

RECEIVED

MAR 12 2018

LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

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 LINCOLN**

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,  
Plaintiff,

Case No. 17CV07261

**WRIT OF EXECUTION**

v.

THE DOLORES SHAKRO REVOCABLE  
TRUST DATED APRIL 18, 1985; THE  
UNKNOWN HEIRS, DEVISEES, AND  
ASSIGNEES OF DOLORES J. PAUL FKA  
DOLORES J. SHAKRO; WILBUR  
SHAKRO; SECRETARY OF HOUSING  
AND URBAN DEVELOPMENT; AND ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
2752 NE REEF AVE, LINCOLN CITY, OR  
97367,

Defendant.

TO THE LINCOLN COUNTY SHERIFF:

On February 7, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Lincoln 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: NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY 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 2752 NE Reef Ave, Lincoln City, OR 97367 ("Subject Property"), and legally described as:

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

PARCEL I:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 11 WEST WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 15, FULTZ ADDITION, LINCOLN COUNTY, OREGON, SAID POINT BEING 168.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 13 IN SAID FULTZ ADDITION; THENCE NORTH 68 DEG. 11' 55" WEST 107.70 FEET; THENCE SOUTH 37.00 FEET; THENCE WEST 12.00 FEET; THENCE SOUTH 100.00 FEET; THENCE EAST 112.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 97.00 FEET TO THE POINT OF BEGINNING.

PARCEL II:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 98.00 FEET SOUTH ALONG THE WEST LINE FROM THE NORTHWEST CORNER OF LOT 13, FULTZ ADDITION, LINCOLN COUNTY, OREGON; THENCE WEST 100.00 FEET; THENCE SOUTH 30.00 FEET; THENCE SOUTH 68 DEG. 11' 55" EAST 107.70 FEET TO THE WEST LINE OF LOT 15 IN SAID FULTZ ADDITION; THENCE NORTH 70.00 FEET TO THE POINT OF BEGINNING.

///

///

///

1 The total amount due and owing on the Judgment as of February 9, 2018;

2 Judgment:	Principal, interest and other	\$234,671.44
3	amounts owed	
4 Pre-Judgment:	Interest(2.980%, \$15.19/day)	\$577.22 (1/1/18 through 2/7/18)
5	Attorney Fees	\$2,940.00
6	Costs	\$2,091.98
7	Prevailing Party Fee	\$300.00
8 Post-Judgment:	Interest(9%, \$59.38/day)	\$118.77 (2/8/18 through 2/9/18)
9	Attorney Fees	\$260.00

10 **TOTAL: \$240,959.41**

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

16 By the signature of the attorney for the judgment creditor, the person that requested  
 17 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay  
 18 making a return on the writ to a date up to 150 days after receipt.



COURT ADMINISTRATOR FOR  
 LINCOLN COUNTY CIRCUIT COURT

By: *St. Full* Signed: 2/9/2018 03:57 PM  
 Circuit Court Clerk Steven Zalewski

23 Presented by:  
 ALDRIDGE PITE, LLP  
 24 By: *[Signature]*  
 25 Katie Riggs, OSB #095861  
 of Attorneys for Judgment Creditor  
 26 (858) 750-7600 (503) 222-2260 (facsimile)  
 orecourtnotices@aldridgepite.com

Page 3 – WRIT OF EXECUTION

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 LINCOLN**

NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY,

Plaintiff,

v.

THE DOLORES SHAKRO REVOCABLE  
TRUST DATED APRIL 18, 1985; THE  
UNKNOWN HEIRS, DEVISEES, AND  
ASSIGNEES OF DOLORES J. PAUL fka  
DOLORES J. SHAKRO; WILBUR  
SHAKRO; SECRETARY OF HOUSING  
AND URBAN DEVELOPMENT; and ALL  
OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
2752 NE REEF AVE, LINCOLN CITY, OR  
97367,

Defendants.

Case No. 17CV07261

**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 THE DOLORES SHAKRO  
REVOCABLE TRUST DATED APRIL 18, 1985; THE UNKNOWN HEIRS, DEVISEES, AND  
ASSIGNEES OF DOLORES J. PAUL fka DOLORES J. SHAKRO; WILBUR SHAKRO;  
SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE  
REAL PROPERTY COMMONLY KNOWN AS 2752 NE REEF AVE, LINCOLN CITY, OR  
97367, the records on file herein, and pursuant to the Motion for General Judgment and  
Declaration of Amount Due by Default by Plaintiff NATIONSTAR MORTGAGE LLC D/B/A  
CHAMPION MORTGAGE COMPANY ("Plaintiff"),

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 2752 NE Reef Ave, Lincoln City, OR 97367 ("Subject Property"), as evidenced by the Deed of Trust recorded October 8, 2008 in the official records of Lincoln County as instrument number 2008-11806 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

**PARCEL I:**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 11 WEST WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 15, FULTZ ADDITION, LINCOLN COUNTY, OREGON, SAID POINT BEING 168.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 13 IN SAID FULTZ ADDITION; THENCE NORTH 68 DEG. 11' 55" WEST 107.70 FEET; THENCE SOUTH 37.00 FEET; THENCE WEST 12.00 FEET; THENCE SOUTH 100.00 FEET; THENCE EAST 112.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 97.00 FEET TO THE POINT OF BEGINNING.

