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3 Jaimie Fender, OSB #120832
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6 901 Fifth Avenue, Suite 400
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CIRCUIT COURT OF OREGON FOR LANE COUNTY

WELLS FARGO, NATIONAL
ASSOCIATION, SUCCESSOR BY MERGER
TO WELLS FARGO BANK MINNESOTA, NO. 16CV31003
NATIONAL ASSOCIATION, AS TRUSTEE
F/K/A NORTHWEST BANK MINNESOTA, WRIT OF EXECUTION IN FORECLOSURE
NATIONAL ASSOCIATION, AS TRUSTEE
FOR AMORTIZING RESIDENTIAL
COLLATERAL TRUST, 2002-BC6,

Plaintiff,

v.

THE ESTATE OF CLARA B. MCSILVERS,
JAN DWIGHT MCSILVERS, UNKNOWN
HEIRS AND DEVISEES OF CLARA B.
MCSILVERS, RAY KLEIN INC. AN
OREGON CORPORATION DBA
PROFESSIONAL CREDIT SERVICE, AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

1
2 TO: LANE COUNTY SHERIFF

3 1. WHEREAS, on June 21, 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, National Association, successor by merger to Wells Fargo Bank
9 Minnesota, National Association, as Trustee f/k/a Northwest Bank Minnesota,
10 National Association, as Trustee for Amortizing Residential Collateral Trust, 2002-
11 BC6

12 c/o Ocwen Loan Servicing
13 1661 Worthington Rd., #100
14 West Palm Beach, FL 33409

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

16 Ocwen Loan Servicing
17 c/o Robinson Tait, P.S.
18 901 Fifth Avenue, Suite 400
19 Seattle, Washington 98164

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

22 LOT 12, BLOCK 8, NORTHGATE FIFTH ADDITION, AS PLATTED AS RECORDED IN
23 BOOK 22, PAGE 3, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY,
24 OREGON.

25 and commonly known as 1124 Quinalt St, Springfield, OR 97477.

26 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
27 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
28 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
had on April 24, 2002, the date of the Deed of Trust, and also all of the interest which the

1
2 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
3 which as of September 22, 2017,

4 **Lenders Principal Judgment:**

5	1. Unpaid Principal Balance	<u>\$46,973.18</u>
6	2. Pre-Judgment Interest from December 1, 2015	
7	to May 26, 2017, the date calculated by the Declarant	
8	in the Declaration in Support of Judgment	<u>\$5,829.00</u>
9	3. Lenders Fees and Costs	<u>\$5,566.00</u>
10	4. Attorney's Fees and Costs	<u>\$3,489.30</u>
	<i>Total Judgment Award Entered</i>	<u>\$61,857.48</u>

11 **Additional Pre Judgment Interest**

12		
13	1. Accrued Interest from May 27, 2017	
14	to June 22, 2017 the date of entry	
15	of Judgment	<u>\$294.03</u>
16	<i>Total Judgment Award</i>	<u>\$62,151.51</u>

17 **Post Judgment Interest**

18		
19	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$15.33, from June 23,	
20	2017, the day after the entry of judgment, through September 22, 2017,	
21	the date the writ is being requested	<u>\$1,410.36</u>

22 *Current Total Amount Owing* \$63,561.87

23
24 In addition to the above, interest continues to accrue on the total of the amounts listed above
25 at the rate of 9% per annum or at \$15.33 per diem, in accordance with the General Judgment of
26 Foreclosure and continues to accrue until the date of sale.
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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 2nd day of October, 2017.

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10 By: Angie Jones
11 court clerk
12



EXHIBIT A

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CIRCUIT COURT OF OREGON FOR LANE COUNTY

WELLS FARGO, NATIONAL
ASSOCIATION, SUCCESSOR BY MERGER
TO WELLS FARGO BANK MINNESOTA,
NATIONAL ASSOCIATION, AS TRUSTEE
F/K/A NORTHWEST BANK MINNESOTA,
NATIONAL ASSOCIATION, AS TRUSTEE
FOR AMORTIZING RESIDENTIAL
COLLATERAL TRUST, 2002-BC6,

Plaintiff,

v.

THE ESTATE OF CLARA B. MCSILVERS,
DECEASED; JAN DWIGHT MCSILVERS;
UNKNOWN HEIRS AND DEVISEES OF
CLARA B. MCSILVERS, DECEASED; RAY
KLEIN, INC.; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN.

Defendants.

NO. 16CV31003

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, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS
FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE F/K/A
NORTHWEST BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1

60128-30290-0140-CR1736929

For Office
ROBINSON TAIT, P.S.

