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LANE COUNTY S.O. CIVIL
01.09.18 RSP 411

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE**

WELLS FARGO BANK, NA,
Plaintiff,

Case No. 16CV34982

v.

WRIT OF EXECUTION

CHRISTOPHER MARTINEZ; CHARLI
MARTINEZ; ROBERT K. NASLUND; RAY
KLEIN INC.; AND ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 18316 HIGHWAY 36,
BLACHLY, OR 97412,
Defendant.

TO THE LANE COUNTY SHERIFF:

On November 9, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WELLS FARGO BANK, NA c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 18316 HIGHWAY 36, BLACHLY, OR 97412 ("Subject Property"), and legally described as:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 12 OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 8 WEST OF THE WILLAMETTE MERIDIAN, WITH THE SOUTHERLY LINE OF THE EUGENE-FLORENCE HIGHWAY,

1 SAID POINT OF INTERSECTION BEING 11.29 CHAINS SOUTH 88° EAST FROM THE
2 QUARTER SECTION CORNER ON THE WEST LINE OF SAID SECTION 36; AND
3 RUNNING THENCE SOUTH 88° EAST ALONG THE NORTH LINE OF SAID LOT 12, 9.21
4 CHAINS TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 4.32 CHAINS TO
5 THE CENTER OF THE CHANNEL OF LAKE CREEK; THENCE ALONG THE CENTER OF
6 THE CHANNEL OF LAKE CREEK SOUTH 73 1/2 WEST 10.15 CHAINS; THENCE

7 SOUTH 69° 45' WEST 3.70 CHAINS; THENCE SOUTH 64° WEST 2.00 CHAINS;
8 THENCE NORTH 37° WEST LEAVING LAKE CREEK 1.60 CHAINS TO THE
9 SOUTHERLY LINE OF THE HIGHWAY; THENCE NORTHEASTERLY ALONG THE
10 HIGHWAY TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

11 EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY ALL THAT PORTION
12 LYING SOUTH OF THE CENTER LINE OF THAT CERTAIN CREEK LOCATED 546 FEET
13 NORTH FROM THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED
14 PROPERTY, AS MEASURED ALONG THE SOUTH LINE OF THE SIUSLAW HIGHWAY
15 IN LANE COUNTY, OREGON.

16 The total amount due and owing on the Judgment as of November 17, 2017;

17	Judgment:	Principal	\$243,401.97
18	Pre-Judgment:	Interest(3.375%, \$20.86/day)	\$2,461.48 (7/15/17 through 11/9/17)
19		Attorney Fees	\$2,340.00
20		Costs	\$1,923.00
21		Prevailing Party Fee	\$300.00
22	Post-Judgment:	Interest(3.375%, \$20.86/day)	\$166.88 (11/10/17 through 11/17/17)
23		Attorney Fees	\$260.00

24 **TOTAL: \$250,853.33**

25 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale

1 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
2 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
3 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
4 holder of the certificate of sale.

5 DATED DEC - 5 2017.

COURT ADMINISTRATOR FOR LANE
COUNTY CIRCUIT COURT

By: Angie Jones
Court Clerk

9 Presented by:
10 ALDRIDGE PITE, LLP

Christina M. Andreoni

12 ^x
13 CHRISTINA M. ANDREONI, OSB #160875
14 Tel: (858) 750-7600
15 Fax: (503) 222-2260
16 CANDREONI@ALDRIDGEPITE.COM



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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE**

WELLS FARGO BANK, NA,

Plaintiff,

v.

CHRISTOPHER MARTINEZ; CHARLI MARTINEZ; ROBERT K. NASLUND; RAY KLEIN INC.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 18316 HIGHWAY 36, BLACHLY, OR 97412,

Defendant.

