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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR THE COUNTY OF CLACKAMAS

8 ASSOCIATION OF UNIT OWNERS OF
9 THE FOREST CONDOMINIUM, an
10 Oregon non-profit corporation,

11 Plaintiff,

v.

12 UNKNOWN HEIRS OF CAROLYN C.
13 GRASSLEY; MATTHEW C. GRASSLEY;
14 ROBERT J. HAVELKA; and PARTIES IN
15 POSSESSION OR CLAIMING A RIGHT
16 TO POSSESSION,

17 Defendants.

Case No. 17CV11351

AMENDED WRIT OF
EXECUTION IN FORECLOSURE
OF RESIDENTIAL REAL
PROPERTY

18 TO THE SHERIFF OF CLACKAMAS COUNTY:

19 WHEREAS, on October 11, 2017 in the above-entitled court, a General Judgment of
20 Foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is
21 attached hereto and made part hereof;

22 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
23 commanded to sell, in the manner prescribed by law for the sale of residential real property upon
24 execution (subject to redemption), all of the interest which the defendants had on November 17,
25 2014, the date condominium association's lien was recorded, and also all of the interest which
26 the defendant had thereafter, in the real property described in the judgment, described as follows:

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PAGE 1 – WRIT OF EXECUTION IN FORECLOSURE OF
RESIDENTIAL REAL PROPERTY

5192-104

VIA FOTHERINGHAM LLP
17355 SW Boones Ferry Rd., Ste A
Lake Oswego, OR 97035
Phone: 503-684-4411 Fax: 503-598-7758
www.vf-law.com

1 Unit 70, THE FOREST CONDOMINIUM, STAGE 2, in the City of Lake
2 Oswego, County of Clackamas, and State of Oregon together with an undivided
3 interest in and to the general and limited common elements appertaining thereto
4 as set forth in Declaration of Unit Ownership recorded June 20, 1997, as Fee No.
97046483, and in Supplemental Declaration submitting Stage 2, recorded October
31, 1997, as Fee No. 97085712, all in the records of Clackamas County, Oregon.

5 The property is commonly known as 4000 Carman Drive #70, Lake Oswego, Oregon 97035
6 ("Property").

7
8 To satisfy the general judgment listed below; all amounts owed to Plaintiff by Defendants which
9 accrued from date of judgment to date of sale; and the cost of this writ, making due return within
10 60 days after you receive this writ. The proceeds from the sale shall be applied in accordance
11 with the judgment.

12 The balance as of November 13, 2017, exclusive of post judgment attorney fees and
13 post judgment dues and assessments is as follows:

| | | |
|----|--|--------------|
| 14 | 1. Principal Amount: | \$ 11,929.78 |
| 15 | 2. Amount of Costs and Disbursements: | \$ 1,134.72 |
| 16 | 3. Pre Judgment Interest: | \$ 999.08 |
| 17 | 4. Amount of Attorney Fees: | \$ 2,205.00 |
| 18 | 5. Amount of Post-Judgment Interest (through November 13, 2017): | \$ 264.75 |
| 19 | 6. Subtotal through November 13, 2017: (Per diem thereafter \$8.03) | \$ 16,533.33 |
| | 7. Total amount through November 13, 2017: | \$ 16,533.33 |

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1 The mailing address of the judgment creditor is:

2 Association of Unit Owners of The Forest Condominium
3 c/o Vial Fotheringham LLP
4 Attn: Colin P. Mackenzie
5 17355 SW Boones Ferry Rd. Suite A
6 Lake Oswego, OR 97035



7 DATED: November 20, 2017

8 By: Wendy Watson
9 Deputy Clerk

10 Submitted by:

11 VIAL FOTHERINGHAM LLP

12 By:

13 Colin Mackenzie, OSB #123782
14 colin.mackenzie@vf-law.com
15 Of Attorneys for Plaintiff Association of
16 Unit Owners of The Forest Condominium

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.

**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**

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF CLACKAMAS

ASSOCIATION OF UNIT OWNERS
OF THE FOREST CONDOMINIUM, an
Oregon non-profit corporation,
Plaintiff,

Case No. 17CV11351

v.

GENERAL JUDGMENT OF
FORECLOSURE

UNKNOWN HEIRS OF CAROLYN C.
GRASSLEY; MATTHEW C.
GRASSLEY; ROBERT J. HAVELKA;
and PARTIES IN POSSESSION OR
CLAIMING A RIGHT TO POSSESSION,
Defendants.

This matter coming regularly before the Court on this day, and it appearing from the record that an Order for Default was entered against Defendants Unknown Heirs of Carolyn C. Grassley, Matthew C. Grassley, Robert J. Havelka, and Parties in Possession or Otherwise Claiming a Right to Possession ("Defendants");

IT IS HEREBY ORDERED AND ADJUDGED:

I. The real property to which this judgment relates ("Property") is situated in Clackamas County, Oregon and is legally described as:

Unit 70, THE FOREST CONDOMINIUM, STAGE 2, in the City of Lake Oswego, County of Clackamas, and State of Oregon together with an undivided interest in and to the general and limited common elements appertaining thereto as set forth in Declaration of Unit Ownership recorded June 20, 1997, as Fee No.

