

1 Craig Peterson, OSB #120365  
2 Jaimie Fender, OSB #120832  
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4 Robinson Tait, P.S.  
5 901 Fifth Avenue, Suite 400  
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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

NO. 17CV16228

v.

WRIT OF EXECUTION IN FORECLOSURE

NATHANIEL D. HYSON, PP U, AND  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE PROPERTY DESCRIBED  
IN THE COMPLAINT HEREIN,

Defendants.

TO: MARION COUNTY SHERIFF

1. WHEREAS, on August 22, 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

1  
2 1 Home Campus  
3 Des Moines, IA 50328-0001

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

5 Wells Fargo  
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 LOT 13, BLOCK 3, WOLF'S SUBDIVISION, CITY OF KEIZER, MARION COUNTY,  
12 OREGON.

13 and commonly known as 251 Janet Ave N, Keizer, OR 97303-4511.

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 May 12, 2010, the date of the Deed of Trust, and also all of the interest which the defendant(s)  
18 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of  
19 August 23, 2017,  
20

21  
22 **Lenders Principal Judgment:**

23	1. Unpaid Principal Balance	\$133,496.41
24	2. Pre-Judgment Interest from September 1, 2016	
25	to July 27, 2017, the date calculated by the Declarant	
26	in the Declaration in Support of Judgment	\$6,037.87
27	3. Lenders Fees and Costs	\$658.02
28	4. Attorney's Fees and Costs	\$4,231.01
	<i>Total Judgment Award Entered</i>	<u>\$144,423.31</u>

1 Additional Pre Judgment Interest

2  
3  
4 1. Accrued Interest from July 28, 2017  
5 to August 22, 2017 the date of entry  
6 of Judgment \$514.28

7  
8 *Total Judgment Award* \$144,937.59

9 Post Judgment Interest

10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$35.74, from August 23,  
11 2017, the day after the entry of judgment, through August 23, 2017,  
12 the date the writ is being requested \$35.74

13 *Current Total Amount Owing* \$144,973.33

14  
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 \$35.74 per diem, in accordance with the General Judgment of  
17 Foreclosure and continues to accrue until the date of sale.

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

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

6  
7 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
8  
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12 Signed: 8/31/2017 02:32 PM

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15 Court Clerk



# EXHIBIT A

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CIRCUIT COURT OF OREGON FOR MARION COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

NATHANIEL D. HYSON; AND PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT HEREIN,

Defendants.

NO. 17CV16228

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  
60111-00829-JUD-OR1777891

*Law Offices*  
ROBINSON TAIT, P.S.

901 Fifth Avenue, Suite 100  
Seattle WA 98161  
(206) 676-9810

1  
2 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of  
3 \$133,496.41, together with interest at a rate as provided in the Note from September 1, 2016 through  
4 July 27, 2017 in the amount of \$6,037.87 with additional pre-judgment interest at the per annum rate of  
5 5% as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the  
6 amount of \$2,600.00, plus other recoverable amounts of \$658.02 which includes the amounts itemized in  
7 the declaration of the lender in support of motion for judgment plus allowable costs of \$1,631.01 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 Marion County, Oregon, legally described  
12 as follows:  
13

14 LOT 13, BLOCK 3, WOLF'S SUBDIVISION, CITY OF KEIZER, MARION  
15 COUNTY, OREGON.

16 which was recorded on May 24, 2010, under Auditor's File No. Reel 3178, Page 407, records of  
17 Marion County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above  
18 described real estate and the whole thereof as security for the payment of the judgment herein set  
19 forth. and that said Deed of Trust be foreclosed and the property therein described is hereby ordered  
20 sold by the Sheriff of Marion County in the manner provided for by law. and the proceeds therefrom  
21 shall be applied to the payment of the judgment. interest. attorneys' fees and costs. and such other  
22 sums as plaintiff has advanced prior to judgment. and that such sums shall constitute a first and  
23 specific lien and charge upon said real estate. prior and superior to any right. title. estate, lien or  
24 interest of Nathaniel D. Hyson and of any one claiming by. through or under them; and  
25

26 3. Nathaniel D. Hyson subsequent to May 12, 2010. the date of the Deed of Trust which  
27 is foreclosed herein. be forever barred and estopped from claiming or asserting any right. title, lien or  
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1 interest in or to said property or any part thereof, save and except for the right of redemption as  
2 allowed by law; and  
3

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

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

16  
17 **DECLARATION DETERMINING AMOUNT OF DEBT**  
18 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

19 Judgment Creditor: WELLS FARGO BANK, N.A.  
20 c/o Robinson Tait. P.S.  
21 901 Fifth Avenue, Suite 400  
22 Seattle, WA 98164  
23 (206) 676-9640

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

29 The name of any person or public body,  
30 other than the Judgment Creditor's  
31 Attorney, who is entitled to any  
32 portion of the judgment: None



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Principal Balance:	\$133,496.41
Simple Interest on the Principal Balance from September 1, 2016 to July 27, 2017:	\$6,037.87
Other Amounts Due Under Terms of Loan:	\$658.02
Attorneys' Fees and Costs:	
Attorneys' Fee: \$2,600.00	
Total Costs: \$1,631.01	
Total Attorney Fees and Costs:	\$4,231.01
<i>TOTAL DEBT OWED</i>	\$144,423.31

Pre-Judgment: Additional pre-judgment interest accrues from July 28, 2017, to the date of entry of judgment at the per annum rate of 5%, in accordance with the Note

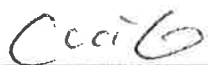
Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

Signed: 8/22/2017 09:37 AM



Circuit Court Judge Donald D. Abar

Submitted by:



Craig Peterson. OSB #120365  
 Email: cpeterson@robinsontait.com  
 Jaimie Fender. OSB #120832  
 Email: jfender@robinsontait.com  
 Kimberly Hood. OSB #123008

GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 4  
60111-00829-JUD-OR1777891

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Email: [khoo@robinsontait.com](mailto:khoo@robinsontait.com)  
Robinson Tait, P.S.  
Attorneys for Plaintiff  
Tel: (206) 676-9640  
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GENERAL JUDGMENT DETERMINING  
AMOUNT OWED AND FORECLOSURE - 5  
60111-00829-JUD-OR1777891

*Law Offices*  
**ROBINSON TAIT, P.S.**  
901 Fifth Avenue, Suite 400  
Seattle WA 98101  
(206) 676-9610


CERTIFICATE OF READINESS- UTCR 5.100

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

1.  Each opposing party affected by this order or judgment has stipulated to or approved its terms, as shown by each party's signature on the proposed order or judgment being submitted.
2.  Each opposing party affected by this order has approved the form of the document, as shown by written communication to me.
3.  I have served a copy on all parties entitled to service and:
  - No objection has been served on me within that time frame.
  - I received objections that I could not resolve with the objecting 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.
  - After conferring about objections [role and name of opposing party] agreed to independently file any remaining objection.
4.  The relief sought is against a 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 (1)(c) of UTCR 5.100, 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 (1)(d) of UTCR 5.100.

Date:

8-17-17

  
\_\_\_\_\_  
Attorney, OSB

120365