

1
2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Michael Althouse, OSB #150793
6 Gregory Morphew, OSB #170214
7 Robinson Tait, P.S.
8 901 Fifth Avenue, Suite 400
9 Seattle, WA 98164
10 Phone: (206) 676-9640
11 Fax: (206) 676-9659
12 Email: cpeterson@robinsontait.com
13 Email: jfender@robinsontait.com
14 Email: khood@robinsontait.com
15 Email: malthouse@robinsontait.com
16 Email: gmorphew@robinsontait.com

12 CIRCUIT COURT OF OREGON FOR MARION COUNTY

13 WELLS FARGO BANK, N.A.,

14 Plaintiff,

NO. 16CV37176

15 v.

WRIT OF EXECUTION IN FORECLOSURE

16
17 BEVERLY L. DILLEY; AND PERSONS OR
18 PARTIES UNKNOWN CLAIMING ANY
19 RIGHT, TITLE, LIEN, OR INTEREST IN
20 THE PROPERTY DESCRIBED IN THE
21 COMPLAINT HEREIN,

22 Defendants.

23
24 TO: MARION COUNTY SHERIFF

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

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 2, BLOCK 6, HAYESVILLE ESTATES NO. 3, MARION COUNTY, OREGON
14 and commonly known as 4783 NE SETTLERS DRIVE, Salem, OR 97305.

15 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
16 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
17 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
18 had on February 26, 2008, the date of the Deed of Trust, and also all of the interest which the
19 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
20 which as of April 5, 2017,

21 **Lenders Principal Judgment:**

22
23 1. Unpaid Principal Balance \$111,642.89
24 2. Pre-Judgment Interest from November 1, 2015
25 to January 16, 2017, the date calculated by the Declarant
26 in the Declaration in Support of Judgment \$6,236.26
27 3. Lenders Fees and Costs \$3,364.83
28 4. Attorney's Fees and Costs \$4,166.48

Total Judgment Award Entered \$125,410.46

Additional Pre Judgment Interest

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Accrued Interest from January 17, 2017
to March 23, 2017, the date of entry
of Judgment \$933.90

Total Judgment Award \$126,344.36

Post Judgment Interest

1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$31.15, from March 24,
2017, the day after the entry of judgment, through April 5, 2017,
the date the writ is being requested \$404.95

Current Total Amount Owing \$ 126,749.31

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 \$31.15 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.

Signed 4/21/2017 04:49 PM


Circuit Court Judge Audrey J. Broyles

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

BEVERLY L. DILLEY; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 16CV37176

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 - 1
60005-00880-JUD-ORJudgment Decree Foreclosure - OR

an Officer
ROBINSON TAIT, P.S.

901 Fifth Avenue Suite 100
Seattle WA 98161
(206) 476-9610

1
2 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of
3 \$111,642.89, together with interest at a rate as provided in the Note from November 1, 2015 through
4 January 16, 2017 in the amount of \$6,236.26 with additional pre-judgment interest at the per diem rate of
5 \$14.15 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
6 amount of \$2,600.00, plus other recoverable amounts of \$3,364.83 which includes the amounts itemized
7 in the declaration of the lender in support of motion for judgment plus allowable costs of \$1,566.48 as
8 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said
9 judgment to 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 Marion County, Oregon, legally described
12 as follows:
13

14 LOT 2, BLOCK 6, HAYESVILLE ESTATES NO. 3, MARION COUNTY,
15 OREGON

16 which was recorded on March 5, 2008, under Auditor's File No. Reel: 2926 Page: 398, records of
17 Marion 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 Marion County in the manner provided for by law, and the proceeds therefrom
21 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other
22 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and
23 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
24 interest of the defendant and of any one claiming by, through or under them; and
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 February 26, 2008, the date of the Deed of
28

1 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
2 title, lien or interest in or to said property or any part thereof, save and except for the right of
3 redemption as allowed by law; and
4

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

13
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.
17

18
19 **DECLARATION DETERMINING AMOUNT OF DEBT**
20 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

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
27 Seattle, WA 98164
(206) 676-9640

28 The name of any person or public body,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment:	None
Principal Balance:	\$111,642.89
Simple Interest on the Principal Balance from November 1, 2015 to January 16, 2017:	\$6,236.26
Other Amounts Due Under Terms of Loan:	\$3,364.83
Attorneys' Fees and Costs:	
Attorneys' Fee:	\$2,600.00
Total Costs:	\$1,566.48
Total Attorney Fees and Costs:	\$4,166.48
<i>TOTAL DEBT OWED</i>	\$125,410.46

1
2 Pre-Judgment: Additional pre-judgment interest accrues from January 17, 2017, to the date of
3 entry of judgment at the per diem rate of \$14.15, 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
9
10
11

12 Signed: 3/23/2017 09:44 AM

13 

14 Circuit Court Judge Audrey J. Broyles

15
16 Submitted by:

17 
18
19 Craig Peterson, OSB #120365

Email: cpeterson@robinsontait.com

20 Jaimie Fender, OSB #120832

Email: jfender@robinsontait.com

21 Kimberly Hood, OSB #123008

Email: KHood@robinsontait.com

22 Michael Althouse, OSB #150793

Email: malthouse@robinsontait.com

23 Gregory Morphew, OSB #170214

Email: gmorphew@robinsontait.com

24 Robinson Tait, P.S.

25 Attorneys for Plaintiff

26 Tel: (206) 676-9640

27 Fax: (206) 676-9659

28
GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60005-06880-JUD-OR Judgment Decree Foreclosure - OR

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle WA 98161
(206) 676-9610


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:

3-18-17



Attorney, OSB

120765