1 97046483, and in Supplemental Declaration submitting Stage 2, recorded October
2 31, 1997, as Fee No. 97085712, all in the records of Clackamas County, Oregon
and is more commonly known as 4000 Caman Drive #70, Lake Oswego, Oregon 97035.

3 2. Plaintiff's Claim of Lien ("Lien"), recorded on April 27, 2016, in the real
4 property records of Clackamas County, Oregon as Instrument No. 2016-026928, is a valid and
5 subsisting lien against all of the property for the amount of Plaintiff's judgment as provided
6 herein. Plaintiff's lien is a continuing lien and the amount increases as additional unpaid
7 assessments accrue.

8 3. The interest of each of the Defendants subject to this judgment and any successor
9 in interest in the property is foreclosed and terminated excepting only any statutory right of
10 redemption as provided by Oregon law.

11 4. The Plaintiff's Lien is superior to any interest, lien, or claim of the remaining
12 Defendants, and shall remain in effect until issuance of a Sheriff's Deed.

13 5. The Property is hereby ordered to be sold by the Clackamas County Sheriff's
14 Office in accordance with the process for sale upon execution.

15 6. Plaintiff, or any junior lien holders, may become purchaser at the sale of the
16 property.

17 7. The purchaser at the sale is entitled to exclusive and immediate possession of the
18 Property from and after the date of the sale and is entitled to such remedies as are available at
19 law or in equity to secure possession.

20 8. The purchaser at the sale may apply to the Court for a writ of assistance if any
21 Defendant or any person holding possession under or through such Defendants shall refuse to
22 surrender possession to the purchaser immediately on the purchaser's demand for possession.

23 9. The proceeds of sale shall be applied first toward the costs of the sale; then to
24 any assessments of the Plaintiff and attorney fees which shall accrue from the date of judgment
25

1 to the date of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the
2 surplus, if any, to the party or parties who may establish their right thereto.

3 10. Since the amount of the lien referenced herein includes only assessments,
4 attorney fees, and costs incurred to the date of judgment, and regular assessments, fees and costs
5 increase the balance of the lien, Plaintiff shall be entitled to apply to the Court for one or more
6 supplemental judgment(s) for assessments, fees and costs which accrue through the date of sale
7 but are not included in this judgment.
8

9 11. Plaintiff is now due and owing the following amounts:

| | |
|------------------------|--------------------|
| Lien Principle: | \$11,929.78 |
| Pre-judgment Interest: | \$999.08 |
| Total: | \$12,928.86 |

12 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

| | | |
|---|----------|--------------------|
| Attorney Fees (on Plaintiff's first claim): | | \$2,205.00 |
| Costs: | | \$834.72 |
| Filing Fees: | \$252.00 | |
| Process Service Fees Unknown Heirs: | \$446.40 | |
| Process Service Fees Matthew Grassley: | \$76.00 | |
| Process Service Fees PIP/Robert Havelka: | \$60.32 | |
| Prevailing Party Fee: | | \$300.00 |
| Subtotal: | | \$3,339.72 |
| Total: | | \$16,268.58 |

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21 13. Post-judgment simple interest on the aggregate of all amounts declared due
22 above shall accrue from the date of judgment at the rate of eighteen percent (18%) until paid.

23 14. The amounts declared due in paragraphs 10, 11, and 12 of this judgment shall
24 collectively declare the secured amount due under this Judgment of Foreclosure.
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1 15. If before sale such amount, including sheriff's fees for the execution, is tendered
2 to the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
3 judgment as to the amounts due shall be terminated.

4 16. The court shall retain jurisdiction to enter such additional order, judgment or
5 decree necessary to enforce this judgment, the writ of execution or for the purchaser at the
6 foreclosure sale to obtain possession.
7



Signed: 10/6/2017 02:59 PM

A handwritten signature in black ink, appearing to read "Michael C. Wetzel".

Circuit Court Judge Michael C. Wetzel

12 **SUBMITTED BY:**

13 By: 
14 Colin P. Mackenzie, OSB #123782
Of Attorneys for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF CLACKAMAS

ASSOCIATION OF UNIT OWNERS
OF THE FOREST CONDOMINIUM,
an Oregon non-profit corporation,
Plaintiff,

Case No. 17CV11351

v.

CERTIFICATE OF READINESS

UNKNOWN HEIRS OF CAROLYN C.
GRASSLEY; MATTHEW C.
GRASSLEY; ROBERT J. HAVELKA;
and PARTIES IN POSSESSION OR
CLAIMING A RIGHT TO
POSSESSION,

Defendants.

STATE OF OREGON)
) ss:
County of Clackamas)

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

1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.
3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

1 4. The relief sought is against an opposing party who has been found in default.

2
3 5. An order of default is being requested with this proposed judgment.

4 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
5 otherwise.

6 7. This is a proposed judgment that includes an award of punitive damages and notice
7 has been served on the Director of the Crime Victims' Assistance Section as required by
8 subsection (4) of this rule.

9
10 DATED this 12th day of June, 2016.

11
12 VIAL FOTHERINGHAM LLP

13 By: 

14 Colin Mackenzie, OSB #123782
15 Of Attorneys for Plaintiff
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