

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

9 CIRCUIT COURT OF OREGON FOR MARION COUNTY

10 WELLS FARGO BANK, N.A.,

11 Plaintiff,

NO. 16CV33021

12 v.

WRIT OF EXECUTION IN FORECLOSURE

13  
 14 DAVID A. COTELL, PERSONAL  
 15 REPRESENTATIVE FOR THE ESTATE OF  
 16 TONIE MAY COTELL; BENEFICIAL  
 17 OREGON, INC.; GLEN E. COTELL; DAVID  
 18 A. COTELL; AND PERSONS OR PARTIES  
 19 UNKNOWN CLAIMING ANY RIGHT,  
 20 TITLE, LIEN, OR INTEREST IN THE  
 21 PROPERTY DESCRIBED IN THE  
 22 COMPLAINT HEREIN,

21 Defendants.

23 TO: MARION COUNTY SHERIFF

24 1. WHEREAS, on May 18, 2017, in the above-entitled court, a judgment of foreclosure  
 25 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as  
 26 **Exhibit "A"** and made a part hereof;

27  
 28 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

1  
2 WELLS FARGO BANK, N.A.  
3 c/o Wells Fargo Home Mortgage  
4 1200 W. 7th St., 2nd Fl.  
5 Los Angeles, CA 90017

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

7 Wells Fargo Home Mortgage  
8 c/o Robinson Tait, P.S.  
9 901 Fifth Avenue, Suite 400  
10 Seattle, Washington 98164

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

13 LOT 19, BLOCK 27, ROSEDALE ADDITION TO SALEM, MARION COUNTY,  
14 OREGON

15 and commonly known as 1365 BAKER STREET NE, Salem, OR 97301.

16 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are  
17 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the  
18 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)  
19 had on November 22, 2005, the date of the Deed of Trust, and also all of the interest which the  
20 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,  
21 which as of May 22, 2017,

22 **Lenders Principal Judgment:**

|    |  |                     |
|----|--|---------------------|
| 23 |  |                     |
| 24 | 1. Unpaid Principal Balance                                | <u>\$87,369.51</u>  |
| 25 | 2. Pre-Judgment Interest from January 1, 2016              |                     |
| 26 | to December 21, 2016, the date calculated by the Declarant |                     |
| 27 | in the Declaration in Support of Judgment                  | <u>\$5,410.85</u>   |
| 28 | 3. Lenders Fees and Costs                                  | <u>\$2,495.31</u>   |
|    | 4. Attorney's Fees and Costs                               | <u>\$4,945.98</u>   |
|    | <b><i>Total Judgment Award Entered</i></b>                 | <u>\$100,221.65</u> |

1  
2 **Additional Pre Judgment Interest**

3  
4 1. Accrued Interest from December 22, 2016  
5 to May 18, 2017, the date of entry  
6 of Judgment \$2,258.48  
7  
8 ***Total Judgment Award*** \$102,480.13

9 **Post Judgment Interest**

10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$25.27, from May 19,  
11 2017, the day after the entry of judgment, through May 22, 2017,  
12 the date the writ is being requested \$101.08  
13  
14 ***Current Total Amount Owing*** \$102,581.21

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 \$25.27 per diem, in accordance with the General Judgment of  
17 Foreclosure and continues to accrue until the date of sale.

18  
19 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize  
20 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be  
21 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

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

23  
24 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

25 Signed 5/23/2017 04:46 PM

26  
27   
28 J. Tolman, Court Clerk



# Exhibit A

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

DAVID A. COTELL, PERSONAL REPRESENTATIVE FOR THE ESTATE OF TONIE MAY COTELL; BENEFICIAL OREGON, INC.; GLEN E. COTELL; DAVID A. COTELL; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN.

Defendants.

NO. 16CV33021

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.

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1  
60005-00923-010-OR172-026

ROBINSON TAIT, P.S.

260 Fifth Avenue, Suite 400  
Seattle, WA 98101  
Tel: 206.461.1100

1  
2 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in  
3 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of \$87,369.51,  
6 together with interest at a rate as provided in the Note from January 1, 2016 through December 21, 2016  
7 in the amount of \$5,410.85 with additional pre-judgment interest at the per diem rate of \$15.26 as  
8 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of  
9 \$2,600.00, plus other recoverable amounts of \$2,495.31 which includes the amounts itemized in the  
10 declaration of the lender in support of motion for judgment plus allowable costs of \$2,345.98 as itemized  
11 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to  
12 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and  
13  
14

15 2. Plaintiff's Deed of Trust on real property in Marion County, Oregon, legally described  
16 as follows:

17 LOT 19, BLOCK 27, ROSEDALE ADDITION TO SALEM, MARION COUNTY,  
18 OREGON

19 which was recorded on December 2, 2005, under Auditor's File No. Reel:2574 Page:293, records of  
20 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above  
21 described real estate and the whole thereof as security for the payment of the judgment herein set  
22 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
23 sold by the Sheriff of Marion County in the manner provided for by law, and the proceeds therefrom  
24 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other  
25 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and  
26 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or  
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28

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 2  
60005-00927-11 D-OR1721076

226 0000  
ROBINSON FATT, P. S.

304 Fifth Avenue, Suite 100  
Seaside, OR 97138  
503.738.3636

1 interest of David A. Cotell, Personal Representative for the Estate of Tonic May Cotell, Beneficial  
2 Oregon, Inc., Glen E. Cotell, and David A. Cotell and of any one claiming by, through or under them;  
3  
4 and

5 3. David A. Cotell, Personal Representative for the Estate of Tonic May Cotell,  
6 Beneficial Oregon, Inc., Glen E. Cotell, and David A. Cotell subsequent to November 22, 2005, the  
7 date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or  
8 asserting any right, title, lien or interest in or to said property or any part thereof, save and except for  
9 the right of redemption as allowed by law; and

10  
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 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
20 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
21 pay the remaining proceeds as directed by the court in the order of distribution.  
22  
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

1  
2 Seattle, WA 98164  
(206) 676-9640

3  
4 Attorney for Judgment Creditor:

Craig Peterson  
Robinson Tait, P.S.  
901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640

5  
6  
7 The name of any person or public body,  
8 other than the Judgment Creditor's  
9 Attorney, who is entitled to any  
portion of the judgment:

None

10 Principal Balance: \$87,369.51

11 Simple Interest on the Principal Balance from  
12 January 1, 2016 to December 21, 2016: \$5,410.85

13 Other Amounts Due Under Terms of Loan: \$2,495.31

14 Attorneys' Fees and Costs:  
15 Attorneys' Fee: \$2,600.00  
16 Total Costs: \$2,345.98

17 Total Attorney Fees and Costs: \$4,945.98

18 *TOTAL DEBT OWED* \$100,221.65  
19

20 //

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28

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORCLOSURE - 4  
60005-00973-11 D-CR-12-026

ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400  
Seattle, WA 98164  
(206) 676-9640



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Pre-Judgment: Additional pre-judgment interest accrues from December 21, 2016, to the date of entry of judgment at the per diem rate of \$15.26, 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: 5/18/2017 04:10 PM



Circuit Court Judge Audrey J. Broyles

Submitted by:




Craig Peterson, OSB #120365  
Email: cpeterson@robinsontait.com  
 Jaimie Fender, OSB #120832  
Email: jfender@robinsontait.com  
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Email: gmorphew@robinsontait.com  
Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
Fax: (206) 676-9659

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: 5-17-17

  
\_\_\_\_\_  
Attorney, OSB  
120365