

RECEIVED  
CLACKAMAS COUNTY SHERIFF

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2 Jaimie Fender, OSB #120832  
3 Kimberly Hood, OSB #123008  
4 Robinson Tait, P.S.  
5 901 Fifth Avenue, Suite 400  
6 Seattle, WA 98164  
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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

v.

NO. CV14110013

WRIT OF EXECUTION IN FORECLOSURE

ANDREA M. NOBLE, THE ESTATE  
ROBERT M. NOBLE, DECEASED,  
NICHOLAS NOBLE, UNKNOWN HEIRS  
AND DEVISEES OF ROBERT M. NOBLE,  
DECEASED, ANNETTE TAYLOR,  
WESTERN POWER & EQUIPMENT CORP,  
MAC'S RADIATOR & REPAIR, INC., JOHN  
BASSETT, CACH, LLC, THE POLYGON  
CORP., STATE OF OREGON,  
DEPARTMENT OF REVENUE, GLENN  
DICK EQUIPMENT CO., KIVEL &  
HOWARD LLP, FINLEY-BUTTES LIMITED  
PARTNERSHIP, CREDIT SERVICES OF  
OREGON, NACM, OREGON SERVICE CO. ,  
RAY KLEIN, INC. DBA PROFESSIONAL  
CREDIT SERVICES, UNITED RENTALS,  
INC., COLUMBIA COLLECTION SERVICE,  
INC. , POUNDER OIL SERVICE,  
INCORPORATED, COLLECTION BUREAU  
OF WALLA WALLA, AND PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE PROPERTY DESCRIBED IN THE

1  
2 COMPLAINT HEREIN,

3  
4 Defendants.

5  
6 TO: CLACKAMAS COUNTY SHERIFF

7 1. WHEREAS, on December 27, 2016, in the above-entitled court, a judgment of  
8 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached  
9 hereto as **Exhibit "A"** and made a part hereof;

10  
11 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

12 KeyBank National Association  
13 c/o Key Bank National Association  
14 P O Box 11500  
15 MS WA 31-03-0575  
16 Tacoma, WA 98411

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

18 Key Bank National Association  
19 c/o Robinson Tait, P.S.  
20 901 Fifth Avenue, Suite 400  
21 Seattle, Washington 98164

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

24 SEE LEGAL DESCRIPTION ATTACHED TO JUDGMENT HERETO AS EXHIBIT A  
25 and commonly known as 13655 SE 132nd Avenue, Clackamas, OR 97015.

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)

1 had on July 3, 1998, the date of the Deed of Trust, and also all of the interest which the defendant(s)  
2 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of  
3 October 24, 2017,  
4

5 **Lenders Principal Judgment:**

6	1. Unpaid Principal Balance	<u>\$198,814.49</u>
7	2. Pre-Judgment Interest from August 6, 2010	
8	to July 8, 2016, the date calculated by the Declarant	
9	in the Declaration in Support of Judgment	<u>\$22,643.67</u>
10	3. Lenders Fees and Costs	<u>\$21,801.96</u>
	4. Attorney's Fees and Costs	<u>\$9,211.26</u>

11 ***Total Judgment Award Entered*** \$252,471.38

12 **Additional Pre Judgment Interest**

13		
14	1. Accrued Interest from April 9, 2016	
15	to December 27, 2016 the date of entry	
	of Judgment	<u>\$4,999.63</u>

16 ***Total Judgment Award*** \$257,471.01

17 **Post Judgment Interest**

18		
19		
20	1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$63.49, from December	
21	28, 2016, the day after the entry of judgment, through October 24, 2017,	
	the date the writ is being requested	<u>\$19,110.49</u>

22 ***Current Total Amount Owning*** \$276,581.50

23  
24  
25 In addition to the above, interest continues to accrue on the total of the amounts listed above  
26 at the rate of 9% per annum or at \$63.49 per diem, in accordance with the General Judgment of  
27 Foreclosure and continues to accrue until the date of sale.  
28

1  
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 3 day of November, 2017.



Wendy Watson

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Kimberly Hood  
[ ] Craig Peterson, OSB #120365  
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[ ] 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  
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EXHIBIT A

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

KEYBANK NATIONAL ASSOCIATION,

Plaintiff,

v.

ANDREA M. NOBLE; THE ESTATE  
ROBERT M. NOBLE, DECEASED;  
NICHOLAS NOBLE; UNKNOWN HEIRS  
AND DEVISEES OF ROBERT M. NOBLE,  
DECEASED; ANNETTE TAYLOR;  
WESTERN POWER & EQUIPMENT CORP;  
MAC'S RADIATOR & REPAIR, INC.; JOHN  
BASSETT; THE POLYGON CORP.; STATE  
OF OREGON, DEPARTMENT OF  
REVENUE; GLENN DICK EQUIPMENT  
CO.; KIVEL & HOWARD LLP; FINLEY  
BUTTES LIMITED PARTNERSHIP; CACH.  
LLC; CREDIT SERVICES OF OREGON;  
NACM, OREGON SERVICE CO. ; RAY  
KLEIN, INC. DBA PROFESSIONAL CREDIT  
SERVICES; UNITED RENTALS, INC.;  
COLUMBIA COLLECTION SERVICE, INC.;  
POUNDER OIL SERVICE,  
INCORPORATED; COLLECTION BUREAU  
OF WALLA WALLA; AND PERSONS OR  
PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

NO. CV14110013

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE

(Clerk's Action Required)

