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CLACKAMAS CNTY SHERIFF
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Craig Peterson, OSB #120365
Jaimie Fender, OSB #120832
Kimberly Hood, OSB #123008
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
Phone: (206) 676-9640
Fax: (206) 676-9659
Email: cpeterson@robinsontait.com
Email: jfender@robinsontait.com
Email: khood@robinsontait.com

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,	
Plaintiff,	NO. 16CV12006
v.	WRIT OF EXECUTION IN FORECLOSURE
JANICE CLEARY, JPMORGAN CHASE BANK, N.A., RICHARD M. BOWLES, STATE OF OREGON, DEPARTMENT OF REVENUE, UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,	
Defendants.	

TO: CLACKAMAS COUNTY SHERIFF

1. WHEREAS, on September 13, 2016, in the above-entitled court, a judgment of foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached hereto as **Exhibit "A"** and made a part hereof;

1
2 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

3 WELLS FARGO BANK, N.A.
4 c/o Rushmore Loan Management Services
5 15480 Launa Cny. Rd., Ste. 100,
6 Irvine, CA 92618

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

8 Rushmore Loan Management Services
9 c/o Robinson Tait, P.S.
10 901 Fifth Avenue, Suite 400
11 Seattle, Washington 98164

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

14 LEGAL DESCRIPTION IS ATTACHED TO JUDGMENT HERETO AS EXHIBIT A.
15 and commonly known as 740 PEBBLE BEACH COURT, Lake Oswego, OR 97034.

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 August 16, 2006, 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 October 19, 2017,

22 **Lenders Principal Judgment:**

23	1. Unpaid Principal Balance	<u>\$319,364.37</u>
24	2. Pre-Judgment Interest from October 1, 2015	
25	to June 3, 2016, the date calculated by the Declarant	
26	in the Declaration in Support of Judgment	<u>\$14,221.21</u>
27	3. Lenders Fees and Costs	<u>\$-581.28</u>
28	4. Attorney's Fees and Costs	<u>\$4,643.00</u>
	<i>Total Judgment Award Entered</i>	<u>\$337,647.30</u>

1
2 **Additional Pre Judgment Interest**

3
4 1. Accrued Interest from June 4, 2016
5 to September 13, 2016 the date of entry
6 of Judgment \$5,912.94

7 ***Total Judgment Award*** \$343,560.24

8 **Post Judgment Interest**

9
10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$84.71, from September
11 14, 2016, the day after the entry of judgment, through November 10, 2017,
12 the date the writ is being requested \$35,832.33

13 ***Current Total Amount Owing*** \$379,392.57

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 \$84.71 per diem, in accordance with the General Judgment of
17 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 20 day of November, 2017.



Wendy Watson

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.

Submitted:
DATED this 13 day of November, 2017.

*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*

Kimberly Hood

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

EXHIBIT A

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

JANICE CLEARY; JPMORGAN CHASE BANK, N.A.; RICHARD M. BOWLES; STATE OF OREGON; DEPARTMENT OF REVENUE; UNITED STATES OF AMERICA; INTERNAL REVENUE SERVICE; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 16cv12006

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,

GENERAL JUDGMENT DETERMINING AMOUNT OWED AND FORECLOSURE - 1
60005-00853-JUD-OR1459027

Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

1 that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in
2 favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,
3

4 IT IS HEREBY ORDERED AND ADJUDGED THAT:

5 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of
6 \$319,364.37, together with interest at a rate as provided in the Note from October 1, 2015 through June
7 3, 2016 in the amount of \$14,221.21 with additional pre-judgment interest at the per diem rate of \$57.97
8 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
9 \$2,050.00, plus other recoverable amounts of \$-581.28 which includes the amounts itemized in the
10 declaration of the lender in support of motion for judgment plus allowable costs of \$2,593.00 as itemized
11 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
12 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and
13

14 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
15 described as follows:
16

17 LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT A.

18 which was recorded on August 21, 2006, under Auditor's File No. 2006-076465, records of
19 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
20 described real estate and the whole thereof as security for the payment of the judgment herein set
21 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
22 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
23 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
24 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
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Attorney for Judgment Creditor: Craig Peterson
Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(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: \$319,364.37

Simple Interest on the Principal Balance
from October 1, 2015
to June 3, 2016: \$14,221.21

Other Amounts Due Under Terms of Loan: \$-581.28

Attorneys' Fees and Costs:
Attorneys' Fee: \$2,050.00
Total Costs: \$2,593.00

Total Attorney Fees and Costs: \$4,643.00

TOTAL DEBT OWED \$337,647.30

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Pre-Judgment: Additional pre-judgment interest accrues from June 4, 2016, to the date of entry of judgment at the per diem rate of \$57.97, 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.

Signed: 8/29/2016 04:41 PM


Circuit Court Judge Michael C. Wetzel

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Brandon Smith, OSB #124584
Email: bsmith@robinsontait.com
 Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
 Kimberly Hood, OSB #123008
Email: KHood@robinsontait.com
 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 A

Legal Description

All of Lot 19, and a part of Lot 18, Block 1, REPLAT OF OSWEGO COUNTRY CLUB HEIGHTS, in the City of Lake Oswego, in the County of Clackamas and State of Oregon, that said part of Lot 18, Block 1, being described as follows:

Beginning at the Northwest corner of said Lot 18, Block 1, which Northwest corner is in the right of way line of a 45.00 foot radius cul de sac; thence leaving said cul de sac, South 39°36'10" West along the Northwesterly line of said Lot 18, a distance of 109.30 feet to the most Westerly corner of said Lot 18, Block 1; thence East along the Southerly line of Lot 18, Block 1, a distance of 29.00 feet; thence leaving said Southerly line of Lot 18, Block 1, North 26°05' East 93.43 feet to the place of beginning.


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:

7-14-16


Attorney, OSB

120365