

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

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

WELLS FARGO BANK, N.A.,
Plaintiff,
v.
KIRK II. STROHMAN PERSONAL
REPRESENTATIVE FOR THE ESTATE OF
PAUL Q. RUMETSCH; LAURIE LYNN
RUMETSCH AND ALL OTHER PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 1426 JODELLE COURT N,
KEIZER, OR 97303-6223,
Defendant.

Case No. 16CV41681
WRIT OF EXECUTION

TO THE MARION COUNTY SHERIFF:

On October 9, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Marion 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 1426 Jodelle Court N, Keizer, OR 97303-6223 ("Subject Property"), and legally described as:

LOT 16, JUNIPER SUBDIVISION NO. 2, IN THE CITY OF KEIZER, COUNTY OF MARION AND STATE OF OREGON.

The total amount due and owing on the Judgment as of November 2, 2017;

1	Judgment:	Principal	\$219,447.74
2	Pre-Judgment:	Interest(4.75%, \$25.90/day)	\$802.90 (9/9/17 through 10/9/17)
3		Attorney Fees	\$2,650.00
4		Costs	\$4,838.22
5		Prevailing Party Fee	\$300.00
6	Post-Judgment:	Interest(4.75%, \$25.90/day)	\$621.60 (10/10/17 through 11/2/17)
7		Attorney Fees	\$650.00

8 **TOTAL: \$229,310.46**

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

Signed: 11/8/2017 10:07 AM

14 : 
15 Court Clerk



16
17
18
19 Presented by:
20 ALDRIDGE PITE, L.L.P.

21 

22 X
Katie L. Riggs, OSB # 095861
23 (858) 750-7600
24 (503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

25
26 Page 2 – WRIT OF EXECUTION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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

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

WELLS FARGO BANK, N.A.,
Plaintiff,

v.

KIRK H. STROHMAN PERSONAL REPRESENTATIVE FOR THE ESTATE OF PAUL Q. RUMETSCH; LAURIE LYNN RUMETSCH and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1426 JODELLE COURT N, KEIZER, OR 97303-6223,
Defendants.

Case No. 16CV41681

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

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 LAURIE LYNN RUMETSCH and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 1426 JODELLE COURT N, KEIZER, OR 97303-6223, the stipulation of Defendant KIRK H. STROHMAN PERSONAL REPRESENTATIVE FOR THE ESTATE OF PAUL Q. RUMETSCH, 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 1426 Jodelle Court N, Keizer, OR 97303-6223 ("Subject Property"), as evidenced by the Deed of Trust recorded

1 August 31, 2010 in the official records of Marion County as instrument number REEL: 3210
2 PAGE: 133 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the
3 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are
4 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is
5 legally described as follows:

6 LOT 16, JUNIPER SUBDIVISION NO. 2, IN THE CITY OF KEIZER, COUNTY OF
7 MARION AND STATE OF OREGON.

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

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

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

21 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
22 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
23 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
24 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
25 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

26 Page 2 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

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

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

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

17 ///
18 ///
19 ///
20 ////
21 ///
22 ///
23 ///
24 ///
25 ///

1 DECLARATION OF AMOUNT DUE BY DEFAULT
2 (PURSUANT TO SB 368. THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
3 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 4 1. The amount of the judgment is \$219,447.74.
5 2. Simple interest at the variable rate currently at 4.75% (\$25.90 *per diem*) after
6 9/8/2017, through the date of sale.
7 3. Attorney fees of \$2,650.00, plus \$650.00, through the date of sale.
8 4. Costs of \$4,838.22, plus costs accrued through the date of sale.
9 5. Prevailing party fee: \$300.00.

10 **IT IS SO ADJUDGED**

Signed: 10/4/2017 03:32 PM

11 
12 Circuit Court Judge Channing Bennett

13 IT IS SO STIPULATED:

14 Submitted and stipulated to by:
15 ALDRIDGE PITE LLP

16  Date 9/29/2017

17 Katie L. Riggs, OSB #095861
18 kriggs@aldridgepite.com
19 Of Attorneys for Plaintiff

20  Date 9/29/17

21 Kirk H. Strohman, *As The Personal*
22 *Representative For The Estate Of*
23 *Paul Q. Rumetsch*

24 By signing above the Parties hereby acknowledge the following: (1) that they were provided a
25 reasonable period of time to review and consider this Stipulated Judgment; (2) that they were
26 advised to and have sought and received the advice of their attorney prior to signing this
Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so;
(3) that they understand that they are waiving legal rights by signing this Stipulated Judgment;
(4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a
manner that is understandable to them, and that they indeed understand the entirety of this
Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign
this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that
they hereby release the rights and claims set forth above in exchange for the consideration set
forth in this Stipulated Judgment

Page 4 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

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

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;
 - 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

Katie Riggs

9/29/2017

Date:

Katie Riggs (619) 326-2430
(858) 750-7600
kriggs@aldridgepite.com
111 SW Columbia Street, Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff

Page 5 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600