 Deer Trail Road, Bend, OR 97701.

4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell the above referenced real property, in the manner prescribed by law for the sale of real property upon execution (subject to redemption), all of the interest which the defendant(s) had on June 20, 2008, the date of the Deed of Trust, and also all of the interest which the defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of August 4, 2017,

Lenders Principal Judgment:

- | | |
|--|---------------------|
| 1. Unpaid Principal Balance | <u>\$353,654.09</u> |
| 2. Pre-Judgment Interest from July 1, 2016 to March 28, 2017, the date calculated by the Declarant in the Declaration in Support of Judgment | <u>\$10,477.23</u> |
| 3. Lenders Fees and Costs | <u>\$4,013.44</u> |
| 4. Attorney's Fees and Costs | <u>\$4,889.48</u> |

Total Judgment Award Entered \$373,034.24

Additional Pre Judgment Interest

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| 1. Accrued Interest from March 29, 2017 to July 19, 2017 the date of entry |
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of Judgment \$4,379.88

Total Judgment Award \$377,414.12

Post Judgment Interest

- 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$93.06, from July 20, 2017, the day after the entry of judgment, through August 4, 2017, the date the writ is being requested \$1,488.96

Current Total Amount Owing \$378,903.08

In addition to the above, interest continues to accrue on the total of the amounts listed above at the rate of 9% per annum or at \$93.06 per diem, in accordance with the General Judgment of Foreclosure and continues to accrue until the date of sale.

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

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

DATED this _____ day of _____, 2017.

Signed: 8/16/2017 07:57 AM



Trial Court Administrator Jeffrey E. Hall



EXHIBIT A

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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

GAYLE M. CARSEY; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 17CV01431

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,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - F
6011157654-D-001-01

ROBINSON TAIT, P. S.

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2 1 Plaintiff WFLS FARGO BANK, N.A. be awarded judgment in the sum of
3 \$353,654.09, together with interest at a rate as provided in the Note from July 1, 2016 through March 28,
4 2017 in the amount of \$10,477.23 with additional pre-judgment interest at the per diem rate of \$38.76 as
5 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
6 \$2,600.00, plus other recoverable amounts of \$4,013.44 which includes the amounts itemized in the
7 declaration of the lender in support of motion for judgment plus allowable costs of \$2,289.48 as itemized
8 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
9 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and
10

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

14 LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT A.
15 which was recorded on June 25, 2008, under Auditor's File No. 2008-27213, records of Deschutes
16 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
17 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
18 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
19 Sheriff of Deschutes County in the manner provided for by law, and the proceeds therefrom shall be
20 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
21 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
22 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
23 defendant and of any one claiming by, through or under them; and
24
25

26 3 Any and all persons acquiring any right, title, estate, lien or interest in or to the
27 property described above or any part thereof subsequent to June 20, 2008, the date of the Deed of
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2 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right.
3 title, lien or interest in or to said property or any part thereof, save and except for the right of
4 redemption as allowed by law; and

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

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14 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
15 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
16 pay the remaining proceeds as directed by the court in the order of distribution.
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19 **DECLARATION DETERMINING AMOUNT OF DEBT**
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

20
21 Judgment Creditor: WELLS FARGO BANK, N A
22 c/o Robinson Tait, P.S.
23 901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

24 Attorney for Judgment Creditor: Craig Peterson
25 Robinson Tait, P.S.
26 901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

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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:	\$353,654.09
Simple Interest on the Principal Balance from July 1, 2016 to March 28, 2017:	\$10,477.23
Other Amounts Due Under Terms of Loan:	\$4,013.44
Attorneys' Fees and Costs: Attorneys' Fee: \$2,600.00 Total Costs: \$2,289.48	
Total Attorney Fees and Costs:	\$4,889.48
<i>TOTAL DEBT OWED</i>	\$373,034.24

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Pre-Judgment: Additional pre-judgment interest accrues from March 28, 2017, to the date of entry of judgment at the per diem rate of \$38.76, in accordance with the Note

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

Signed: 7/19/2017 03:03 PM



Circuit Court Judge Wells B. Ashby

Submitted by:



Craig Peterson, OSB #120365
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 Jamie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
Email: khood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

OF SLIP, TURNING DETERMINING
AMOUNT OWED AND FORECLOSURE

ROBINSON TAIT, P.S.

Exhibit A

A tract of land lying in the West Half of the Northwest Quarter (W1/2 NW1/4) of Section Thirty-Two (32), Township Seventeen (17) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon and being more particularly described as follows:

Starting at the West 1/16th corner, Sections 29 and 32, T. 17 S., R. 13, E.W.M., said 1/16th corner being on the line common to said Sections 29 and 32; thence South 00°02'55" East, 1653.10 feet along the East line of the W1/2 NW1/4 of Section 32, T. 17 S., R. 13, E.W.M., to the true point of beginning for the following described parcel of land, being known as Tract #6 in the W1/2 NW1/4, Section 32, T. 17 S., R. 13, E.W.M.; thence North 89°56'19" West, 629.71 feet to a point on said Easterly right of way line of an existing 60 foot roadway; thence South 0°06'44" East, 330.00 feet along said Easterly right of way line to a point on said Easterly right of way line; thence South 89°56'19" East, 629.34 feet, more or less, to a point being on the Easterly line of said W1/2 NW1/4, Section 32, T. 17 S., R. 13, E.W.M.; thence North 00°02'55" West 330.00 feet to the true point of beginning.