**PARCEL II:**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, LINCOLN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 98.00 FEET SOUTH ALONG THE WEST LINE FROM THE NORTHWEST CORNER OF LOT 13, FULTZ ADDITION, LINCOLN COUNTY, OREGON; THENCE WEST 100.00 FEET; THENCE SOUTH 30.00 FEET; THENCE SOUTH 68 DEG. 11' 55" EAST 107.70 FEET TO THE WEST LINE OF LOT 15 IN SAID FULTZ ADDITION; THENCE NORTH 70.00 FEET TO THE POINT OF BEGINNING.

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

3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount

1 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
2 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

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

4 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
5 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
6 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
7 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
8 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
9 by sale of the Subject Property as directed under this Judgment;

10 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
11 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
12 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
13 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
14 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

26 8. Plaintiff or any other party to this action may become a purchaser at the

1 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
2 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
3 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
4 subject property if Defendants or any other party or person refuses to surrender possession;

5 DECLARATION OF AMOUNT DUE BY DEFAULT

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

8 1. The total amount of the unpaid principal balance, interest, and other amounts  
9 owed is \$234,671.44.

10 2. Simple interest at the variable rate currently at 2.980% (\$15.19 *per diem*) after  
11 December 31, 2017, through the date of judgment.

12 3. Attorney fees of \$2,940.00, plus \$260.00, through the date of sale.

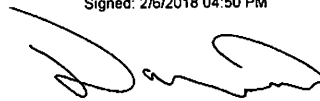
13 4. Costs of \$2,091.98, plus costs accrued through the date of sale.

14 5. Prevailing party fee: \$300.00.

15 6. Post-judgment interest thereafter on the total amounts above, #1-5, at the contract  
16 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

17 **IT IS SO ADJUDGED**

18  
19  
20  
21  
22 Signed: 2/6/2018 04:50 PM



23  
24 **Circuit Court Judge David V. Cramer**

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 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 all parties 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.
- 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 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: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP



By: \_\_\_\_\_

Date: 2/6/2018

Katie Riggs, OSB #095861  
*of Attorneys for Plaintiff*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com



## EXHIBIT I

Guarantee No.: **119559**

Guarantee Jacket No. **8208637-96169124**

Liability: **\$356,100.00**

Your File Number: **160179818**

Fee: **\$200.00**

Effective Date: **June 16, 2016 at 5:00 P.M.**

### A. The Assured is:

Wells Fargo Bank, N.A.

### B. The encumbrance to be enforced is:

Adjustable Rate Home Equity Conversion Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:

Amount:	\$356,100.00
Dated:	October 2, 2008
Recorded:	October 8, 2008
Document No.:	2008-11806, Lincoln County Records
Grantor:	Dolores J. Paul, Trustee of the Dolores Shakro Revocable Trust dated April 18, 1985
Trustee:	Fidelity National Title Ins. Co.
Beneficiary:	Wells Fargo Bank, N.A.

### C. The estate or interest in the land which is covered by this Guarantee is:

Fee Simple

### D. Title to the estate or interest in the land is vested, as of the effective date, in:

Dolores J. Paul, fka Dolores J. Shakro, Trustee of the Dolores Shakro Revocable Trust dated April 18, 1985

### E. The land referred to in this Guarantee is described as follows:

SEE ATTACHED EXHIBIT "A"

### F. As of the effective date, the land covered by this Guarantee is subject to the following Exceptions:

1. Unpaid taxes for the year 2015-2016  
Original Amount: \$509.85  
Unpaid Balance: \$509.85, plus interest  
Tax Lot No.: 07-11-11-BB-02700-00  
Account No.: R158829, Code 407  
(Parcel I)  
  
Unpaid taxes for the year 2015-2016  
Original Amount: \$2,444.43  
Unpaid Balance: \$2,444.43, plus interest  
Tax Lot No.: 07-11-11-BB-02701-00  
Account No.: R161169, Code 407  
(Parcel II)
2. City liens, if any, of the City of Lincoln City.

3. Regulations, including the power to acquire rights of way and easements, and to levy assessments of the Devils Lake Water Improvement District.
4. Subject property is either situated within the urban renewal boundaries or within the shared area of the Year 2000 Development Plan, Lincoln City, Oregon, and is subject to the terms and provisions thereof, as outlined by instrument,
  - Recorded: March 20, 1989
  - Document No.: Book 202, Page 1261, Lincoln County Records
  - Amended by instrument,
    - Recorded: December 8, 1989
    - Document No.: Book 211, Page 1675, Lincoln County Records
  - Amended by instrument,
    - Recorded: September 25, 2014
    - Document No.: 2014-08573, Lincoln County Records
  - Amended by instrument,
    - Recorded: April 23, 2015
    - Document No.: 2015-03700, Lincoln County Records
5. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.
6. An easement created by instrument, including the terms and provisions thereof,
  - Recorded: December 1, 1982
  - Document No.: Book 137, page 444, Lincoln County Records
  - Affects: Northerly 5 feet of Parcel I
7. An easement created by instrument, including the terms and provisions thereof,
  - Recorded: December 1, 1982
  - Document No.: Book 137, page 448, Lincoln County Records
  - Affects: Easterly 12 feet and Southerly 5 feet of Parcel II
8. An easement created by instrument, including the terms and provisions thereof,
  - Dated: September 10, 1985
  - Recorded: September 26, 1985
  - Document No.: Book 164, page 2459, Lincoln County Records
  - In favor of: Lincoln City
  - Affects: Easterly portion of Parcel II