Case No. 16CV34982

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants CHRISTOPHER MARTINEZ; CHARLI MARTINEZ; ROBERT K. NASLUND; RAY KLEIN INC.; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 18316 HIGHWAY 36, BLACHLY, OR 97412, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff WELLS FARGO BANK, NA ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 18316 HIGHWAY 36, BLACHLY, OR 97412 ("Subject Property"), as evidenced by the Deed of Trust recorded December 27, 2012 in the official records of LANE County as instrument number 2012-066262 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All

1 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
2 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
3 described as follows:

4 BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 12 OF
5 SECTION 36, TOWNSHIP 16 SOUTH, RANGE 8 WEST OF THE WILLAMETTE
6 MERIDIAN, WITH THE SOUTHERLY LINE OF THE EUGENE-FLORENCE
7 HIGHWAY, SAID POINT OF INTERSECTION BEING 11.29 CHAINS SOUTH 88°
8 EAST FROM THE QUARTER SECTION CORNER ON THE WEST LINE OF SAID
9 SECTION 36; AND RUNNING THENCE SOUTH 88° EAST ALONG THE NORTH
10 LINE OF SAID LOT 12, 9.21 CHAINS TO THE NORTHEAST CORNER THEREOF;
11 THENCE SOUTH 4.32 CHAINS TO THE CENTER OF THE CHANNEL OF LAKE
12 CREEK; THENCE ALONG THE CENTER OF THE CHANNEL OF LAKE CREEK
13 SOUTH 73 1/2 WEST 10.15 CHAINS; THENCE
14 SOUTH 69° 45' WEST 3.70 CHAINS; THENCE SOUTH 64° WEST 2.00 CHAINS;
15 THENCE NORTH 37° WEST LEAVING LAKE CREEK 1.60 CHAINS TO THE
16 SOUTHERLY LINE OF THE HIGHWAY; THENCE NORTHEASTERLY ALONG
17 THE HIGHWAY TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.
18 EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY ALL THAT PORTION
19 LYING SOUTH OF THE CENTER LINE OF THAT CERTAIN CREEK LOCATED
20 546 FEET NORTH FROM THE MOST SOUTHERLY CORNER OF THE HEREIN
21 DESCRIBED PROPERTY, AS MEASURED ALONG THE SOUTH LINE OF THE
22 SIUSLAW HIGHWAY IN LANE COUNTY, OREGON.

23 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
24 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
25 in the manner provided by law;

26 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount

1 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
2 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

3 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

4 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
5 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
6 68(C), which amount may be added to the outstanding obligation due and owing under the Note
7 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
8 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
9 by sale of the Subject Property as directed under this Judgment;

10 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
11 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
12 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
13 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
14 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

15 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
16 sale of the Subject Property as directed under this Judgment.

17 7. The Sheriff shall make a return on the writ of execution to the court administrator
18 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
19 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
20 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
21 parties as may establish their right thereto. The Defendants and all persons claiming through or
22 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
23 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
24 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
25 every part of the Subject Property when the time for redemption has elapsed;

26 8. Plaintiff or any other party to this action may become a purchaser at the

1 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
2 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
3 successor in interest may apply to this Court for a writ of assistance to gain possession of the
4 subject property if Defendants or any other party or person refuses to surrender possession;

5 **DECLARATION OF AMOUNT DUE BY DEFAULT**

6 **(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES**
7 **NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

- 8
- 9 1. The amount of the judgment is \$243,401.97.
 - 10 2. Simple interest at the variable rate currently at 3.375% (\$20.86 *per diem*) after
11 July 14th, 2017, through the date of sale.
 - 12 3. Attorney fees of \$2,340.00, plus \$260.00, through the date of sale.
 - 13 4. Costs of \$1,923.00 plus costs accrued through the date of sale.
 - 14 5. Prevailing party fee: \$300.00.

15 **IT IS SO ADJUDGED**

Signed: 11/7/2017 04:15 PM

17 

18 **Karrie K. McIntyre, Circuit Court Judge**

19

20

21 **CERTIFICATE OF READINESS**

22 This proposed Order or Judgment is ready for judicial signature because:

- 23
- 24 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
25 or Judgment, as shown by each opposing party's signature on the document being
26 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

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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 objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing 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;
 - c. After conferring about objections, [**Opposing Party**] agreed to independently file any remaining objection with the Court.
- 4. The relief sought is against an opposing 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 (3) of this rule, 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 (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 10/24/2017

Christina Andreoni, OSB #160875
(858) 750-7600
(503) 222-2260 (Facsimile)
candreoni@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff