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LINN COUNTY
SHERIFFS OFFICE

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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

THE ESTATE OF BARBARA H.
NICHOLSON; THE UNKNOWN HEIRS,
DEVISEES, AND ASSIGNEES OF
BARBARA H. NICHOLSON; TIM
NICHOLSON; SECRETARY OF HOUSING
AND URBAN DEVELOPMENT; FIRST
SELECT INC.; CHICAGO TITLE
COMPANY OF OREGON; CHICAGO
TITLE INSURANCE CO.; STATE OF
OREGON; AND ALL OTHER PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 560 9TH AVENUE, SWEET
HOME, OR 97386,
Defendant.

Case No. 16CV42687

WRIT OF EXECUTION

TO THE LINN COUNTY SHERIFF:

On September 1, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINN County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WELLS FARGO BANK, N.A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 560 9TH AVENUE, SWEET HOME, OR 97386 ("Subject Property"), and legally described as:

1 BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 4, PUTNAM
 2 ADDITION, SWEET HOME, LINN COUNTY, OREGON, WHICH IS 96 FEET 3 INCHES
 3 NORTH OF THE SOUTHEAST CORNER OF SAID BLOCK 4; THENCE NORTHERLY
 4 ALONG THE EAST LINE OF SAID BLOCK 4 A DISTANCE OF 60 FEET; THENCE
 5 WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4 A DISTANCE
 6 OF 139 FEET 3 INCHES; THENCE SOUTHERLY AND PARALLEL WITH THE EAST
 7 LINE OF SAID BLOCK A DISTANCE OF 60 FEET; THENCE EASTERLY AND
 8 PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4 A DISTANCE OF 139 FEET 3
 9 INCHES TO THE POINT OF BEGINNING.

10 The total amount due and owing on the Judgment as of October 12, 2017;

11	Judgment:	Principal	\$84,923.12
12	Pre-Judgment:	Interest(2.57%, \$5.98/day)	\$149.50 (8/8/17 through 9/1/17)
13		Attorney Fees	\$1,207.50
14		Costs	\$3,668.16
15		Prevailing Party Fee	\$300.00
16	Post-Judgment:	Interest(2.57%, \$5.98/day)	\$245.18 (9/2/17 through 10/12/17)
17		Attorney Fees	\$650.00

18 **TOTAL: \$91,143.46**

19 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
 20 and sell the Subject Property.

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After the sale, you are directed to issue a certificate of sale to the purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court. Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

DATED October 17, 2017



COURT ADMINISTRATOR FOR LINN COUNTY CIRCUIT COURT
By: [Signature]

Presented by:
ALDRIDGE PITE, LLP

x Smathenia
Sarah M. Mathenia, OSB #120681
(858) 750-7600
(503) 222-2260 (facsimile)
smathenia@aldridgepite.com

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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

THE ESTATE OF BARBARA H. NICHOLSON; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF BARBARA H. NICHOLSON; TIM NICHOLSON; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; FIRST SELECT INC.; CHICAGO TITLE COMPANY OF OREGON; CHICAGO TITLE INSURANCE CO.; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 560 9TH AVENUE, SWEET HOME, OR 97386,
Defendants.

Case No. 16CV42687

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants THE ESTATE OF BARBARA H. NICHOLSON; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF BARBARA H. NICHOLSON; TIM NICHOLSON; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; FIRST SELECT INC.; CHICAGO TITLE COMPANY OF OREGON; CHICAGO TITLE INSURANCE CO.; STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 560 9TH AVENUE, SWEET HOME, OR 97386, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff WELLS FARGO BANK, N.A. ("Plaintiff"),

1 **IT IS HEREBY ADJUDGED:**

2 1. Plaintiff's security interest in the real property located at 560 9TH AVENUE,
3 SWEET HOME, OR 97386 ("Subject Property"), as evidenced by the Deed of Trust recorded
4 October 10, 2001 in the official records of LINN County as instrument number Vol: 1223 Page:
5 476 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants.
6 All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
7 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
8 described as follows:

9 BEGINNING AT A POINT ON THE EAST LINE OF BLOCK 4, PUTNAM
10 ADDITION, SWEET HOME, LINN COUNTY, OREGON, WHICH IS 96 FEET 3
11 INCHES NORTH OF THE SOUTHEAST CORNER OF SAID BLOCK 4; THENCE
12 NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 4 A DISTANCE OF 60
13 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID
14 BLOCK 4 A DISTANCE OF 139 FEET 3 INCHES; THENCE SOUTHERLY AND
15 PARALLEL WITH THE EAST LINE OF SAID BLOCK A DISTANCE OF 60 FEET;
16 THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK
17 4 A DISTANCE OF 139 FEET 3 INCHES TO THE POINT OF BEGINNING.

18 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
19 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
20 in the manner provided by law;

21 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
22 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
23 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
24 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

25 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
26 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule

1 68(C), which amount may be added to the outstanding obligation due and owing under the Note
2 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
3 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
4 by sale of the Subject Property as directed under this Judgment;

5 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
6 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
7 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
8 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
9 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

10 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
11 sale of the Subject Property as directed under this Judgment.

12 7. The Sheriff shall make a return on the writ of execution to the court administrator
13 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
14 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
15 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
16 parties as may establish their right thereto. The Defendants and all persons claiming through or
17 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
18 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
19 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
20 every part of the Subject Property when the time for redemption has elapsed;

21 8. Plaintiff or any other party to this action may become a purchaser at the
22 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
23 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
24 successor in interest may apply to this Court for a writ of assistance to gain possession of the
25 subject property if Defendants or any other party or person refuses to surrender possession;

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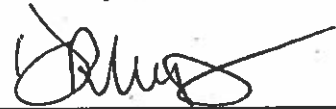
DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$84,923.12.
2. Simple interest at the variable rate currently at 2.57% (\$5.98 *per diem*) after August 7th, 2017, through the date of sale.
3. Attorney fees of \$1,207.50, plus \$650.00, through the date of sale.
4. Costs of \$3,668.16, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 8/31/2017 04:06 PM



Circuit Court Judge, Daniel R. Murphy

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;

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- b. I received objections that I could not resolve with the opposing 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;
- c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.

Presented By:
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Date: 8/25/17

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff
WELLS FARGO BANK, N.A.