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18 FEB -9 AM 7:43

ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF TILLAMOOK

WELLS FARGO BANK, NA

Plaintiff,

vs.

KAREN LYNNE TRACEY; KELLY
CHAMBERLAIN; DAROLYN JENSEN;
UNKNOWN HEIRS OF ROGER
THOMAS TRACEY; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; GMAC MORTGAGE
CORPORATION D/B/A DITECH.COM;
CITIBANK, N.A.; STATE OF OREGON;
PARTIES IN POSSESSION

Defendants.

Case No. 16CV41582

WRIT OF EXECUTION

TO: TILLAMOOK COUNTY SHERIFF

WHEREAS, on November 14, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 execution (subject to redemption) all of the interest which the defendants had on February 18, 2004, the

1- WRIT OF EXECUTION
S&S No. 13-113161

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
2 the real property described in the judgment:

3
4 BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DON
5 MARX PLS 332", WHICH IS THE INITIAL POINT OF PARTITION PLAT NO. 1999-030;
6 THENCE SOUTH 5 DEGREES 49' 17" EAST 0.06 FEET TO THE SOUTH BOUNDARY
7 LINE OF THE BEAVER-BLAINE ROAD AND THE TRUE POINT OF BEGINNING;
8 THENCE NORTH 78 DEGREES 39' 48" WEST 82.74 FEET; THENCE NORTH 79
9 DEGREES 55' 58" WEST 89.01 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE
10 BEAVER-BLAINE ROAD; THENCE SOUTH 13 DEGREES 12' 46" WEST 186.05 FEET TO
11 A 5/8" IRON ROD WITH CAP MARKED "R J OLSEN LS 701"; THENCE SOUTH 72
12 DEGREES 24' 41" EAST 88.77 FEET TO A 5/8" IRON ROD WITH CAP MARKED "R J
13 OLSEN LS 701"; THENCE SOUTH 22 DEGREES 08' 35" WEST 162.01 FEET TO A 5/8"
14 IRON ROD WITH CAP MARKED "R J OLSEN LS 701"; THENCE SOUTH 42 DEGREES 02'
15 42" EAST 203.70 FEET TO A 5/8" IRON ROD WITH CAP MARKED "R J OLSEN LS 701";
16 THENCE NORTH 89 DEGREES 59' 57" EAST 100.00 FEET TO A 5/8" IRON ROD WITH
17 CAP MARKED "R J OLSEN LS 701"; THENCE NORTH 05 DEGREES 49' 17" WEST 479.92
18 FEET TO THE TRUE POINT OF BEGINNING, IN TILLAMOOK COUNTY, OREGON.

19 EXCEPTING THEREFROM THAT PARCEL OF LAND DEEDED TO TILLAMOOK
20 COUNTY BY DOCUMENT RECORDED JANUARY 27, 1999 IN BOOK 404, PAGE 92,
21 TILLAMOOK COUNTY RECORDS.

22 TOGETHER WITH AN EASEMENT FOR A WATER PIPELINE AND THE RIGHT TO
23 WATER FOR HOUSEHOLD AND DOMESTIC USE FROM A SPRING LOCATED IN THE
24 NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP
25 3 SOUTH, RANGE 9 WEST OF THE WILLAMETTE MERIDIAN, SAID EASEMENT
26 BEING 10 FEET WIDE AND 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED
27 CENTERLINE TO-WIT:

28 BEGINNING 10 FEET WEST OF THE INTERSECTION OF THE CENTER OF BLAINE
COUNTY ROAD AND THE EAST LINE OF SAID SECTION 29; THENCE NORTH 430
FEET PARALLEL WITH THE EAST LINE OF SAID SECTION 29; THENCE NORTH 37
DEGREES WEST 178 FEET; THENCE NORTH 35 DEGREES WEST 180 FEET; THENCE
NORTH 2 DEGREES EAST 132 FEET; THENCE NORTH 3 DEGREES WEST 87 FEET;
THENCE NORTH 48 DEGREES WEST 21 FEET TO SAID SPRING, ALL SITUATED IN
TILLAMOOK COUNTY, OREGON.

ALSO TOGETHER WITH AN EASEMENT DESCRIBED IN DOCUMENT RECORDED
FEBRUARY 7, 1999 IN BOOK 408, PAGE 927, TILLAMOOK COUNTY RECORDS.

2- WRIT OF EXECUTION
S&S No. 13-113161

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1 and commonly known as 21955 Blaine Road, Beaver, OR 97108 to satisfy the sum of
2 \$227,676.32, as of November 29, 2017, together with additional post judgment interest of 9.00%
3 from that date (\$55.93 per day), and costs of this execution, making due return within 60 days
4 after you receive this writ.

5
6 Wells Fargo Bank, NA is the Judgment Creditor, and its address for purpose of this writ
7 only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,
8 WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment
9 Creditor.



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Emily Huslieman
12/4/17 TEA

Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: _____

James A. Craft #090146 [jcraft@logs.com]
 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 Cara J. Richter #094855 [crichter@logs.com]
 Holger Uhl #950143 [huhl@logs.com]*
 Joshua R. Orem # 116872 [jorem@logs.com]*
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3- WRIT OF EXECUTION
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ANDY LONG SHERIFF
TILLAMOOK COUNTY
TILLAMOOK OREGON



Certified True Copy of The Original
Dated This 4 Day of Dec, 2017
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By

Verified Correct Copy of Original 11/14/2017

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF TILLAMOOK

WELLS FARGO BANK, NA,

Plaintiff,

Case No. 16CV41582

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

KAREN LYNNE TRACEY; KELLY
CHAMBERLAIN; DAROLYN JENSEN;
UNKNOWN HEIRS OF ROGER THOMAS
TRACEY; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; GMAC
MORTGAGE CORPORATION D/B/A
DITECH.COM; CITIBANK, N.A.; STATE OF
OREGON; PARTIES IN POSSESSION,

Defendants.

