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CLACKAMAS COUNTY SHERIFF

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2 Lisa McMahon-Myhran, OSB #000849
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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

NO. 16CV04000

v.

WRIT OF EXECUTION IN FORECLOSURE

MAXINE E. SHELNUTT; UNKNOWN
HEIRS AND DEVISEES OF KENNETH W.
SHELNUTT; RUSSELL L. SHELNUTT;
RAYMOND B. SHELNUTT; AND PERSONS
OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN.

Defendants.

TO: CLACKAMAS COUNTY SHERIFF

1. WHEREAS, on January 23, 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:

1
2 WELLS FARGO BANK, N.A.
3 c/o Wells Fargo Home Mortgage
4 1200 W. 7th St., 2nd Fl.
5 Los Angeles, CA 90017

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

7 Wells Fargo Home Mortgage
8 c/o Robinson Tait, P.S.
9 901 Fifth Avenue, Suite 400
10 Seattle, Washington 98164

11 3. WHEREAS, the real property to be sold pursuant to the above referenced judgment is
12 legally described as

13 SEE LEGAL DESCRIPTION ATTACHED TO JUDGMENT
14 and commonly known as 38100 SE SQUAW MOUNTAIN RD, ESTACADA, OR 97203.

15 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
16 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
17 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
18 had on April 23, 2010, the date of the Deed of Trust, and also all of the interest which the
19 defendant(s) had thereafter, in the real property described in the judgment, to satisfy the judgment,
20 which as of February 16, 2018,

21 **Lenders Principal Judgment:**

22	1. Unpaid Principal Balance	<u>\$224,379.93</u>
23	2. Pre-Judgment Interest from August 1, 2013	
24	to October 28, 2016, the date calculated by the Declarant	
25	in the Declaration in Support of Judgment	<u>\$38,174.48</u>
26	3. Lenders Fees and Costs	<u>\$14,919.59</u>
27	4. Attorney's Fees and Costs	<u>\$5,201.40</u>

28 ***Total Judgment Award Entered*** \$282,675.40

Additional Pre Judgment Interest

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1. Accrued Interest from October 29, 2016 to January 23, 2017, the date of entry of Judgment \$3,537.42

Total Judgment Award \$286,212.82

Post Judgment Interest

1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$70.57, from January 24, 2017, the day after the entry of judgment, through February 16, 2018, the date the writ is being requested \$27,451.73

Current Total Amount Owing on the Judgment Award \$313,664.55

In addition to the above, interest continues to accrue on the total of the amounts listed above at the rate of 9% per annum or at \$70.57 per diem, in accordance with the General Judgment of 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 7th day of March, 2018.

8
9 Wendy Watson



10
11 Submitted By:

12
13 [Signature]
14 [] Craig Peterson, OSB #120365
15 Email: cpeterson@robinsontait.com
16 [x] Lisa McMahon-Myhran, OSB #000849
17 Email: lmcmahon@robinsontait.com
18 [] Jaimie Fender, OSB #120832
19 Email: jfender@robinsontait.com
20 [] Kimberly Hood, OSB #123008
21 Email: KHood@robinsontait.com
22 Robinson Tait, P.S.
23 Attorneys for Plaintiff
24 Tel: (206) 676-9640
25 Fax: (206) 676-9659
26
27
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COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.

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

EXHIBIT A

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

MAXINE E. SHELNUTT; UNKNOWN HEIRS
AND DEVISEES OF KENNETH W.
SHELNUTT, DECEASED; RUSSELL L.
SHELNUTT; RAYMOND B. SHELNUTT;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN.

Defendants.

NO. 16CV04000

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.

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2 IT IS HEREBY ORDERED AND ADJUDGED THAT:

3 1. Plaintiff, Wells Fargo Bank, N.A. be awarded judgment in the sum of \$224,379.93,
4 together with interest at a rate as provided in the Note from August 1, 2013 through October 28, 2016 in
5 the amount of \$38,174.48, with additional pre-judgment interest at the per diem rate of 5.25% as
6 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
7 \$2,600.00, plus other recoverable amounts of \$14,919.59, which includes the amounts itemized in the
8 declaration of the lender in support of motion for judgment plus allowable costs of \$2,601.40, as
9 itemized in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said
10 judgment to bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and.

