

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF HARNEY

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NANCY J. WOLF,	)	
	)	Case No.17-CV-24459
Plaintiff,	)	
	)	WRIT OF EXECUTION
v.	)	(Real Property)
	)	
RACHEL WILSON and ALL	)	
OCCUPANTS,	)	
	)	
Defendant.	)	

TO: SHERIFF OF HARNEY COUNTY:

On or about 9/14/17, a limited judgment was entered in the register for this case in the above-entitled court, in favor of the plaintiff and against the defendant, providing a money award in the principal amount of \$34,530.13, plus interest at the rate of nine and a half percent per annum from 10/24/12 until paid, and the further sum of \$300.00 for prevailing party fee, plus for costs and disbursements and attorney fees to be waived. As of 12/20/17, the total owing under the Judgment is \$51,449.31. Interest continues to accrue at \$13.39, per day.

Now, therefore, in the name of the State of Oregon, you are hereby commanded to sell under the limited Judgment of Foreclosure in the manner prescribed by law for the sale of real property (subject to redemption), all of the interest the defendants have in the real property described in the attached Exhibit 1, in the City of Burns, Harney County, Oregon (the "Real Property") to satisfy the sum of \$51,449.31, plus \$13.39 per day from 12/20/17, and the further sum of \$ (waived) for costs and disbursements, plus interest on the total after the date of this writ at the rate of nine and one half percent per annum until paid, and also the costs of and upon this writ and make due return hereon within 60 days after you have received this writ.

The mailing address for the judgment creditor is:	Nancy Wolf
	C/O Lawrence W. Erwin
	221 NW Lafayette Ave.
	Bend, OR 97703

///

///

Lawrence W. Erwin, Attorney at Law  
OSB # 730850  
221 N.W. Lafayette Avenue  
Bend, OR 97703-1927  
PHONE: 541-317-0520 FAX: 541-317-0524

WRIT OF EXECUTION

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01-29-18  
HB 2:26p

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The Real Property's physical address is 145 N Cedar, Burns, OR 97720. The Real Property is the residence or homestead of the defendant. However, no order is required for the sale of the property, because this execution arises from a judgment of foreclosure of a validly executed trust deed on the Real Property. The court granted an order authorizing the sale of the Real Property, which was entered on 9/14/17, in the above captioned matter.

DATED: 12/27, 2017.

COURT ADMINISTRATOR

By: Kasi Belcher 355111  
~~Deputy~~ Kasi Belcher

Submitted by:



Lawrence W. Erwin  
Attorney for Plaintiff

Lawrence W. Erwin, Attorney at Law  
OSB # 730850  
221 N.W. Lafayette Avenue  
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PHONE: 541-317-0520 FAX: 541-317-0524

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF HARNEY

NANCY J. WOLF	)	Case No. 17CV24459
	)	
Plaintiff,	)	LIMITED JUDGMENT
	)	OF FORECLOSURE
	)	
v.	)	
	)	
RACHEL WILSON and ALL OCCUPANTS,	)	
	)	
Defendants.	)	
_____	)	

The defaults of defendants' having been entered, Limited Interlocutory Judgment is hereby entered in favor of plaintiff pursuant to ORS 18.005(13)(c) and ORS 18.038, as follows:

- 1) The Deed of Trust executed and delivered by defendant Rachael Wilson, dated February 28, 2003, recorded March 3, 2003 in the Official Records of Harney County, Oregon as instrument 2003-0383, assigned by documents 2012-0968 and 2012-1453, is a valid and subsisting first position lien against the subject property for and securing the amount due as below set forth.

Lawrence W. Erwin, OSB #730850  
Attorney for plaintiff; Trial attorney  
221 N.W. Lafayette Ave.  
Bend, OR 97703-1927  
Phone: (541) 317-0520  
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E-Mail: lwerwin@lwerwin.com

2) The Trust Deed is superior to the interests of defendants and any of them.

3) The subject property is legally described as:

A parcel of land located in the SE ¼ SW ¼ of Section 7, Twp 23 S. R. 31 E., W. M., and in Lot 3, Block “H” in Second Addition, all being in the City of Burns, Harney County, Oregon, described as follows:

Beginning at the Northeast corner of said lot 3, thence East 40 feet; thence South 40 feet; thence West 146.3 feet; thence North 40 feet; thence East 106.3 feet to the point of beginning.

4) The Trust Deed 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 of Harney County in the manner provided by law, and subject to any right of redemption of defendants.

5) Plaintiff has submitted below a Declaration of Amount Due and is owed the total amount due under the Note and Deed of Trust and any future advances for fees that may be made or incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale. The amount is to be satisfied by sale of the subject property, and plaintiff may make a credit bid.

6) Plaintiff is owed costs and attorney fees and pursuant to ORCP 68(C) that amount may be added to the outstanding balance owing and may be recovered from the proceeds recovered by Sheriff’s sale including amounts accruing up to date of sale.

- 7) Plaintiff is owed a prevailing party fee of \$300 which may be recovered from proceeds at Sheriff's sale.
- 8) The Sheriff shall make return on the writ of execution to the court administrator along with the proceeds of sale, if any, and shall be applied first to costs of sale including Sheriff's fees, then to the satisfaction of plaintiff's amount owed, then the surplus if any to the clerk of the court to be distributed to such party or parties as may establish their right thereto.
- 9) The defendants and all persons claiming by through and under them are barred and foreclosed from all rights, claims, interests, equities, or equity of redemption when the time for redemption has lapsed and upon expiration of time to object to confirmation of sale, and if not timely redeemed, General Judgment shall be entered confirming final sale.
- 10) Plaintiff or any other party may be a purchaser at the foreclosure sale and such purchaser shall be placed in immediate possession of the property, until and unless redeemed.
- 11) The purchaser may apply to his court for a writ of assistance to gain possession of the property if necessary.

DECLARATION OF AMOUNT DUE BY DEFAULT. PURSUANT TO ORS 86.797(2) and ORS 88.010(1)(a). THIS IS A JUDGMENT OF FORECLOSURE OF RESIDENTIAL PROPERTY AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT.

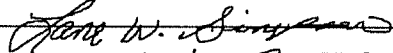
Page 3 – LIMITED JUDGMENT OF FORECLOSURE

Lawrence W. Erwin, OSB #730850  
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The amount owing is:

- 1) \$34,530.13 plus interest at 9.5% from October 24, 2012;
- 2) \$300 prevailing fee;
- 3) Plus costs and attorney fees to be determined by ORCP 68© procedures.

Signed: 9/14/2017 11:41 AM

  
SR JUDGE PRO TEM

Submitted by:  
Lawrence W. Erwin, OSB #730850  
Attorney for plaintiff; Trial attorney

ORS 88.010 AND UTCR 5.100 CERTIFICATION

Counsel for plaintiff hereby certifies the above amount owing as declared is true and correct from my personal review of the subject collection escrow records, and:

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 each party 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: Defaults of defendants have been entered.

Dated this 13<sup>th</sup> day of September, 2017.

s/ Lawrence W. Erwin, OSB #730850

Lawrence W. Erwin, OSB #730850

Attorney for Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Limited Judgment was served this date via first class mail to the following parties:

Martin E. Thompson, Jr., OSB #090289  
360 NW Vermont Pl Ste 100  
Bend OR 97703

Dated this 13<sup>th</sup> day of September, 2017.

s/Lawrence W. Erwin, OSB #730850  
Lawrence W. Erwin, OSB #730850  
Attorney for Plaintiff