Defaults having been granted against Defendant(s), Parties in Possession, Karen Lynn Tracey, Unknown Heirs of Roger Thomas Tracey, Mortgage Electronic Registration Systems, Inc., GMAC Mortgage Corporation d/b/a Ditech.com, CitiBank, N.A. and State of Oregon and Defendant(s), Darloyn Jensen and Kelly Chamberlain, having been dismissed:

It is hereby

ORDERED AND ADJUDGED:

1 -GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 13-113161

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
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1. The real property to which this judgment relates (hereafter the "Property") is situated in Tillamook County, Oregon is commonly known as 21955 Blaine Road, Beaver, OR 97108 and is legally described as follows:

Beginning at a 5/8" iron rod with yellow plastic cap marked "Don Marx PLS 332", which is the Initial Point of Partition Plat No. 1999-030; thence South 5 degrees 49' 17" East 0.06 feet to the South boundary line of the Beaver-Blaine Road and the true point of beginning; thence North 78 degrees 39' 48" West 82.74 feet; thence North 79 degrees 55' 58" West 89.01 feet to a point on the South boundary of the Beaver-Blaine Road; thence South 13 degrees 12' 46" West 186.05 feet to a 5/8" iron rod with cap marked "R J Olsen LS 701"; thence South 72 degrees 24' 41" East 88.77 feet to a 5/8" iron rod with cap marked "R J Olsen LS 701"; thence South 22 degrees 08' 35" West 162.01 feet to a 5/8" iron rod with cap marked "R J Olsen LS 701"; thence South 42 degrees 02' 42" East 203.70 feet to a 5/8" iron rod with cap marked "R J Olsen LS 701"; thence North 89 degrees 59' 57" East 100.00 feet to a 5/8" iron rod with cap marked "R J Olsen LS 701"; thence North 05 degrees 49' 17" West 479.92 feet to the true point of beginning, in Tillamook County, Oregon.

EXCEPTING THEREFROM that parcel of land deeded to Tillamook County by document recorded January 27, 1999 in Book 404, page 92, Tillamook County Records.

TOGETHER WITH an easement for a water pipeline and the right to water for household and domestic use from a spring located in the Northeast quarter of the Southeast quarter of Section 29, Township 3 South, Range 9 West of the Willamette Meridian, said easement being 10 feet wide and 5 feet on each side of the following described centerline to-wit:

Beginning 10 feet West of the intersection of the center of Blaine County Road and the East line of said Section 29; thence North 430 feet parallel with the East line of said Section 29; thence North 37 degrees West 178 feet; thence North 35 degrees West 180 feet; thence North 2 degrees East 132 feet; thence North 3 degrees West 87 feet; thence North 48 degrees West 21 feet to said spring, all situated in Tillamook County, Oregon.

ALSO TOGETHER WITH an easement described in document recorded February 7, 1999 in Book 408, page 927, Tillamook County Records.

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2 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 13-113161

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- 2. The Deed of Trust executed and delivered by Defendant, Roger T. Tracey ("Borrower") on or about February 18, 2004 and recorded on February 24, 2004 as Instrument No. 2004-001412 in the official records of Tillamook County, Oregon, is a valid and perfected lien against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 3. The Plaintiff is the holder of the original note dated February 18, 2004 and made by Robert T. Tracey in the amount of \$160,500.00. A copy of the Note was attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together the "Loan").
- 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in interest in the Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.
- 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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3 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
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7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Tillamook County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party of parties as may establish their right thereto.

8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession.

10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

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Verified Correct Copy of Original 11/14/2017

11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$143,011.25	
Prejudgment interest at 5.5% through September 25, 2017 (accruing thereafter until entry of judgment at \$21.55 per diem)			\$52,954.79
Late Charges		\$5.10	
Other Costs and fees (recoverable)		23,547.01	
	Property Tax	\$8,210.57	
	Hazard Insurance	\$18,241.72	
	Property Inspections	\$295.00	
	Credits to Borrower	\$-3,200.28	
Total			\$219,518.15

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$3,191.72
	Title Search Cost	\$560.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$57.00	
	Service by Publication	\$1,013.72	
	Service Costs	\$755.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$6,241.72

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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5 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 13-113161

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14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be entitled to any further judgment, including a judgment for deficiency.

15. Execution may issue against the subject property for the aggregate amount found due Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by ORS 18.936 or other applicable law.

16. If before sale such amount, including sheriff's fees for the execution, is tendered to the Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the amounts due shall be terminated.

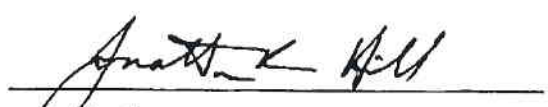
17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

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18. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

Signed 11/14/2017 10 25 AM


Circuit Court Judge Jonathan R. Hill

Certificate of Readiness under UTCR 5 100

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

- 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's 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 each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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7 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 13-113161

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- 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
- 5. 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 (5) of this rule.
- 6. Other: _____

Submitted by:
 Attorneys for Plaintiff,
 SHAPIRO & SUTHERLAND, LLC

By:  11-13-17

- James A. Craft #090146 [jcraft@logs.com]
 - Kelly D. Sutherland #87357 [ksutherland@logs.com]
 - Cara J. Richter #094855 [crichter@logs.com]
 - Holger Uhl #950143 [huhl@logs.com]*
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8 - GENERAL JUDGMENT OF FORECLOSURE AND
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