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CIVIL DEPARTMENT

17 NOV -1 PM 2: 31

ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

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

WELLS FARGO BANK, NA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF ARTHUR BLANDING; JANET E.
BLANDING; JUDITH E. HATHAWAY aka
JUDITH E. BLANDING; PINE RIDGE
OWNERS ASSOCIATION, INC;
OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV12151

WRIT OF EXECUTION IN
FORECLOSURE

TO THE TILLAMOOK COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 8/11/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, NA
c/o Michael Scott
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$375,976.18, plus post judgment interest at the statutory rate of 9.0% per annum from 8/11/2017 to 9/6/2017 in the amount of \$2,410.37, and continuing with a per diem of \$92.71, currently totaling \$378,386.55.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about 4/17/2010, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described as follows:

6 *See attached Exhibit 1*

7 and commonly known as: 10000 Pine Ridge Drive, Manzanita, OR 97130.

8 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
9 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
10 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
11 You are to make the return within 60 days after you receive this Writ. Should the sale be
12 continued, the writ may be automatically extended for 30 days.



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Emily Huslman
TEA 9/7/17

Dated: September 6, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

Michael Scott OSB No. 973947
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
mscott@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT "1"

LOT 102, PINE RIDGE UNIT 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED JUNE 28, 2000, IN PLAT CABINET B-663, RECORDS OF TILLAMOOK COUNTY, OREGON, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS PINE RIDGE LANE, PONDEROSA LOOP, PINE RIDGE DRIVE, LODGEPOLE DRIVE, SHOREPINE DRIVE, PINYON DRIVE AND SHOREPINE COURT AS DISCLOSED BY SAID SUBDIVISION PLAT.



Certified True Copy of The Original
Dated This 7 Day of sep, 2017
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By AS

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ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

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

WELLS FARGO BANK, NA,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF ARTHUR BLANDING; JANET E.
BLANDING; JUDITH E. HATHAWAY aka
JUDITH E. BLANDING; PINE RIDGE
OWNERS ASSOCIATION, INC;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV12151

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF ARTHUR BLANDING; JANET E. BLANDING; JUDITH E. HATHAWAY aka JUDITH E. BLANDING; PINE RIDGE OWNERS ASSOCIATION, INC; OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

a. The real property to which this judgment relates is located and situated in Tillamook County, Oregon, and is commonly known as 10000 Pine Ridge Drive, Manzanita, OR 97130 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 406647.

3 b. Plaintiff is entitled to enforce the note dated April 17, 2010 and made, delivered, and
4 executed by Janet Blanding, Judith Hathaway, Arthur Blanding to First Ohio Banc &
5 Lending, Inc., an Ohio Corporation, in the amount of \$349,765.00 (the "Note"). The Note
6 was transferred to Plaintiff by delivery of possession and by indorsement set forth on the
7 Note.

8 c. A deed of trust was made, executed, and delivered by Defendants Janet E. Blanding, Judith
9 E. Hathaway, Arthur Blanding on or about April 17, 2010 (the "Deed of Trust"). The Deed
10 of Trust was recorded on May 4, 2010 as Instrument No. 2010-002561 in the official records
11 of Tillamook County, Oregon. The Deed of Trust is a valid and perfected lien against all of
12 the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
13 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
14 Sheriff's Deed.

15 d. The Borrower failed to make the payment that was due for September 1, 2014 and has not
16 cured the default. The amount of debt secured by the Deed of Trust that is now due and
17 owing is comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$322,881.79
19	b) Prejudgment interest accruing from	\$33,489.93
20	8/1/2014 through 8/8/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	3.375%:	
22	c) Additional amounts due under the	\$13,298.09
23	terms of the loan:	
24	d) Attorney fees and costs:	\$6,221.37
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	Total:	\$375,976.18

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1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
2 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is
5 foreclosed and terminated excepting only any statutory right of redemption as provided by
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant(s) Janet E. Blanding, Judith
9 E. Hathaway, Arthur Blanding had as of the date of the Deed of Trust or thereafter acquired
10 is hereby ordered to be sold by the Tillamook County Sheriff's Office in accordance with the
11 process for sale upon execution, and the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
22 Property from and after the date of the sale and is entitled to such remedies as are available at
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
25 possession to the purchaser immediately upon the purchaser's demand for possession.

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

4 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
5 Deed of Trust are as follows:

6 1) PINE RIDGE OWNERS ASSOCIATION, INC may claim an interest in Subject
7 Property by virtue of the By-Laws, recorded on September 3, 1996, in the official
8 records of Tillamook County, Oregon as Book: 380; Page: 777.

Signed: 8/11/2017 10:20 AM

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Circuit Court Judge Jonathan R. Hill

15 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

16 This proposed General Judgment of Foreclosure is ready for judicial signature because:

17 The relief sought is against an opposing party who has been found in default.
18

19 Dated: August 10, 2017 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Michael S. Scott

22 Michael S. Scott OSB No. 973947

23 920 SW 3rd Ave, 1st Floor

24 Portland, OR 97204

25 Phone: (971) 201-3200

26 Fax: (971) 201-3202

27 mscott@mccarthyholthus.com

28 Of Attorneys for Plaintiff

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