501 Fifth Avenue, Suite 401
South WA 96181
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2 AMORTIZING RESIDENTIAL COLLATERAL TRUST, 2002-BC6, appearing and being
3 represented by CRAIG PETERSON, Attorney of Robinson Tait, and after considering the pleadings
4 and affidavits on file herein, findings of fact and conclusion of law being unnecessary under Civil
5 Rule 69D, the court finds that the allegations contained in the plaintiff's Complaint are true, that there
6 are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the
7 judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth.

8
9 Therefore,

10 IT IS HEREBY ORDERED AND ADJUDGED THAT:

11 1. Plaintiff, WELLS FARGO, NATIONAL ASSOCIATION, SUCCESSOR BY
12 MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE
13 F/K/A NORTHWEST BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR
14 AMORTIZING RESIDENTIAL COLLATERAL TRUST, 2002-BC6 be awarded judgment in the sum
15 of \$46,973.18, together with interest at a rate as provided in the Note from December 1, 2015 through
16 May 26, 2017 in the amount of \$5,829.00 with additional pre-judgment interest at the per diem rate of
17 \$10.89 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
18 amount of \$2,050.00, plus other recoverable amounts of \$5,566.73 which includes the amounts itemized
19 in the declaration of the lender in support of motion for judgment plus allowable costs of \$1,439.30 as
20 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said
21 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and,
22

23 2. Plaintiff's Deed of Trust on real property in Lane County, Oregon, legally described as
24 follows:
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2 LOT 12, BLOCK 8, NORTHGATE FIFTH ADDITION, AS PLATTED AND
3 RECORDED IN BOOK 22, PAGE 3, LANE COUNTY OREGON PLAT
RECORDS, IN LANE COUNTY, OREGON.

4 which was recorded on April 30, 2002, under Auditor's File No. 2002-033728, records of Lane
5 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
6 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
7 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
8 Sheriff of Lane County in the manner provided for by law, and the proceeds therefrom shall be
9 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
10 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
11 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
12 defendant and of any one claiming by, through or under them; and
13

14
15 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
16 property described above or any part thereof subsequent to April 24, 2002, the date of the Deed of
17 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
18 title, lien or interest in or to said property or any part thereof, save and except for the right of
19 redemption as allowed by law; and
20

21 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
22 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
23 law, and to all right, title and interest in any rents and profits generated or arising from the property
24 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
25 secure possession, including writ of assistance, if defendants or any of them or any other party or person
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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 3
60128-30290-0110-00R1736979

Law Office
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle, WA 98104
206.461.5510

1 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
2 possession; and

3
4 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
5 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
6 pay the remaining proceeds as directed by the court in the order of distribution.
7

8
9 **DECLARATION DETERMINING AMOUNT OF DEBT**
10 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

11 Judgment Creditor: WELLS FARGO, NATIONAL
12 ASSOCIATION, SUCCESSOR BY MERGER
13 TO WELLS FARGO BANK MINNESOTA,
14 NATIONAL ASSOCIATION, AS TRUSTEE
15 F/K/A NORTHWEST BANK MINNESOTA,
16 NATIONAL ASSOCIATION, AS TRUSTEE
17 FOR AMORTIZING RESIDENTIAL
18 COLLATERAL TRUST, 2002-BC6
19 c/o Robinson Tait, P.S.
20 901 Fifth Avenue, Suite 400
21 Seattle, WA 98164
22 (206) 676-9640

23 Attorney for Judgment Creditor: Craig Peterson
24 Robinson Tait, P.S.
25 901 Fifth Avenue, Suite 400
26 Seattle, WA 98164
27 (206) 676-9640

28 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: \$46,973.18

Simple Interest on the Principal Balance
from December 1, 2015 to May 26, 2017: \$5,829.00

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Other Amounts Due Under Terms of Loan:	\$5,566.00
Attorneys' Fees and Costs:	
Attorneys' Fee:	\$2,050.00
Total Costs:	\$1,439.30
Total Attorney Fees and Costs:	\$3,489.30
TOTAL DEBT OWED	\$61,858.21

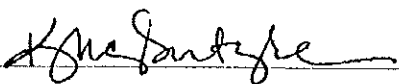
Pre-Judgment: Additional pre-judgment interest accrues from May 27, 2017, to the date of entry of judgment at the per diem rate of \$10.89, in accordance with the Note.

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.

Allowed. _____

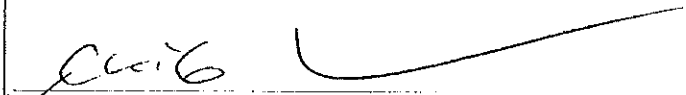
Denied. _____

Signed: 6/21/2017 02:01 PM



Karrie K. McIntyre, Circuit Court Judge

Submitted by:



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

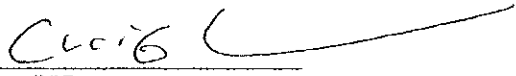
CERTIFICATE OF READINESS- UTCR 5.100

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:

6-8-17


Attorney, OSB

120365