

RCVD DESCHUTES COUNTY MAY 18 15:57

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
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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR THE RMAC NO. 16CV05709
TRUST, SERIES 2016-CTI,

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

v.

BRANDON J. SHORES; JULIE ANN
SHORES; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

TO: DESCHUTES COUNTY SHERIFF

1. WHEREAS, on July 12, 2016, 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;

1
2 2. WHEREAS, pursuant to ORS 18.862, the Judgment Creditor's address is as follows:

3 U.S. Bank National Association, not in its individual capacity but solely as trustee for
4 the RMAC Trust, Series 2016-CTT
5 c/o Rushmore Loan Management Services
6 15480 Launa Cny. Rd., Ste. 100,
7 Irvine, CA 92618

8
9 For the purpose of this Writ, the Judgment Creditor's address is as follows:

10 Rushmore Loan Management Services
11 c/o Robinson Tait, P.S.
12 901 Fifth Avenue, Suite 400
13 Seattle, Washington 98164

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

16 LOT 5, BLOCK 1, CHUCKANUT ESTATES PHASE 1, RECORDED MARCH 20, 1979,
17 IN CABINET B, PAGE(S) 599, DESCHUTES COUNTY, OREGON.
18 and commonly known as 61146 BENHAM RD, BEND, OR 97702.

19 4. NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
20 hereby commanded to sell the above referenced real property, in the manner prescribed by law for the
21 sale of real property upon execution (subject to redemption), all of the interest which the defendant(s)
22 had on July 2, 2007, the date of the Deed of Trust, and also all of the interest which the defendant(s)
23 had thereafter, in the real property described in the judgment, to satisfy the judgment, which as of
24 February 7, 2018,

25 **Lenders Principal Judgment:**

26 1. Unpaid Principal Balance	\$177,039.49
27 2. Pre-Judgment Interest from June 1, 2015 to April 22, 2016 the date calculated by the Declarant in the Declaration in Support of Judgment	\$5,571.08
28 3. Lenders Fees and Costs	\$724.96

1
2 4. Attorney's Fees and Costs \$3,863.00

3 *Total Judgment Award Entered* \$187,198.53

4 **Additional Pre Judgment Interest**

5
6 1. Accrued Interest from April 23, 2016 to July 12, 2017 the date of entry
7 of Judgment \$8,652.40

8 *Total Judgment Award* \$195,850.93

9
10 **Post Judgment Interest**

11
12 1. Accrued Post Judgment Interest at a rate of 9% per annum or at \$48.29, from July 13,
13 2017 the day after the entry of judgment, through February 7, 2018
the date the writ is being requested \$10,140.90

14 *Current Total Amount Owing* \$205,991.83

15
16 In addition to the above, interest continues to accrue on the total of the amounts listed above
17 at the rate of 9% per annum or at \$48.29 per diem, in accordance with the General Judgment of
18 Foreclosure and continues to accrue until the date of sale.

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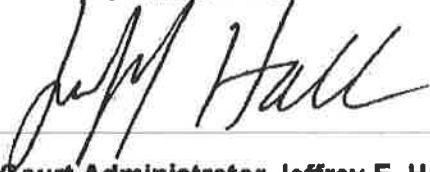
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28 //

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3 5. THEREFORE, in the name of the State of Oregon you are hereby commanded to seize
4 and sell the above described Property, in the manner prescribed by law; or so much thereof as may be
5 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

6 MAKE RETURN HEREOF within 60 days after you receive this writ.

7
8 DATED this _____ day of _____, 2018.

Signed: 2/23/2018 04:09 PM

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10
11 

12 **Trial Court Administrator Jeffrey E. Hall**



13 Submitted By:

14 
15 Craig Peterson, OSB #120365
16 Email: cpeterson@robinsontait.com
17 Lisa McMahon-Myhran, OSB #000849
18 Email: lmcmahon@robinsontait.com
19 Jaimie Fender, OSB #120832
20 Email: jfender@robinsontait.com
21 Kimberly Hood, OSB #123008
22 Email: KHood@robinsontait.com
23 Robinson Tait, P.S.
24 Attorneys for Plaintiff
25 Tel: (206) 676-9640
26 Fax: (206) 676-9659
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Exhibit A

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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

vs.

BRANDON J. SHORES; JULIE ANN SHORES; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

CASE NO. 16CV05709

ASSIGNMENT OF JUDGMENT

COMES NOW the Plaintiff, WELLS FARGO BANK, N.A. by and through its attorney of record, Craig Peterson of Robinson Tait, P.S., and pursuant to ORS 18.205 and for good and valuable consideration, receipt of which is hereby acknowledged, does hereby assign, transfer, and convey all right, title and interest to, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT, in the property including the rights as judgment creditor for that certain real property described as:

LOT 5, BLOCK 1, CHUCKANUT ESTATES PHASE 1, RECORDED MARCH 20, 1979, IN CABINET B, PAGE(S) 599, DESCHUTES COUNTY, OREGON.

1 APN/Parcel #: 121139

2 Commonly Known as: 61146 BENHAM RD, BEND, OR 97702

3 Without limitation, this assignment includes: all property rights and interest, in equity or at
4 law, including but not limited to the Judgment Creditor rights under the Oregon Revised Statutes
5 Chapter 18 in connection with the above captioned matter.
6

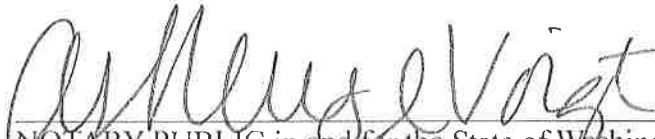
7 DATED this 8 day of February, 2018 at Seattle, Washington.

