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

SURFWOOD VILLA HOMEOWNERS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

MICHAELYNN C. WALKER; and
PARTIES IN POSSESSION OR
CLAIMING A RIGHT TO POSSESSION,

Defendants.

Case No. 17CV04364

WRIT OF EXECUTION IN
FORECLOSURE OF
RESIDENTIAL REAL
PROPERTY

TO THE SHERIFF OF MARION COUNTY:

WIHEREAS, on March 22, 2017 in the above-entitled court, a General Judgment of
Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is
attached hereto and made part hereof;

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 residential real property upon
execution (subject to redemption), all of the interest which the defendant had on May 7, 2012,
the date of the homeowner's association lien was recorded, and also all of the interest which the
defendant had thereafter, in the real property described in the judgment, described as follows:

Lot 1, Block 11, SURFWOOD VILLA PHASE II, in the County of Marion, State
of Oregon.

The property is commonly known as 3095 Surfwood Drive Northeast, Salem, Oregon 97305
("Property").

1 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendants which
2 accrued from date of judgment to date of sale; and the cost of this writ, making due return within
3 60 days after you receive this writ. The proceeds from the sale shall be applied in accordance
4 with the judgment.

5 The balance as of April 5, 2017, exclusive of post judgment attorney fees and post
6 judgment dues and assessments is as follows:

7	1. Principal Amount:	\$ 5,686.29
8	2. Amount of Costs and Disbursements:	\$ 609.00
9	3. Pre Judgment Interest:	\$ 0.00
10	4. Amount of Attorney Fees:	\$ 2,220.00
11	5. Amount of Post-Judgment Interest (through April 5, 2017):	\$ 32.66
12	6. Subtotal through April 5, 2017: (Per diem thereafter \$4.83)	\$ 8,547.95
	7. Total amount through April 5, 2017:	\$ 8,547.95

13 The mailing address of the judgment creditor is:

14 Surfwood Villa Homeowners Association
15 c/o Vial Fotheringham LLP
16 Attn: Colin P. Mackenzie
17 17355 SW Boones Ferry Rd. Suite A
18 Lake Oswego, OR 97035

Signed: 4/18/2017 04:52 PM



19 DATED: _____

J. Tolman
J. Tolman, Court Clerk

20 By: _____

Deputy Clerk

21 Submitted by:

22 VIAL FOTHERINGHAM LLP

23 By: s/ Colin P. Mackenzie

24 Colin Mackenzie, OSB #123782
25 colin.mackenzie@vf-law.com
26 *Of Attorneys for Plaintiff Surfwood Villa
Homeowners Association*

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

SURFWOOD VILLA HOMEOWNERS
ASSOCIATION, an Oregon non-profit
corporation,

Plaintiff,

v.

MICHAELYNN C. WALKER; and
PARTIES IN POSSESSION OR
CLAIMING A RIGHT TO POSSESSION;

Defendants.

Case No. 17CV04364

GENERAL JUDGMENT OF
FORECLOSURE

This matter coming regularly before the Court on this day, and it appearing from the record that an Order for Default was entered against Defendant Michaelynn C. Walker ("Defendant"):

IT IS HEREBY ORDERED AND ADJUDGED:

1. The real property to which this judgment relates ("Property") is situated in Washington County, Oregon and is legally described as:

Lot 1, Block 11, SURFWOOD VILLA PHASE II, in the County of Marion, State of Oregon

and is more commonly known as 3095 Surfwood Dr. NE, Salem, Oregon 97305.

2. Plaintiff's Claim of Lien ("Lien"), recorded on April 25, 2014, in the real property records of Marion County, Oregon as Instrument No. 2014 0013337, is a valid and

1 subsisting lien against all of the property for the amount of Plaintiff's judgment as provided
2 herein. Plaintiff's lien is a continuing lien and the amount increases as additional unpaid
3 assessments accrue.

4 3. The interest of the Defendant subject to this judgment and any successor in
5 interest in the property is foreclosed and terminated excepting only any statutory right of
6 redemption as provided by Oregon law.

7 4. The Plaintiff's Lien is superior to any interest, lien, or claim, and shall remain in
8 effect until issuance of a Sheriff's Deed.

9 5. The Property is hereby ordered to be sold by the Marion County Sheriff's Office
10 in accordance with the process for sale upon execution.

11 6. Plaintiff, or any junior lien holders, may become purchaser at the sale of the
12 property.

13 7. The purchaser at the sale is entitled to exclusive and immediate possession of the
14 Property from and after the date of the sale and is entitled to such remedies as are available at
15 law or in equity to secure possession.

16 8. The purchaser at the sale may apply to the Court for a writ of assistance if any
17 Defendant or any person holding possession under or through such Defendant shall refuse to
18 surrender possession to the purchaser immediately on the purchaser's demand for possession.

19 9. The proceeds of sale shall be applied first toward the costs of the sale; then to
20 any assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment
21 to the date of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the
22 surplus, if any, to the party or parties who may establish their right thereto.

23 10. Since the amount of the lien referenced herein includes only assessments,
24 attorney fees, and costs incurred to the date of judgment, and regular assessments, fees and costs
25

1 increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more
2 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale
3 but are not included in this judgment.

4 11. Plaintiff is now due and owing the following amounts:

Lien Principle:	\$5,616.29
Pre-judgment Interest:	\$0.00
Total:	\$5,616.29

8 12. Continuing assessments and late fees now due and owing to Plaintiff:

Assessments and Late fees from February 2, 2017 to March 21, 2017	\$70.00
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11 13. Attorney Fees and Costs are awarded to Plaintiff as follows:

Attorney Fees (on Plaintiff's first claim):		\$2,220.00
Costs:		\$309.00
Filing Fee:	\$158.00	
Recording Costs:	\$51.00	
Process Service Fees:	\$100.00	
Prevailing Party Fee:		\$300.00
Subtotal:		\$2,829.00
Total:		\$8,515.29

18 14. Post-judgment simple interest on the aggregate of all amounts declared due
19 above shall accrue from the date of judgment at the rate of ten percent (10%) until paid.

20 15. The amounts declared due in paragraphs 11, 12, and 13 of this judgment shall
21 collectively declare the secured amount due under this Judgment of Foreclosure.

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

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17. The court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

Signed: 3/22/2017 03:03 PM


Circuit Court Judge Sean E. Armstrong

SUBMITTED BY:

By: 
Colin P. Mackenzie, OSB #123782
Of Attorneys for Plaintiff