11
12
13 2. Plaintiff's Deed of Trust on real property in Clackamas County, Oregon, legally
14 described as follows:

15
16 **SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A**

17 which was recorded on May 10, 2010, under Auditor's File No. 2010-027615, records of Clackamas
18 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
19 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
20 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
21 Sheriff of Clackamas County in the manner provided for by law, and the proceeds therefrom shall be
22 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
23 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
24 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of Maxine
25 E. Shelnutt, Unknown Heirs and devisees of Kenneth W. Shelnutt, Deceased, Russell L. Shelnutt,
26 Raymond B. Shelnutt, and Persons or Parties Unknown Claiming any Right, Title, Lien, or Interest in
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1 the Property Described in the Complaint Herein and of any one claiming by, through or under them;
2
3 and

4 3. Maxine E. Shelnut, Unknown Heirs and Devisees of Kenneth W. Shelnut, Deceased,
5 Russell L. Shelnut, Raymond B. Shelnut, and Persons or Parties Unknown Claiming any Right, Title,
6 Lien, or Interest in the Property Described in the Complaint Herein subsequent to April 23, 2010, the
7 date of the Deed of Trust which is foreclosed herein, be forever barred and estopped from claiming or
8 asserting any right, title, lien or interest in or to said property or any part thereof, save and except for
9 the right of redemption as allowed by law; and
10

11 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
12 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
13 law, and to all right, title and interest in any rents and profits generated or arising from the property
14 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
15 secure possession, including writ of assistance, if defendants or any of them or any other party or person
16 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
17 possession; and
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19

20 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
21 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
22 pay the remaining proceeds as directed by the court in the order of distribution.
23

24 **DECLARATION DETERMINING AMOUNT OF DEBT**
25 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

26 Judgment Creditor:

Wells Fargo Bank, N.A.
c/o Robinson Tait, P.S.
901 Fifth Avenue, Suite 400
Seattle, WA 98164
(206) 676-9640

1 Attorney for Judgment Creditor: Craig Peterson
2 Robinson Tait, P.S.
3 901 Fifth Avenue, Suite 400
4 Seattle, WA 98164
5 (206) 676-9640

6 The name of any person or public body,
7 other than the Judgment Creditor's
8 Attorney, who is entitled to any
9 portion of the judgment: None

10 Principal Balance: \$224,379.93

11 Simple Interest on the Principal Balance
12 from August 1, 2013 to October 28, 2016: \$38,174.48

13 Other Amounts Due Under Terms of Loan: \$14,919.59

14 Attorneys' Fees and Costs:
15 Attorneys' Fee: \$2,600.00
16 Total Costs: \$2,601.40

17 Total Attorney Fees and Costs: \$5,204.40¹

18 *TOTAL DEBT OWED* \$282,678.40⁵


19 Pre-Judgment: Additional pre-judgment interest accrues from December 29, 2016, to the date
20 of entry of judgment at the per diem rate of 5.25%, in accordance with the Note

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

23 Signed: 1/3/2017 03:58 PM

24 
25
26 Circuit Court Judge Michael C. Wetzel

1 Submitted by:
2

3
4 
5 Craig Peterson, OSB #120365

6 Email: cpeterson@robinsontait.com

7 Brandon Smith, OSB #124584

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9 Jaimie Fender, OSB #120832

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11 Kimberly Hood, OSB #123008

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13 Michael Althouse, OSB #150793

14 Email: malthouse@robinsontait.com

15 Robinson Tait, P.S.

16 Attorneys for Plaintiff

17 Tel: (206) 676-9640

18 Fax: (206) 676-9659
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Exhibit A

EXHIBIT 'A'

File No.: 6310109n (sc)

THE EAST ONE-HALF OF THE FOLLOWING DESCRIBED PARCEL OF LAND IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON:

COMMENCING AT A POINT 20 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, RUNNING THENCE WEST TRACING THE SOUTH LINE OF THE COUNTY ROAD 40 RODS; THENCE SOUTH 20 RODS; THENCE EAST 40 RODS TO THE SECTION LINE; THENCE NORTH ON THE SECTION LINE 20 RODS TO THE PLACE OF BEGINNING.

A.P.N. 00955434

SHELNUTT
42049775
FIRST AMERICAN ELS
DEED OF TRUST


OR

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: 12-6-16



Attorney, OSB

120365