

18 FEB -5 PM 3:07

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
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10 Email: jfender@robinsontait.com
11 Email: khood@robinsontait.com

9 CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

10 11 12 13 14 15 16 17 18 19 20	WELLS FARGO BANK, N.A., Plaintiff, v. KAROL GILMAN, AMERICAN GENERAL FINANCIAL SERVICES (DE), INC., AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN, Defendants.	NO. CV15040212 WRIT OF EXECUTION IN FORECLOSURE
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21 TO: CLACKAMAS COUNTY SHERIFF

22
23 1. WHEREAS, on October 14, 2015, in the above-entitled court, a judgment of
24 foreclosure was enrolled and docketed in the above-entitled cause, a true copy of which is attached
25 hereto as **Exhibit "A"** and made a part hereof;

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

27 WELLS FARGO BANK, N.A.
28 c/o Wells Fargo Home Mortgage
1200 W. 7th St., 2nd Fl.

1
2 Los Angeles, CA 90017

3
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 LOT 1, BLOCK 4, HENRICI TERRACE NO. 3, CLACKAMAS COUNTY, OREGON.
12 and commonly known as 20301 S Woodglen Way, Oregon City, OR 97045.

13 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
14 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
15 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
16 had on October 23, 2007, the date of the Deed of Trust, and also all of the interest which the
17 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
18 which as of August 4, 2017,

19
20 **Lenders Principal Judgment:**

21	1. Unpaid Principal Balance	<u>\$247,848.18</u>
22	2. Pre-Judgment Interest from July 1, 2013	
23	to June 15, 2015, the date calculated by the Declarant	
24	in the Declaration in Support of Judgment	<u>\$11,025.28</u>
25	3. Lenders Fees and Costs	<u>\$26,493.76</u>
26	4. Attorney's Fees and Costs	<u>\$4,288.50</u>
27		
28	<i>Total Judgment Award Entered</i>	<u>\$289,655.72</u>

1 **Additional Pre Judgment Interest**

2
3 1. Accrued Interest from June 16, 2015
4 to October 14, 2015 the date of entry
5 of Judgment \$2,464.77

6 ***Total Judgment Award*** \$292,120.49

7
8 **Post Judgment Interest**

9
10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$72.03, from October 15,
11 2015, the day after the entry of judgment, through December 8, 2017,
the date the writ is being requested \$56,615.58

12
13 ***Current Total Amount Owing*** \$348,736.07

14 In addition to the above, interest continues to accrue on the total of the amounts listed above
15 at the rate of 9% per annum or at \$72.03 per diem, in accordance with the General Judgment of
16 Foreclosure and continues to accrue until the date of sale.
17

18 //
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28 //

1
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 3rd day of January, 2017⁸.



14 Wendy Watson

15 COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
16 IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
17 PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
18 ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
19 THIS WRIT BY FILING A CLAIM OF EXEMPTION.

20
21 Submitted by:
22 DATED this day of December, 2017.

23 **Court Administrator relies on the information**
24 **provided by the person seeking issuance of**
25 **this writ of execution and is not liable for any**
26 **errors or omissions in the information**

27 Kristin Hood

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

EXHIBIT A

Clackamas County
FILED / ENTERED
OCT 13 2015
Trial Court Administrator
By: _____

CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

KAROL GILMAN; AMERICAN GENERAL
FINANCIAL SERVICES (DE), INC.; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN,

Defendants.

NO. CV15040212

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 ZACHARY BRYANT, 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
60005-00645-JUD-OR937381

COPY

Law Offices
ROBINSON TAIT, P.S.
710 Second Avenue, Suite 710
Seattle WA 98104
(206) 676-9640

1
2 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of
3 \$247,848.18, together with interest at a variable rate as provided in the Note from July 1, 2013 through
4 June 15, 2015 in the amount of \$11,025.28 with additional pre-judgment interest at the per diem rate of
5 \$20.37 as provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the
6 amount of \$2,050.00, plus other recoverable amounts of \$26,493.76 which includes the amounts
7 itemized in the declaration of the lender in support of motion for judgment plus allowable costs of
8 \$2,238.50 as itemized in the bill of disbursements and an additional amount for post-judgment sheriff's
9 fees. Said judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is
10 greater; and.
11

12 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
13 described as follows:
14

15 **LOT 1, BLOCK 4, HENRICI TERRACE NO. 3, CLACKAMAS COUNTY,**
16 **OREGON.**

17 which was recorded on October 29, 2007, under Auditor's File No. 2007-092600, 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 KAROL GILMAN and AMERICAN GENERAL FINANCIAL SERVICES (DE), INC.
26 and of any one claiming by, through or under them; and
27
28

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 2
60005-00645-JUD-OR937381

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710 Second Avenue, Suite 710
Seattle WA 98104
(206) 478-0600

1
2 3. KAROL GILMAN and AMERICAN GENERAL FINANCIAL SERVICES (DE),
3 INC. subsequent to October 23, 2007, the date of the Deed of Trust which is foreclosed herein, be
4 forever barred and estopped from claiming or asserting any right, title, lien or interest in or to said
5 property or any part thereof, 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 **DECLARATION DETERMINING AMOUNT OF DEBT**
20 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

21 Judgment Creditor:

WELLS FARGO BANK, N.A.
c/o Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

24 Attorney for Judgment Creditor:

Zachary Bryant
Robinson Tait, P.S.
710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

28 The name of any person or public body,

1 other than the Judgment Creditor's
 2 Attorney, who is entitled to any
 3 portion of the judgment: None

4 Principal Balance: \$247,848.18

5 Simple Interest on the Principal Balance
 6 from July 1, 2013 to June 15, 2015: \$11,025.28

7 Other Amounts Due Under Terms of Loan: \$26,493.76

8 Attorneys' Fees and Costs:

9 Attorneys' Fee: \$2,050.00
 10 Total Costs: \$2,238.50

11 Total Attorney Fees and Costs: \$4,288.50

12 *TOTAL DEBT OWED* \$289,655.72

13 Pre-Judgment: Additional pre-judgment interest accrues from June 16, 2015, to the date of
 14 entry of judgment at the per diem rate of \$20.37, in accordance with the Note.

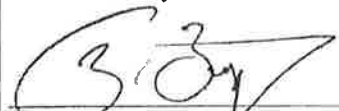
15 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
 16 the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

17 DONE IN COURT this 12 day of October, 2015.

21 /s/Michael C. Wetzel

22 JUDGE

23 Submitted by:

24 

25 Matt Booth, OSB #082663

26 Email: mbooth@robinsontait.com

27 Zachary Bryant, OSB #113409

28 Email: zbryant@robinsontait.com

Craig Peterson, OSB #120365

GENERAL JUDGMENT DETERMINING
 AMOUNT OWED AND FORECLOSURE - 4
 60005-00645-JUD-OR937381

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Email: cpeterson@robinsontait.com
[] Brandon Smith, OSB #124584
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GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 5
60005-00645-JUD-OR937381

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