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2 Craig Peterson, OSB #120365
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
7 Seattle, WA 98164
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9 Fax: (206) 676-9659
10 Email: cpeterson@robinsontait.com
11 Email: jfender@robinsontait.com
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CIRCUIT COURT OF OREGON FOR CLATSOP COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

NO. 17CV17560

v.

WRIT OF EXECUTION IN FORECLOSURE

KIRSTIN C. WHITLOCK, RICHARD J.
WHITLOCK, RAY KLEIN INC., AN
OREGON CORPORATION DBA
PROFESSIONAL CREDIT SERVICE, PP U,
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

TO: CLATSOP COUNTY SHERIFF

1. WHEREAS, on July 27, 2017, in the above-entitled court, a judgment of foreclosure was entered and docketed in the above-entitled cause, a true copy of which is attached hereto as

Exhibit "A" and made a part hereof;

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

1
2 WELLS FARGO BANK, N.A.
3 c/o Wells Fargo
4 1 Home Campus
5 Des Moines, IA 50328-0001

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

7 Wells Fargo
8 c/o Robinson Tait, P.S.
9 901 Fifth Avenue, Suite 400
10 Seattle, Washington 98164

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

13 LOT 11, BLOCK 1, VENICE PARK, IN THE CITY OF SEASIDE, COUNTY OF
14 CLATSOP, STATE OF OREGON.

15 and commonly known as 2540 Oregon Street, Seaside, OR 97138-7345.

16 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
17 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
18 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
19 had on September 11, 2008, the date of the Deed of Trust, and also all of the interest which the
20 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
21 which as of August 8, 2017,

22 **Lenders Principal Judgment:**

23
24 1. Unpaid Principal Balance \$92,221.30
25 2. Pre-Judgment Interest from November 1, 2016
26 to June 29, 2017, the date calculated by the Declarant
27 in the Declaration in Support of Judgment \$4,184.82
28 3. Lenders Fees and Costs \$503.40
4. Attorney's Fees and Costs \$4,255.01

Total Judgment Award Entered \$101,164.53

1
2 **Additional Pre Judgment Interest**

3
4 1. Accrued Interest from June 30, 2017
5 to July 27, 2017 the date of entry
6 of Judgment \$533.40

7 ***Total Judgment Award*** \$101,697.93

8 **Post Judgment Interest**

9
10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$25.08, from July 28,
11 2017, the day after the entry of judgment, through August 8, 2017,
12 the date the writ is being requested \$300.96

13 ***Current Total Amount Owing*** \$101,998.89

14
15 In addition to the above, interest continues to accrue on the total of the amounts listed above
16 at the rate of 9% per annum or at \$25.08 per diem, in accordance with the General Judgment of
17 Foreclosure and continues to accrue until the date of sale.

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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 15th day of August, 2017.
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16 *J. Lindoley*
17 Jordana Lindoley, Court Clerk
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EXHIBIT A

CIRCUIT COURT OF OREGON FOR CLATSOP COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

RICHARD J. WHITLOCK; KIRSTIN C. WHITLOCK; 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.

NO. 17CV17560

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 allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore.

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60111-00836-JUD-OR1765770

Law Office
ROBINSON TAIT, P. S.

1 IT IS HEREBY ORDERED AND ADJUDGED THAT:

2
3 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of \$92,221.30,
4 together with interest at a rate as provided in the Note from November 1, 2016 through June 29, 2017 in
5 the amount of \$4,184.82 with additional pre-judgment interest at the per annum rate of 6.875% as
6 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
7 \$2,600.00, plus other recoverable amounts of \$503.40 which includes the amounts itemized in the
8 declaration of the lender in support of motion for judgment plus allowable costs of \$1,655.01 as itemized
9 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
10 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and,
11

12
13 2. Plaintiff's Deed of Trust on real property in Clatsop County, Oregon, legally described
14 as follows:

15 LOT 11, BLOCK I, VENICE PARK, IN THE CITY OF SEASIDE, COUNTY OF
16 CLATSOP, STATE OF OREGON.

17 which was recorded on September 17, 2008, under Auditor's File No. 200808665, records of Clatsop
18 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
19 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
20 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
21 Sheriff of Clatsop County in the manner provided for by law, and the proceeds therefrom shall be
22 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
23 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
24 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of
25 Richard J. Whitlock, Kirstin C. Whitlock, and Ray Klein Inc., an Oregon Corporation DBA
26 Professional Credit Service and of any one claiming by, through or under them; and
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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60111-00836-117D-OR1765770

Law Office of
ROBINSON TAIT, P.S.

401 Pacific Avenue, Suite 400
Seaside, WA 97138
503.738.1111

1
2 3. Richard J. Whitlock, Kirstin C. Whitlock, and Ray Klein Inc., an Oregon Corporation
3 DBA Professional Credit Service subsequent to September 11, 2008, the date of the Deed of Trust
4 which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title,
5 lien or interest in or to said property or any part thereof, save and except for the right of redemption
6 as allowed by law; and
7

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

16 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
17 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
18 pay the remaining proceeds as directed by the court in the order of distribution.
19
20

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

23 Judgment Creditor: WELLS FARGO BANK, N.A.
24 c/o Robinson Tait, P.S.
25 901 Fifth Avenue, Suite 400
26 Seattle, WA 98164
(206) 676-9640

27 Attorney for Judgment Creditor: Craig Peterson
28 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: \$92,221.30

Simple Interest on the Principal Balance
from November 1, 2016 to June 29, 2017: \$4,184.82

Other Amounts Due Under Terms of Loan: \$503.40

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,600.00
Total Costs: \$1,655.01

Total Attorney Fees and Costs: \$4,255.01

TOTAL DEBT OWED \$101,164.53

1
2 Pre-Judgment: Additional pre-judgment interest accrues from June 30, 2017. to the date of
entry of judgment at the per annum rate of 6.875%, in accordance with the Note

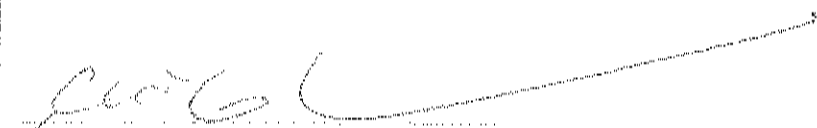
3
4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.
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10 Signed: 7/27/2017 11:52 AM

11 *Paula Brownhill*

12 Circuit Court Judge Paula Brownhill
13
14
15

16 Submitted by:

17
18 
19 Craig Peterson, OSB #120365
20 Email: cpeterson@robinsontait.com
21 Jaimie Fender, OSB #120832
22 Email: jfender@robinsontait.com
23 Kimberly Hood, OSB #123008
24 Email: khood@robinsontait.com
25 Robinson Tait, P.S.
26 Attorneys for Plaintiff
27 Tel: (206) 676-9640
28 Fax: (206) 676-9659

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60111-00836-JUD-CR1765770

Law Offices
ROBINSON TAIT, P.S.


401 Third Avenue, Suite 100
Seattle, WA 98101
(206) 676-9640

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: 7-26-17


Attorney, OSB

120265