9. Adjustable Rate Home Equity Conversion Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:

Amount: \$356,100.00  
Dated: October 2, 2008  
Recorded: October 8, 2008  
Document No.: 2008-11806, Lincoln County Records  
Grantor: Dolores J. Paul, Trustee of the Dolores Shakro Revocable Trust dated April 18, 1985  
Trustee: Fidelity National Title Ins. Co.  
Beneficiary: Wells Fargo Bank, N.A.

10. Adjustable Rate Home Equity Conversion Line of Credit Second Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:

Amount: \$356,100.00,  
Dated: October 2, 2008  
Recorded: October 8, 2008  
Document No.: 2008-11807, Lincoln County Records  
Grantor: Dolores J. Paul, Trustee of the Dolores Shakro Revocable Trust dated April 18, 1985  
Trustee: Fidelity National Title Ins. Co.  
Beneficiary: Secretary of Housing and Urban Development

11. Matters not disclosed by the public records.

12. Any bankruptcy proceeding that is not disclosed by the acts that would afford notice as to said land, pursuant to Title 11 U.S.C. 549(c) of the Bankruptcy Reform Act of 1978 amended.

Note: According to the County Tax Rolls the address of the subject property is:

**2752 NE Reef Avenue  
Lincoln City, OR 97367**

**Exhibit "A"**

**PARCEL I:**

A tract of land located in the Northwest quarter of the Northwest quarter of Section 11, Township 7 South, Range 11 West Willamette Meridian, Lincoln County, Oregon, more particularly described as follows:

Beginning at a point on the West line of Lot 15, FULTZ ADDITION, Lincoln County, Oregon, said point being 168.00 feet South of the Northwest corner of Lot 13 in said FULTZ ADDITION; thence North 68 deg. 11' 55" West 107.70 feet; thence South 37.00 feet; thence West 12.00 feet; thence South 100.00 feet; thence East 112.00 feet to the Southwest corner of said Lot 15; thence North 97.00 feet to the point of beginning.

**PARCEL II:**

A tract of land located in the Northwest quarter of the Northwest quarter of Section 11, Township 7 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon, more particularly described as follows:

Beginning at a point 98.00 feet South along the West line from the Northwest corner of Lot 13, FULTZ ADDITION, Lincoln County, Oregon; thence West 100.00 feet; thence South 30.00 feet; thence South 68 deg. 11' 55" East 107.70 feet to the West line of Lot 15 in said FULTZ ADDITION; thence North 70.00 feet to the point of beginning.

## EXHIBIT II

Relative to the encumbrance to be enforced, if any, shown on Exhibit 1:

1. Attention is directed to The Servicemembers Civil Relief Act (successor to The Soldiers' and Sailors' Civil Relief Act of 1940) which restricts proceedings against persons in the military service of the United States.
2. Attention is called to the Federal Tax Lien Act of 1966 (Public Law 89-719) which, among other things, provides that written notice of a non-judicial sale be given to the Secretary of the Treasury or his delegate as a requirement for the discharge of a federal tax lien or the divestment of any title of the United States, and establishes a right in the United States to redeem the property within a period of 120 days from the date of such sale.
3. Except as shown in Exhibit 1, no notice of pendency of an action for the foreclosure of the encumbrance to be enforced has been recorded in the county in which the premises are situated.
4. This Guarantee provides no assurances with respect to any facts, rights, title, interests or claims which are not shown by the public records, and this Exhibit 2 is not intended to show the names of persons whose rights, title, interests or claims are not shown by the public records, including, without limitation, those who may be known to the Assured or who could be ascertained by an inspection of the land or by making inquiry of persons in possession of the land.
5. If applicable, the names and addresses, as shown therein, of persons who have recorded requests for a copy of a notice of sale or notice of default, under ORS 86.806 of the Oregon trust deed statutes, are:

**None**

6. If applicable, the name of the Grantor in the encumbrance whose lien is to be enforced is:

**Dolores J. Paul, Trustee of the Dolores Shakro Revocable Trust dated April 18, 1985**

7. If applicable, the name of the successor in interest to the Grantor is:

**N/A**

8. If applicable, the names of additional necessary persons not shown above to be made defendants in a suit to enforce the subject encumbrance; or, if applicable, the names of additional persons who are entitled, under the Oregon trust deed statutes, ORS 86.705 et seq., to receive notice of sale; or, if applicable, the names of additional persons who are entitled, under the land sales contract forfeiture statutes, ORS 93.905 et seq., to receive notice of default, are:

**A) Secretary of Housing and Urban Development**