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

CAPITAL ONE, N.A.,

Plaintiff,

vs.

RAMONA C. TRACY; OCCUPANTS OF
THE PROPERTY;

Defendants.

CASE NUMBER: CV14090635

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF CLACKAMAS COUNTY, OREGON:

1.

WHEREAS, on January 4, 2016, in the above-entitled Court, a General Judgment of Foreclosure (“Judgment”) was entered and docketed in the above-entitled and numbered proceeding

2.

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 (subject to

1 redemption, if applicable), all of the interest which the Defendants RAMONA C. TRACY and
2 OCCUPANTS OF THE PROPERTY (“Defendants”) had on July 2, 2007, the date of the foreclosed
3 Deed of Trust which was recorded on July 11, 2007, as Instrument No. 2007-060685 in the official
4 records of the Clackamas County Recorder’s Office, and/or all of the interest which Defendants had
5 thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:
6

7 **Lender’s Principal Judgment:**

8 Unpaid Principal Balance:	\$290,342.47
9 Pre-Judgment Interest from October 1, 10 2013 to November 20, 2015, the date 11 set forth in the Judgment at 8.125%, per 12 annum, (\$23.86 per diem):	\$18,613.16
13 Lender’s Fees and Costs:	\$3,054.15
14 Attorney’s Fees and Costs:	\$5,930.46
15	
16 <i>Total Judgment Entered:</i>	<i>\$318,240.24</i>

17
18 **Additional Pre-Judgment Interest:**

19 Accrued Interest from November 21,
20 2015, the day after the date set forth in
21 the Judgment through January 5, 2016,
22 the date of entry of the Judgment, at
23 8.125%, per annum (\$23.86 per diem): \$1,049.84

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1 **Total Judgment Entered Including**

2 **Additional Pre-Judgment**

3 **Interest: \$319,290.08**

4 3.

5 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$319,290.08 at
6 the legal rate of interest of 9% per annum, \$78.72 per diem, from January 5, 2016 to the date the real
7 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
8 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

9 4.

10 The real property subject to this writ of execution is commonly known as 18223S
11 SPRINGWATER ROAD, ESTACADA, OR 97023 ("Property") and described in Exhibit "1"
12 attached hereto.

13 5.

14 The Judgment Creditor's name and address is:

15 Capital One, N.A.

16 7933 Preston Rd

17 Plano, Texas 20707-2918

18 The Judgment Creditor's name and address for the purpose of this Writ is:

19 Capital One, N.A.

20 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

21 2112 Business Center Drive

22 Irvine, CA 92612

23 949-252-9400

24 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
25 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
26 the Judgment, interest, fees, and costs.

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MAKE RETURN HEREOF within 60 days after you receive this Writ.



Wendy Watson December 13, 2017

Submitted by:

Dated:


11/30/17

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

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 “1”



A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE C.E. TRACY DONATION LAND CLAIM NO. 43, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ROBERT ARTHUR DONATION LAND CLAIM NO. 37 IN SAID COUNTY AND STATE, BEING IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 EAST; THENCE EAST 330 FEET; THENCE NORTH 370 FEET; THENCE NORTH 56° WEST 89.4 FEET; THENCE NORTH 40° EAST; THENCE 346.5 FEET TO THE CENTER OF MARKET ROAD; THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF THE SAID ROAD 1080 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE PROPERTY MENTIONED IN THE CONTRACT TO JOHN E. WALKER AND JUDITH E. WALKER, HUSBAND AND WIFE, RECORDED DECEMBER 16, 1971 AS FEE NO. 71 35416; THENCE SOUTH ALONG THE WESTERLY LINE OF THE ABOVE MENTIONED PROPERTY 1598.36 FEET TO THE SOUTHWESTERLY CORNER OF THE SAME PROPERTY; THENCE SOUTHWESTERLY ALONG THE TRACY TRACT MENTIONED IN DEED TO RALPH M. TRACY, RECORDED SEPTEMBER 19, 1919 IN BOOK 154, PAGE 365, 596.62 FEET TO THE SOUTHWEST CORNER OF THE TRACY TRACT; THENCE ALONG THE EAST LINE OF THE HARDING DONATION LAND CLAIM, A DISTANCE OF 1149.5 FEET TO THE POINT OF BEGINNING.

