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

ONEWEST BANK, FSB, its successors in
interest and/or assigns,

Plaintiff,

vs.

UNKNOWN HEIRS OF HELEN M.
GARHAN; ROBERT W. GARHAN;
TIMOTHY KENNETH BARR; ELENE
MAE BARR SCHALL AKA ILENE MAE
BARR SCHALL; CATERINE E. BARR
VOGEL; SHIRLEY J. BARR WILLIAMS;
LINDA MARIE BARR BATDORF;
AMERICAN GENERAL FINANCIAL
SERVICES (DE), INC.; STATE OF
OREGON; UNITED STATES OF
AMERICA; AND OCCUPANTS OF THE
PREMISES,

Defendants.

CASE NUMBER: CV12040053

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF CLACKAMAS COUNTY, OREGON:

1.

WHEREAS, on May 27, 2015, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to

1 redemption, if applicable), all of the interest which the Defendants UNKNOWN HEIRS OF HELEN
2 M. GARHAN, ROBERT W. GARHAN, TIMOTHY KENNETH BARR, ELENE MAE BARR
3 SCHALL AKA ILENE MAE BARR SCHALL, CATERINE E. BARR VOGEL, SHIRLEY J.
4 BARR WILLIAMS, LINDA MARIE BARR BATDORF, AMERICAN GENERAL FINANCIAL
5 SERVICES (DE), INC., STATE OF OREGON, UNITED STATES OF AMERICA; AND
6 OCCUPANTS OF THE PREMISES ("Defendants") had on April 27, 2007, the date of the
7 foreclosed Deed of Trust which was recorded on May 3, 2007, as Instrument No. 2007-038188 in
8 the official records of the Clackamas County Recorder's Office, and/or all of the interest which
9 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as
10 follows:

11
12 **Lender's Principal Judgment:**

| | |
|--|----------------------------|
| 13 Unpaid Principal Balance: | \$134,391.55 |
| 14 Pre-Judgment Interest from May 2, 15 2007 to January 16, 2014, the date set 16 forth in the Judgment at 1.170%, per 17 annum, (\$5.23 per diem): | \$19,696.09 |
| 18 Lender's Fees and Costs: | \$9,274.84 |
| 19 Attorney's Fees and Costs: | \$5,453.30 |
| 20 | |
| 21 <i>Total Judgment Entered:</i> | <i>\$168,815.78</i> |

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1 **Additional Pre-Judgment Interest:**

2 Accrued Interest from January 17,
3 2014, the day after the date set forth in
4 the Judgment through May 27, 2015,
5 the date of entry of the Judgment, at
6 1.170%, per annum (\$5.23 per diem): **\$679.90**

7
8 ***Total Judgment Entered Including***
9 ***Additional Pre-Judgment***

10 ***Interest:*** ***\$169,495.68***

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on ***\$169,495.68*** at
13 the legal rate of interest of 9% per annum, \$41.79 per diem, from May 28, 2015 to the date the real
14 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
15 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

16 4.

17 The real property subject to this writ of execution is commonly known as 462 SW Ivy Road,
18 Estacada, OR 97023 ("Property") and described in Exhibit "1" attached hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 OneWest Bank, FSB

22 c/o Financial Freedom

23 888 East Walnut Street

24 Pasadena, California 91101-1895

25 The Judgment Creditor's name and address for the purpose of this Writ is:

26 OneWest Bank, FSB

27 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

28 2112 Business Center Drive

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Irvine, CA 92612

949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.



Wendy Watson August 9, 2017

Submitted by:

Nathan F. Smith

Dated:

7/31/17

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

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

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.

EXHIBIT 1

[REDACTED]

[REDACTED]

REF. NO.: 7827.20319

LOTS 446 AND 447 AND THE NORTH ONE-HALF OF LOT 424, ESTACADA LAKE, IN THE CITY OF ESTACADA, COUNTY OF CLACKAMAS AND STATE OF OREGON.