

RECEIVED
CLACKAMAS COUNTY SHERIFF

18 JAN 10 AM 11:24

1 Craig Peterson, OSB #120365
2 Jaimie Fender, OSB #120832
3 Kimberly Hood, OSB #123008
4 Robinson Tait, P.S.
5 901 Fifth Avenue, Suite 400
6 Seattle, WA 98164
7 Phone: (206) 676-9640
8 Fax: (206) 676-9659
9 Email: cpeterson@robinsontait.com
10 Email: jfender@robinsontait.com
11 Email: khood@robinsontait.com

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

<p>WELLS FARGO BANK, N.A.,</p> <p>Plaintiff,</p> <p>v.</p> <p>ANTHONY RYAN GASCON, ROBYN GASCON, GREGORY GRIMSHAW, STEVEN MERRILL, AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,</p> <p>Defendants.</p>	<p>NO. 16CV21442</p> <p>WRIT OF EXECUTION IN FORECLOSURE</p>
--	--

TO: CLACKAMAS COUNTY SHERIFF

1. WHEREAS, on January 31, 2017, 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;

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

WELLS FARGO BANK, N.A.
c/o Wells Fargo Home Mortgage

1
2 1200 W. 7th St., 2nd Fl.
3 Los Angeles, CA 90017

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

5 Wells Fargo Home Mortgage
6 c/o Robinson Tait, P.S.
7 901 Fifth Avenue, Suite 400
8 Seattle, Washington 98164

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

11 PARCEL 1, PARTITION PLAT 1991-30, IN THE COUNTY OF CLACKAMAS AND
12 STATE OF OREGON
13 and commonly known as 16001 S NEIBUR ROAD, Oregon City, OR 97045.

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

22 **Lenders Principal Judgment:**

23	1. Unpaid Principal Balance	<u>\$298,926.92</u>
24	2. Pre-Judgment Interest from October 1, 2015	
25	to September 20, 2016, the date calculated by the Declarant	
26	in the Declaration in Support of Judgment	<u>\$12,307.02</u>
27	3. Lenders Fees and Costs	<u>\$1,628.27</u>
28	4. Attorney's Fees and Costs	<u>\$4,991.50</u>
	<i>Total Judgment Award Entered</i>	<u>\$317,853.71</u>

1 **Additional Pre Judgment Interest**

2

3

4 1. Accrued Interest from September 21, 2016

5 to January 31, 2017 the date of entry

6 of Judgment \$4,629.73

7

8 ***Total Judgment Award*** \$322,483.44

9 **Post Judgment Interest**

10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$79.52, from February 1,

11 2017, the day after the entry of judgment, through November 10, 2017,

12 the date the writ is being requested \$22,504.16

13

14 ***Current Total Amount Owing*** \$344,987.60

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 \$79.52 per diem, in accordance with the General Judgment of

17 Foreclosure and continues to accrue until the date of sale.

18 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize

19 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be

20 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1
2 MAKE RETURN HEREOF within 60 days after you receive this writ.

3 DATED this 17 day of November, 2017.
4
5



13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 by:
Kimberly Hood

[] Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
[] Jaimie Fender, OSB #120832
Email: jfender@robinsontait.com
[x] Kimberly Hood, OSB #123008
Email: KHood@robinsontait.com
Robinson Tait, P.S.
Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

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.

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

ANTHONY RYAN GASCON; ROBYN
GASCON; GREGORY GRIMSHAW;
STEVEN MERRILL; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 16CV21442

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,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
60005-00916-JUD-OR1606003

Law Offices
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 400
Seattle WA 98161
(206) 676-9610

1
2 1. Plaintiff, Wells Fargo Bank, N.A. be awarded judgment in the sum of \$298,926.92,
3 together with interest at a rate as provided in the Note from October 1, 2015 through September 20, 2016
4 in the amount of \$12,307.02, with additional pre-judgment interest at the per diem rate of \$34.81 as
5 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
6 \$2,600.00, plus other recoverable amounts of \$1,628.27, which includes the amounts itemized in the
7 declaration of the lender in support of motion for judgment plus allowable costs of \$2,391.50, as
8 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said
9 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.
10

