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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

DOUGLAS D. HALBERT, JR.; TRICIA H. HALBERT; CAPITAL ONE BANK (USA) N.A.; KRISTY E. HILL; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 797 DIAGONAL BLVD., HERMISTON, OREGON 97838,
Defendant.

Case No. 16CV35614

WRIT OF EXECUTION

TO THE UMATILLA COUNTY SHERIFF:

On September 12, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the UMATILLA 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, N.A. 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 797 DIAGONAL BLVD., HERMISTON, OREGON 97838 ("Subject Property"), and legally described as:

THE WESTERLY 50 FEET OF THE EASTERLY 100 FEET OF LOT 9, BLOCK "C", HERMISTON ORCHARDS ADDITION TO THE TOWN, NOW CITY OF HERMISTON, UMATILLA COUNTY, OREGON; (WESTERLY AND EASTERLY LINE PARALLEL TO

1 THE EAST LINE OF LOT); ALL BEING IN THE COUNTY OF UMATILLA AND STATE
2 OF OREGON.

3 The total amount due and owing on the Judgment as of October 6, 2017;

4 Judgment:	Principal	\$92,080.96
5 Pre-Judgment:	Interest(5.000%, \$12.60/day)	\$2,305.80 (3/14/17 through 9/12/17)
6	Attorney Fees	\$1,950.00
7	Costs	\$1,855.98
8	Prevailing Party Fee	\$300.00
9 Post-Judgment:	Interest(5.000%, \$12.60/day)	\$302.40 (9/13/17 through 10/6/17)
10	Attorney Fees	\$650.00

11 **TOTAL: \$99,445.14**

12 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
13 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
14 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
15 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
16 holder of the certificate of sale.

17 DATED Oct. 9th, 2017.

18 COURT ADMINISTRATOR FOR
19 UMATILLA COUNTY CIRCUIT COURT
20 By: Johnson
21 court clerk

22 Presented by:
23 ALDRIDGE PITE, LLP

24 x
25 Christina M. Andreoni OSB# 160875
26 (858) 750-7600
(503) 222-2260 (Facsimile)
candreoni@aldridgepite.com

Page 2 – WRIT OF EXECUTION

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

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

DOUGLAS D. HALBERT, JR.; TRICIA H. HALBERT; CAPITAL ONE BANK (USA) N.A.; KRISTY E. HILL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 797 DIAGONAL BLVD., HERMISTON, OREGON 97838,

Defendants.

Case No. 16CV35614

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 DOUGLAS D. HALBERT, JR.; TRICIA H. HALBERT; CAPITAL ONE BANK (USA) N.A.; KRISTY E. HILL; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 797 DIAGONAL BLVD., HERMISTON, OREGON 97838, 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, N.A. ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 797 DIAGONAL BLVD., HERMISTON, OREGON 97838 ("Subject Property"), as evidenced by the Deed of Trust recorded June 18, 2010 in the official records of Umatilla County as instrument number

1 2010-5670175 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
2 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
3 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
4 legally described as follows:

5 THE WESTERLY 50 FEET OF THE EASTERLY 100 FEET OF LOT 9, BLOCK "C",
6 HERMISTON ORCHARDS ADDITION TO THE TOWN, NOW CITY OF
7 HERMISTON, UMATILLA COUNTY, OREGON; (WESTERLY AND EASTERLY
8 LINE PARALLEL TO THE EAST LINE OF LOT); ALL BEING IN THE COUNTY OF
9 UMATILLA AND STATE OF OREGON.

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

13 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
14 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
15 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
16 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

17 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
18 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
19 68(C), which amount may be added to the outstanding obligation due and owing under the Note
20 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
21 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
22 by sale of the Subject Property as directed under this Judgment;

23 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
24 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
25 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
26 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

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

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

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

13 8. Plaintiff or any other party to this action may become a purchaser at the
14 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
15 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
16 successor in interest may apply to this Court for a writ of assistance to gain possession of the
17 subject property if Defendants or any other party or person refuses to surrender possession;

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DECLARATION OF AMOUNT DUE BY DEFAULT

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

1. The amount of the judgment is \$92,080.96.
2. Simple interest at the rate currently at 5.000% per annum after March 13th, 2017, through the date of sale.
3. Attorney fees of \$1,950.00, plus \$650.00, through the date of sale.
4. Costs of \$1,855.98, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED



Signed: 9/11/2017 01:22 PM

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL

Dated Oct. 9th, 2017 Christopher R. Brauer, Circuit Court Judge

TRIAL COURT ADMINISTRATOR

By [Signature]
Court Clerk

CERTIFICATE OF READINESS

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 objections have been served on me within that time frame;

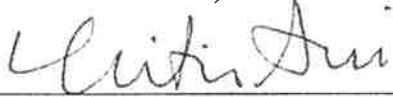
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b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;

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: 9/7/2017

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Of Attorneys for Plaintiff