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

CAPITAL ONE, N.A.,

Plaintiff,

vs.

DAVID W. SHUTTE, an individual; DAINA
ASTASAITIS SHUTTE, an individual;
SUNTRUST BANK; STATE OF OREGON;
JP MORGAN CHASE BANK; UNITED
STATES OF AMERICA; and all other
persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: CV15080128

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF CLACKAMAS COUNTY, OREGON:

1.

WHEREAS, on May 2, 2017, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to

1 redemption, if applicable), all of the interest which the Defendants DAVID W. SHUTTE, DAINA
2 ASTASAITIS SHUTTE, SUNTRUST BANK, STATE OF OREGON, JP MORGAN CHASE
3 BANK, and UNITED STATES OF AMERICA (“Defendants”) had on July 3, 2007, the date of the
4 foreclosed Deed of Trust which was recorded on July 10, 2007, as Instrument No. 2007-060290 in
5 the official records of the Clackamas County Recorder’s Office, and/or all of the interest which
6 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as
7 follows:

8
9 **Lender’s Principal Judgment:**

10 Unpaid Principal Balance:	\$501,654.16
11 Pre-Judgment Interest from November 1, 2014 to February 8, 2017, the date set 12 forth in the Judgment at 3.00%, per annum, (\$41.23 per diem):	\$28,872.49
13 Lender’s Fees and Costs:	\$28,034.80
Attorney’s Fees and Costs:	\$5,283.00

14 ***Total Judgment Entered:*** **\$563,844.45**

15
16 **Additional Pre-Judgment Interest:**

17 Accrued Interest from February 9, 2017, the day after the date set forth in 18 the Judgment through May 2, 2017, the date of entry of the Judgment, at 3.00%, 19 per annum (\$41.23 per diem):	\$3,380.86
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20 ***Total Judgment Entered Including
Additional Pre-Judgment
21 Interest:*** **\$567,228.31**

22 3.

23 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$567,228.31** at
24 the legal rate of interest of 9% per annum, \$139.86 per diem, from May 3, 2017 to the date the real
25 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
26 this Writ, Sherriff’s fees and sale costs, and all other recovered costs pursuant to law.

27 4.

28 The real property subject to this writ of execution is commonly known as 13209 TWIN

1 CREEK COURT, LAKE OSWEGO, OR 97035 ("Property") and described in Exhibit "1" attached
2 hereto.

3 5.

4 The Judgment Creditor's name and address is:

5 Capital One, N.A.

6 7933 Preston Rd

7 Plano, Texas 20707-2918

8 The Judgment Creditor's name and address for the purpose of this Writ is:

9 Capital One, N.A.

10 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

11 2112 Business Center Drive

12 Irvine, CA 92612

13 949-252-9400


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

17 MAKE RETURN HEREOF within 60 days after you receive this Writ
18 Court Administrator relies on the information
19 provided by the person seeking issuance of
20 this writ of execution and is not liable for any
21 errors or omissions in the information . .



Wendy Watson
Dated 8/4/17

21 Submitted by:

22 
23 _____
24 Nathan F. Smith, OSB #120112
25 Attorney for Plaintiff
26 MALCOLM ♦ CISNEROS, A Law Corporation
27 2112 Business Center Drive, Second Floor
28 Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

Dated:

8/4/17

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

EXHIBIT 1

[REDACTED]

[REDACTED]

[REDACTED]

LOT 9, KRUSE CREEK, IN THE CITY OF LAKE OSWEGO, COUNTY OF CLACKAMAS AND STATE OF OREGON

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]