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11 Craig Peterson, OSB #120365
12 Email: cpeterson@robinsontait.com
13 Lisa McMahon-Myhran, OSB #000849
14 Email: lmcmahon@robinsontait.com
15 Jaimie Fender, OSB #120832
16 Email: jfender@robinsontait.com
17 Kimberly Hood, OSB #123008
18 Email: KHood@robinsontait.com
19 Robinson Tait, P.S.
20 Attorneys for Plaintiff

21 STATE OF WASHINGTON)
22) ss.
23 COUNTY OF KING)

24 The foregoing instrument was acknowledged before me this 8 day of February, by Lisa
25 McMahon-Myhran



26 
27 NOTARY PUBLIC in and for the State of Washington,
28 residing at ~~Seattle~~ Auburn, County of King
Ashley E. Voigt
(printed or typed name)

My appointment expires 02/19/2018

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CIRCUIT COURT OF OREGON FOR DESCHUTES COUNTY

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

BRANDON J. SHORES; JULIE ANN SHORES; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

NO. 16CV05709

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,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

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2 1. Plaintiff, WELLS FARGO BANK, N.A. be awarded judgment in the sum of
3 \$177,039.49, together with interest at a rate as provided in the Note from June 1, 2015 through April 22,
4 2016 in the amount of \$5,571.08 with additional pre-judgment interest at the per diem rate of \$19.40 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 other recoverable amounts of \$724.96 which includes the amounts itemized in the
7 declaration of the lender in support of motion for judgment plus allowable costs of \$1,813.00 as itemized
8 in the bill of disbursements and an additional amount for post-judgment sheriff's fees. Said judgment to
9 bear interest until paid at the statutory rate or at the contract rate, whichever is greater; and
10

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

14 LOT 5, BLOCK 1, CHUCKANUT ESTATES PHASE 1, RECORDED MARCH 20,
15 1979, IN CABINET B, PAGE(S) 599, DESCHUTES COUNTY, OREGON.

16 which was recorded on July 10, 2007, under Auditor's File No. 2007-38074, records of Deschutes
17 County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above described
18 real estate and the whole thereof as security for the payment of the judgment herein set forth, and that
19 said Deed of Trust be foreclosed and the property therein described is hereby ordered sold by the
20 Sheriff of Deschutes County in the manner provided for by law, and the proceeds therefrom shall be
21 applied to the payment of the judgment, interest, attorneys' fees and costs, and such other sums as
22 plaintiff has advanced prior to judgment, and that such sums shall constitute a first and specific lien
23 and charge upon said real estate, prior and superior to any right, title, estate, lien or interest of the
24 defendant and of any one claiming by, through or under them; and
25

26 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
27 property described above or any part thereof subsequent to July 2, 2007, the date of the Deed of Trust
28

1 which is foreclosed herein, be forever barred and estopped from claiming or asserting any right, title,
2 lien or interest in or to said property or any part thereof, save and except for the right of redemption
3 as allowed by law; and
4

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

13
14 5. Pursuant to ORS 18.950, if any proceeds from the execution sale remain after the
15 payment of costs under ORS 18.950(3) and satisfaction of the judgment, the court administrator shall
16 pay the remaining proceeds as directed by the court in the order of distribution.
17

18
19 **DECLARATION DETERMINING AMOUNT OF DEBT**
20 *(Not a Money Award, see ORS 18.862, 86.797, and 88.010)*

21 Judgment Creditor: WELLS FARGO BANK, N.A.
22 c/o Robinson Tait, P.S.
23 710 Second Ave., Suite 710
Seattle, WA 98104
(206) 676-9640

24 Attorney for Judgment Creditor: Craig Peterson
25 Robinson Tait, P.S.
26 710 Second Ave., Suite 710
27 Seattle, WA 98104
(206) 676-9640

28 The name of any person or public body,

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other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment:	None
Principal Balance:	\$177,039.49
Simple Interest on the Principal Balance from June 1, 2015 to April 22, 2016:	\$5,571.08
Other Amounts Due Under Terms of Loan:	\$724.96
Attorneys' Fees and Costs:	
Attorneys' Fee:	\$2,050.00
Total Costs:	\$1,813.00
Total Attorney Fees and Costs:	\$3,863.00
<i>TOTAL DEBT OWED</i>	<i>\$187,198.53</i>

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Pre-Judgment: Additional pre-judgment interest accrues from April 23, 2016, to the date of entry of judgment at the per diem rate of \$19.40, in accordance with the Note

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.

Signed: 7/12/2016 01:43 PM



Circuit Court Judge Wells B. Ashby

Submitted by:



Craig Peterson, OSB #120365
Email: cpeterson@robinsontait.com
 Brandon Smith, OSB #124584
Email: bsmith@robinsontait.com
 Jaimie Fender, OSB #120832
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 Kimberly Hood, OSB # 123008
Email: KHood@robinsontait.com
 Michael Althouse, OSB # 150793
Email: malthouse@robinsontait.com
Robinson Tait, P.S.
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:

7-7-16


Attorney, OSB

120365