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CLACKAMAS CNTY SHERIFF

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1 Craig Peterson, OSB #120365
2 Lisa McMahon-Myhran, OSB #000849
3 Jaimie Fender, OSB #120832
4 Kimberly Hood, OSB #123008
5 Robinson Tait, P.S.
6 901 Fifth Avenue, Suite 400
7 Seattle, WA 98164
8 Phone: (206) 676-9640
9 Fax: (206) 676-9659
10 Email: cpeterson@robinsontait.com
11 Email: lmcmahon@robinsontait.com
12 Email: jfender@robinsontait.com
13 Email: khood@robinsontait.com

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CIRCUIT COURT OF OREGON FOR CLACKAMAS COUNTY

FLAGSTAR BANK, FSB,

Plaintiff,

NO. CV14090620

v.

WRIT OF EXECUTION IN FORECLOSURE

JACQUELYN M. WEST; WILLIAM J. WEST;
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 July 24, 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 Flagstar Bank, FSB
3 c/o Flagstar Bank, FSB
4 5151 Corporate Drive
5 Troy, MI 48098

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

7 Flagstar Bank, FSB
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 LOT 11, BRENDON ESTATES, IN THE CITY OF OREGON CITY, COUNTY OF
14 CLACKAMAS AND STATE OF OREGON

15 and commonly known as 14112 Conway Dr., Oregon City, OR 97045.

16 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
17 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
18 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
19 had on April 8, 2009, the date of the Deed of Trust, and also all of the interest which the defendant(s)
20 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
21 February 5, 2018,

22 **Lenders Principal Judgment:**

23
24 1. Unpaid Principal Balance \$284,099.49
25 2. Pre-Judgment Interest from March 1, 2012
26 to February 1, 2017 the date calculated by the Declarant
27 in the Declaration in Support of Judgment \$69,841.25
28 3. Lenders Fees and Costs \$32,999.82
4. Attorney's Fees and Costs \$7,922.50

Total Judgment Award Entered \$394,863.06

1
2 **Additional Pre Judgment Interest**

3

4 1. Accrued Interest from February 2, 2017 to
5 July 24, 2017 the date of entry
6 of Judgment \$6,733.16

7 ***Total Judgment Award*** **\$401,596.22**

8 **Post Judgment Interest**

9

10 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$99.02, from July 25,
11 2017 the day after the entry of judgment, through February 5, 2018
12 the date the writ is being requested \$19,407.92

13 ***Current Total Amount Owning*** **\$421,004.14**

14

15 In addition to the above, interest continues to accrue on the total of the amounts listed above
16 at the rate of 9% per annum or at \$99.02 per diem, in accordance with the General Judgment of
17 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
10 Dwight Peterson

11
12 Submitted By:

13 [Signature]
14 [] Craig Peterson, OSB #120365
15 Email: cpeterson@robinsontait.com
16 [] 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
28

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

FLAGSTAR BANK, FSB,

Plaintiff,

v.

JACQUELYN M. WEST; WILLIAM J. WEST;
AND PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE PROPERTY DESCRIBED
IN THE COMPLAINT HEREIN.

Defendants.

NO. CV14090620

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. FLAGSTAR BANK, FSB, appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, defendants Jacquelyn M. West and William J. West being represented by Jeffrey Meyers. plaintiff's Motion for Summary Judgment having been granted. and that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE: -1
60183-00144-JUD-OR1706035

ROBINSON TAIT, P. S.

501 E. Hill Avenue, Suite 400
Seaside, WA 97138
503.738.1111

1
2 1. Plaintiff, FLAGSTAR BANK, FSB be awarded judgment in the sum of \$284,099.49.
3 together with interest at a rate as provided in the Note from March 1, 2012 through February 1, 2017 in
4 the amount of \$69,841.25 with additional pre-judgment interest at the per diem rate of \$38,9177 as
5 provided in the Note to the date of entry of judgment; plus reasonable attorneys' fees in the amount of
6 \$2,050.00 plus contested attorneys' fees in the amount of \$3,633.00, plus other recoverable amounts of
7 \$32,999.82 which includes the amounts itemized in the declaration of the lender in support of motion for
8 judgment plus allowable costs of \$2,239.50 as itemized in the bill of disbursements and an additional
9 amount for post-judgment sheriff's fees. Said judgment to bear interest until paid at the statutory rate or
10 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 LOT 11, BRENDON ESTATES, IN THE CITY OF OREGON CITY, COUNTY OF
16 CLACKAMAS AND STATE OF OREGON

17 which was recorded on April 15, 2009, under Auditor's File No. 2009 025218, 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 the
25 defendant and of any one claiming by, through or under them; and
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1
2 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
3 property described above or any part thereof subsequent to April 8, 2009, the date of the Deed of
4 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
5 title, lien or interest in or to said property or any part thereof, save and except for the right of
6 redemption as allowed by law; and

7
8 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
9 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
10 law, and to all right, title and interest in any rents and profits generated or arising from the property
11 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
12 purchaser may apply for a writ of assistance
13 secure possession, ~~including writ of assistance~~, if defendants or any of them or any other party or person
14 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
15 possession; and

16 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
17 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
18 pay the remaining proceeds as directed by the court in the order of distribution.
19

20
21 **DECLARATION DETERMINING AMOUNT OF DEBT**
22 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

23 Judgment Creditor: FLAGSTAR BANK, FSB
24 c/o Robinson Tait, P.S.
25 901 Fifth Avenue, Suite 400
26 Seattle, WA 98164
27 (206) 676-9640
28 Attorney for Judgment Creditor: Craig Peterson
Robinson Tait, P.S.
901 Fifth Avenue, Suite 400

Seattle, WA 98164
(206) 676-9640

The name of any person or public body,
other than the Judgment Creditor's
Attorney, who is entitled to any
portion of the judgment:

None

Principal Balance: \$284,099.49

Simple Interest on the Principal Balance
from March 1, 2012 to February 1, 2017: \$69,841.25

Other Amounts Due Under Terms of Loan: \$32,999.82

Attorneys' Fees and Costs:
Attorneys' Fee: \$5,683.00
Total Costs: \$2,239.50

Total Attorney Fees and Costs: \$7,922.50

TOTAL DEBT OWED \$394,863.06

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2 Pre-Judgment: Additional pre-judgment interest accrues from February 2, 2017, to the date of
entry of judgment at the per diem rate of \$38.9177, in accordance with the Note

3
4 Post-Judgment: Interest Accrues on the total of the amounts listed above in accordance with
the contract rate in the Note, or at the statutory rate of 9% per annum, whichever is greater.

5
6
7
8 Signed: 7/24/2017 02:52 PM

9
10 

11 **Circuit Court Judge Michael C. Wetzel**

12
13
14 Submitted by:

15
16 
17 Craig Peterson, OSB #120365
18 Email: cpeterson@robinsontait.com
19 [] Jaimie Fender, OSB #120832
20 Email: jfender@robinsontait.com
21 [] Kimberly Hood, OSB #123008
22 Email: khood@robinsontait.com
23 [] Michael Althouse, OSB #150793
24 Email: malthouse@robinsontait.com
25 [] Gregory Morpew, OSB #170214
26 Email: gmorpew@robinsontait.com
27 Robinson Tait, P.S.
28 Attorneys for Plaintiff
Tel: (206) 676-9640
Fax: (206) 676-9659

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:

5-2-17

Craig
Attorney, OSB

120365