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

14 **PARCEL 1, PARTITION PLAT 1991-30, IN THE COUNTY OF**
15 **CLACKAMAS AND STATE OF OREGON**
16

17 which was recorded on February 20, 2008, under Auditor's File No. 2008-011891, records of
18 Clackamas County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
19 described real estate and the whole thereof as security for the payment of the judgment herein set
20 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
21 sold by the Sheriff of Clackamas County in the manner provided for by law, and the proceeds
22 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
23 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
24 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
25 interest of Anthony Ryan Gascon, Robyn Gascon, and Gregory Grimshaw and of any one claiming by,
26 through or under them; and
27
28

1
2 3. Anthony Ryan Gascon, Robyn Gascon, and Gregory Grimshaw subsequent to February
3 8, 2008, the date of the Deed of Trust which is foreclosed herein, be forever barred and estopped
4 from claiming or asserting any right, title, lien or interest in or to said property or any part thereof,
5 save and except for the right of redemption as allowed by law; and

6
7 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
8 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
9 law, and to all right, title and interest in any rents and profits generated or arising from the property
10 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
11 secure possession, including writ of assistance, if defendants or any of them or any other party or person
12 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
13 possession; and

14
15 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
16 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
17 pay the remaining proceeds as directed by the court in the order of distribution.
18

19
20 **DECLARATION DETERMINING AMOUNT OF DEBT**
(Not a Money Award, see ORS 18.862, 86.797, and 88.010)

21 Judgment Creditor: Wells Fargo Bank, N.A.
22 c/o Robinson Tait, P.S.
23 901 Fifth Avenue, Suite 400
24 Seattle, WA 98164
(206) 676-9640

25 Attorney for Judgment Creditor: Craig Peterson
26 Robinson Tait, P.S.
27 901 Fifth Avenue, Suite 400
28 Seattle, WA 98164
(206) 676-9640

1
2 The name of any person or public body,
3 other than the Judgment Creditor's
4 Attorney, who is entitled to any
5 portion of the judgment:

None

6 Principal Balance: \$298,926.92

7 Simple Interest on the Principal Balance
8 from October 1, 2015 to September 20, 2016: \$12,307.02

9 Other Amounts Due Under Terms of Loan: \$1,628.27

10 Attorneys' Fees and Costs:
11 Attorneys' Fee: \$2,600.00
12 Total Costs: \$2,391.50

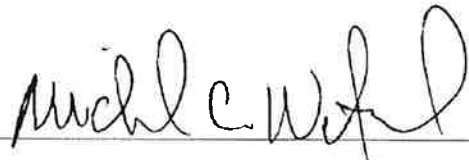
13 Total Attorney Fees and Costs: \$4,991.50

14 *TOTAL DEBT OWED* \$317,853.71

15 Pre-Judgment: Additional pre-judgment interest accrues from September 21, 2016, to the date
16 of entry of judgment at the per diem rate of \$34.81, in accordance with the Note

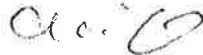
17 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
18 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

19
20
21
22
23
24 Signed: 1/18/2017 03:51 PM

25 

26
27 **Circuit Court Judge Michael C. Wetzel**

1 Submitted by:
2

3
4 

5 Craig Peterson, OSB #120365
6 Email: cpeterson@robinsontait.com

7 Brandon Smith, OSB #124584
8 Email: bsmith@robinsontait.com

9 Jaimie Fender, OSB #120832
10 Email: jfender@robinsontait.com

11 Kimberly Hood, OSB #123008
12 Email: khood@robinsontait.com

13 Michael Althouse, OSB #150793
14 Email: malthouse@robinsontait.com

15 Robinson Tait, P.S.
16 Attorneys for Plaintiff

17 Tel: (206) 676-9640

18 Fax: (206) 676-9659
19
20
21
22
23
24
25
26
27
28