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2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Michael Althouse, OSB #150793
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8 901 Fifth Avenue, Suite 400
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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

NO. 16CV12634

v.

WRIT OF EXECUTION IN FORECLOSURE

17
18 RANDY C. RUBIN, PERSONAL
19 REPRESENTATIVE FOR THE ESTATE OF
20 MYRTLE B. RIDENOUR, DECEASED,
21 GAYLE ANDERSON AKA GAYLE
22 MARLENE ESTES, RANDALL LYNN
23 ANDERSON, GAYLE MARLENE ESTES,
24 CLAIMING SUCCESSOR FOR THE ESTATE
25 OF STEVEN LEE RIDENOUR, DECEASED,
26 STATE OF OREGON, DEPARTMENT OF
27 HUMAN SERVICES, AND PERSONS OR
28 PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

1
2 TO: MARION COUNTY SHERIFF

3 1. WHEREAS, on April 27, 2017, in the above-entitled court, a judgment of foreclosure
4 was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as
5 **Exhibit "A"** and made a part hereof;

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

7
8 WELLS FARGO BANK, N.A.
9 c/o Wells Fargo
10 1 Home Campus
11 Des Moines, IA 50328-0001

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

13 Wells Fargo
14 c/o Robinson Tait, P.S.
15 901 Fifth Avenue, Suite 400
16 Seattle, Washington 98164

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

19 SEE LEGAL DESCRIPTION ATTACHED TO THE JUDGEMENT AS EXHIBIT A.

20 and commonly known as 421 MCCLAIN ST, Silverton, OR 97381.

21 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
22 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
23 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
24 had on March 3, 2010, the date of the Deed of Trust, and also all of the interest which the
25 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
26 which as of May 4, 2017,
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2 **Lenders Principal Judgment:**

3 1. Unpaid Principal Balance \$111,222.01
4 2. Pre-Judgment Interest from December 1, 2014
5 to January 3, 2017, the date calculated by the Declarant
6 in the Declaration in Support of Judgment \$12,197.00
7 3. Lenders Fees and Costs \$10,264.51
8 4. Attorney's Fees and Costs \$9,537.00

9 **Total Judgment Award Entered** \$143,220.52

10 **Additional Pre Judgment Interest**

11 1. Accrued Interest from January 4, 2017
12 To March 16, 2017 the date of entry
13 of Judgment \$1,152.00

14 **Total Judgment Award** \$144,372.52

15 **Post Judgment Interest**

16 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$35.60, from March 17,
17 2017, the day after the entry of judgment, through May 4, 2017,
18 the date the writ is being requested \$1,744.40

19 **Current Total Amount Owing** \$ 146,116.92

20
21 In addition to the above, interest continues to accrue on the total of the amounts listed above
22 at the rate of 9% per annum or at \$35.60 per diem, in accordance with the General Judgment of
23 Foreclosure and continues to accrue until the date of sale.
24

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28 //

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

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

6
7 DATED this _____ day of _____, 2017.
8
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10 Signed: 5/10/2017 03:40 PM

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13 J. Tolman, Court Clerk



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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

RANDY C. RUBIN, PERSONAL REPRESENTATIVE FOR THE ESTATE OF MYRTLE B. RIDENOUR, DECEASED; GAYLE ANDERSON AKA GAYLE MARLENE ESTES; RANDALL LYNN ANDERSON; GAYLE MARLENE ESTES, CLAIMING SUCCESSOR FOR THE ESTATE OF STEVEN LEE RIDENOUR, DECEASED; STATE OF OREGON, DEPARTMENT OF HUMAN SERVICES; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 16CV12634

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

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1
60111-00278-1(1)-OR1657789

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ROBINSON TAIT, P.S.

501 Fifth Avenue, Suite 100
Seattle, WA 98101
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2 allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact,
3 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
4 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

5 IT IS HEREBY ORDERED AND ADJUDGED THAT:

6
7 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of
8 \$111,222.01, together with interest at a rate as provided in the Note from December 1, 2014 through
9 January 3, 2017 in the amount of \$12,197.00 with additional pre-judgment interest at the per diem rate of
10 \$16.00 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
11 amount of \$5,501.50, plus other recoverable amounts of \$10,264.51 which includes the amounts
12 itemized in the declaration of the lender in support of motion for judgment plus allowable costs of
13 \$4,035.50 as itemized in the bill of disbursements and an additional amount for post-judgment sheriff's
14 fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is
15 greater; and,
16

17
18 2. Plaintiff's Deed of Trust on real property in Marion County, Oregon, legally described
19 as follows:

20 **SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A.**

21 which was recorded on March 9, 2010, under Auditor's File No. Reel 3156, Page 455, records of
22 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
23 described real estate and the whole thereof as security for the payment of the judgment herein set
24 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
25 sold by the Sheriff of Marion County in the manner provided for by law, and the proceeds therefrom
26 shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and such other
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2 sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first and
3 specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
4 interest of Randy C. Rubin, Personal Representative for The Estate of Myrtle B. Ridenour, Deceased,
5 Randall Lynn Anderson, and State of Oregon, Department of Human Services and of any one
6 claiming by, through or under them; and
7

8 3. Randy C. Rubin, Personal Representative for The Estate of Myrtle B. Ridenour,
9 Deceased, Randall Lynn Anderson, and State of Oregon, Department of Human Services subsequent
10 to March 3, 2010, the date of the Deed of Trust which is foreclosed herein, be forever barred and
11 estopped from claiming or asserting any right, title, lien or interest in or to said property or any part
12 thereof, save and except for the right of redemption as allowed by law; and
13

14 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
15 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
16 law, and to all right, title and interest in any rents and profits generated or arising from the property
17 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
18 secure possession, including writ of assistance, if defendants or any of them or any other party or person
19 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
20 possession: and
21

22 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
23 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
24 pay the remaining proceeds as directed by the court in the order of distribution.
25

26
27 //

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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE = 3
60111-00278-JUD-OR1697789

Law Office
ROBINSON TAIT, P.S.