1  
2 THIS MATTER having come on for hearing this day before the undersigned Judge of the  
3 above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the  
4 plaintiff, KEYBANK NATIONAL ASSOCIATION, appearing and being represented by CRAIG  
5 PETERSON, Attorney of Robinson Tait, defendant Andrea M. Noble being represented by Kenneth  
6 Lee Baker, defendant Glen Dick Equipment Co., being represented by Steven P. Summers, and that  
7 there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and  
8 that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter  
9 set forth. Therefore,  
10

11 IT IS HEREBY ORDERED AND ADJUDGED THAT:

12  
13 1. Plaintiff, KEYBANK NATIONAL ASSOCIATION be awarded judgment in the sum of  
14 \$198,814.49, together with interest at a rate as provided in the Note from August 6, 2010 through April  
15 8, 2016 in the amount of \$22,643.67 with additional pre-judgment interest at the per diem rate of \$19.01  
16 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of  
17 \$3,803.00, plus other recoverable amounts of \$21,801.96 which includes the amounts itemized in the  
18 declaration of the lender in support of motion for judgment plus allowable costs of \$4,881.51 as itemized  
19 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to  
20 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and  
21

22 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally  
23 described as follows:  
24

25 SEE LEGAL DESCRIPTION ATTACHED HERETO AS **EXHIBIT A**

26 which was recorded on July 7, 1998, under Auditor's File No. 98061393, records of Clackamas  
27 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described  
28

1  
2 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that  
3 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the  
4 Sheriff of Clackamas County in the manner provided for by law, and the proceeds therefrom shall be  
5 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as  
6 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien  
7 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the  
8 defendant and of any one claiming by, through or under them; and

10 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the  
11 property described above or any part thereof subsequent to July 3, 1998, the date of the Deed of Trust  
12 which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title,  
13 lien or interest in or to said property or any part thereof, save and except for the right of redemption  
14 as allowed by law; and

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

25 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the  
26 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall  
27 pay the remaining proceeds as directed by the court in the order of distribution.  
28



1  
2  
3 **DECLARATION DETERMINING AMOUNT OF DEBT**  
4 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

5 Judgment Creditor: KEYBANK NATIONAL ASSOCIATION  
6 c/o Robinson Tait, P.S.  
7 710 Second Ave., Suite 710  
8 Seattle, WA 98104  
9 (206) 676-9640

10 Attorney for Judgment Creditor: Craig Peterson  
11 Robinson Tait, P.S.  
12 710 Second Ave., Suite 710  
13 Seattle, WA 98104  
14 (206) 676-9640

15 The name of any person or public body,  
16 other than the Judgment Creditor's  
17 Attorney, who is entitled to any  
18 portion of the judgment: None

19 Principal Balance: \$198,814.49

20 Simple Interest on the Principal Balance  
21 from August 6, 2010  
22 to April 8, 2016: \$22,643.67

23 Other Amounts Due Under Terms of Loan: \$21,801.96

24 Attorneys' Fees and Costs:  
25 Attorneys' Fee: \$4,329.75  
26 Total Costs: \$4,881.51

27 Total Attorney Fees and Costs: \$9,211.26

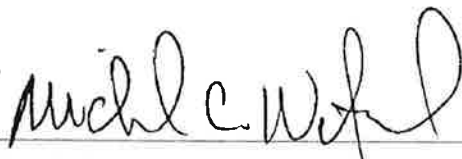
28 *TOTAL DEBT OWED* \$252,471.38

Pre-Judgment: Additional pre-judgment interest accrues from April 9, 2016, to the date of entry of judgment at the per diem rate of \$19.01. in accordance with the Note

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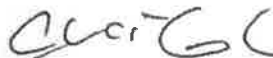
Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed: 12/27/2016 01:23 PM



**Circuit Court Judge Michael C. Wetzel**

Submitted by:



Craig Peterson, OSB #120365  
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 Brandon Smith, OSB #124584  
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 Jaimie Fender, OSB #120832  
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 Michael Althouse, OSB #150793  
Email: malthouse@robinsontait.com  
Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
Fax: (206) 676-9659

# Exhibit A

Exhibit

Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND IN THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF LAND CONVEYED TO RAYMOND R. SOUDERS AND ARVA L. SOUDERS, HUSBAND AND WIFE, RECORDED OCTOBER 15, 1946, IN DEED BOOK 378, PAGE 445, THAT IS SOUTH ALONG SAID EAST LINE 560.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO LESTER V. LACKEY AND HELEN G. LACKEY, HUSBAND AND WIFE, RECORDED AUGUST 13, 1968, BY RECORDER'S FEE NO. 68-16728, FILM RECORDS; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LACKEY TRACT 290.40 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF SAID LACKEY TRACT 100.00 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SOUDERS TRACT; THENCE WEST ALONG THE SOUTH LINE OF SAID SOUDERS TRACT 237.60 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID SOUDERS TRACT 160.00 FEET; THENCE EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SOUDERS TRACT 237.60 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SOUDERS TRACT 44.00 FEET TO A POINT THAT IS 16.00 FEET NORTH FROM THE NORTHWEST CORNER OF THE SAID LACKEY TRACT; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LACKEY TRACT 290.40 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID SOUDERS TRACT; THENCE SOUTH ALONG SAID EAST LINE 16.00 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 1, 2008.

CERTIFICATE OF READINESS- UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

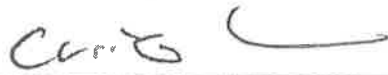
1.  Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2.  Each opposing party affected by this order has approved the form of the document, as shown by written communication 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:

11-21-16

  
Attorney, OSB

120365