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

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

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

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: \$111,222.01

Simple Interest on the Principal Balance
from December 1, 2014 to January 3, 2017: \$12,197.00

Other Amounts Due Under Terms of Loan: \$10,264.51

Attorneys' Fees and Costs:
Attorneys' Fee: \$5,501.50
Total Costs: \$4,035.50

Total Attorney Fees and Costs: \$9,537.00

TOTAL DEBT OWED \$143,220.52

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Pre-Judgment: Additional pre-judgment interest accrues from January 3, 2017, to the date of entry of judgment at the per diem rate of \$16.00, 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: 4/27/2017 04:30 PM



Circuit Court Judge Courtland Geyer

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
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 Michael Althouse, OSB #150793
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 Gregory Morphew, OSB #170214
Email: gmorphew@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

Exhibit A



First American

Exhibit A

ISSUED BY

First American Title Insurance Company

POLICY NUMBER

5007941-2450636

File No.: 7089-2450636

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Marion, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1

BEGINNING AT THE MOST NORTHERLY CORNER OF A TRACT OF LAND CONVEYED BY DEED RECORDED IN VOLUME 42, PAGE 23 DEED RECORDS OF MARION COUNTY, OREGON, TO MRS. SARAH ADELINE LEE; THENCE NORTH 80° WEST ALONG THE SOUTH LINE OF MCCLAIN STREET, 4.62 CHAINS TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO EDITH MAY CONRAD BY DEED RECORDED IN VOLUME 80, PAGE 334, DEED RECORDS OF MARION COUNTY, OREGON; THENCE SOUTH 3.33 CHAINS TO THE RE-ENTRANT CORNER OF SAID CONRAD TRACT; THENCE EAST ALONG A NORTH BOUNDARY OF SAID CONRAD TRACT, 2.50 CHAINS; THENCE NORTH 30 LINKS TO A POINT IN THE SOUTHWEST LINE OF SAID LEE LAND; THENCE NORTH 44° WEST 18 LINKS TO THE MOST WESTERLY CORNER OF SAID LEE LAND; THENCE NORTH 46° EAST 3.034 CHAINS TO THE PLACE OF BEGINNING.

PARCEL 2

BEGINNING AT THE NORTHWEST CORNER OF A TWO ACRE TRACT DEEDED BY F. MCCLAIN TO SARAH A. LEE, JULY 24, 1890; THENCE SOUTH 46° WEST 200 FEET; THENCE SOUTH 46° EAST 62-1/4 FEET; THENCE NORTH 46° EAST 200 FEET; THENCE NORTH 44° WEST 62-1/4 FEET TO THE PLACE OF BEGINNING IN SECTION 34, TOWNSHIP 6 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY OREGON.

SAVE AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF SILVERTON FOR WIDENING MCCLAIN STREET BY DEED RECORDED AUGUST 30, 1950 IN VOLUME 419, PAGE 745, DEED RECORDS OF MARION COUNTY, OREGON.

ALSO SAVE AND EXCEPT: BEGINNING AT THE MOST EASTERLY CORNER OF A TRACT OF LAND CONVEYED BY SARAH A. LEE AT VIR TO CHARLES M. HINKIE BY DEED RECORDED IN VOLUME 46, PAGE 547, DEED RECORDS, OF MARION COUNTY, OREGON; THENCE SOUTH 46° WEST 200 FEET TO AN IRON PIPE; THENCE NORTH 44° WEST 33.82 FEET; THENCE NORTH 181.01 FEET TO THE SOUTH LINE OF MCCLAIN STREET; THENCE SOUTH 80° EAST 63.77 FEET; THENCE ON A CURVE TO THE RIGHT FOLLOWING THE SOUTH LINE OF MCCLAIN STREET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED BY JOHN E. HARGREAVES BY DEED RECORDED IN VOLUME 563 PAGE 849 DEED RECORDS OF MARION COUNTY, OREGON, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO EDITH MAY CONRAD BY DEED RECORDED IN VOLUME 80 PAGE 334, DEED RECORDS OF MARION COUNTY, OREGON; AND ALSO BEING A POINT ON THE SOUTH LINE OF MCCLAIN STREET; THENCE SOUTH 80° 28' EAST ALONG THE SOUTH LINE OF MCCLAIN STREET, 88.65 FEET; THENCE SOUTH 0° 36' EAST 92.98 FEET; THENCE IN A WESTERLY DIRECTION TO A POINT WHICH IS 106.30 FEET SOUTH 0° 12' EAST FROM THE POINT OF BEGINNING; THENCE NORTH 0° 12' WEST TO THE POINT OF BEGINNING.

ALSO SAVE AND EXCEPT: BEGINNING AT A POINT WHICH IS 106.30 FEET SOUTH 0° 12' EAST FROM THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO EDITH MAY CONRAD, BY DEED RECORDED IN VOLUME 80, PAGE 334 DEED RECORDS OF MARION COUNTY OREGON; THENCE SOUTH 0° 12' EAST 106.30 FEET TO THE RE-ENTRANT CORNER OF SAID CONRAD TRACT; THENCE SOUTH 89° 08' EAST 88.90 FEET; THENCE NORTH 0° 36' WEST 106.00 FEET; THENCE IN A WESTERLY DIRECTION TO THE POINT OF BEGINNING.


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:

4-21-17



Attorney, OSB

120365