

LANE COUNTY S.O. CIVIL  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

WELLS FARGO BANK, N.A, its successors  
in interest and/or assigns,

Case No.: 161415017

Plaintiff,

WRIT OF EXECUTION IN  
FORECLOSURE

vs.

BARBARA K. PARMENTER AKA  
BARBARA K. PARMENTER-PIERCE; AKA  
BARBARA K. PARMENTER-  
MCCORMICK; BOBBI, L.L.C.; GERALD  
THOMAS; STATE OF OREGON; AND  
OCCUPANTS OF THE PREMISES,

Defendants.

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on April 20, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, N.A  
c/o Robert Hakari, Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$163,246.87, plus post judgment interest at the statutory rate of 9.0% per annum from April 20, 2017 to February 23, 2018 in the amount of \$12,438.07, and continuing with a per diem of \$40.25, currently totaling \$175,684.94.

**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 on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or

1 about December 27, 2002, the date of the Deed of Trust, and also the interest that the Defendant  
2 had thereafter, in the real property described as shown in Exhibit 1; having APN No. 0397388;  
3 and commonly known as: 1956-1958 Smithoak St, Eugene, OR 97404.

4 Sale of the property is to satisfy the sum listed above, plus the costs incurred in  
5 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under  
6 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.  
7 You are to make the return within 60 days after you receive this Writ. Should the sale be  
8 continued, the writ may be automatically extended for 30 days.

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MAR - 6 2018

By: Angie Jones  
court clerk

**McCarthy & Holthus, LLP**

s/ Robert B. Hakari 2/22/2018  
Robert Hakari OSB No. 114082  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
rhakari@mccarthyholthus.com  
Of Attorneys for Plaintiff



## **Exhibit 1**

### **Legal Description**

Lot 6, Block 1, SMITH'S OAK HILL ADDITION, as platted and recorded in Book 36, Page 10  
Lane County Oregon Plat Records, in Lane County, Oregon

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
IN AND FOR THE COUNTY OF LANE

WELLS FARGO BANK, N.A., its successors in  
interest and/or assigns,

Plaintiff,

v.

BARBARA K. PARMENTER AKA  
BARBARA K. PARMENTER-PIERCE AKA  
BARBARA K. PARMENTER-MCCORMICK;  
BOBBI, L.L.C.; GERALD THOMAS; STATE  
OF OREGON; AND OCCUPANTS OF THE  
PREMISES,

Defendants.

Case No. 161415017

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE  
AGAINST:

- (1) BARBARA K. PARMENTER AKA  
BARBARA K. PARMENTER-  
PIERCE AKA BARBARA K.  
PARMENTER-MCCORMICK;
- (2) BOBBI, L.L.C.;
- (3) GERALD THOMAS;
- (4) STATE OF OREGON;
- (5) OCCUPANTS OF THE PREMISES

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Wells Fargo Bank, N.A., its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the Premises failed to appear; that an Order of Default has been entered against defendants Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the Premises them on Plaintiff's Complaint; and

GENERAL JUDGMENT OF FORECLOSURE AND SALE - 1

1 that an Order Granting Plaintiff's Motion for Summary Judgment against defendant Barbara K.  
2 Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick has been entered  
3 with the court and, consequently this General Judgment of foreclosure is submitted in accordance with  
4 UTCR 5.100 (3)(c).

5  
6 2.

7 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the  
8 Court's register to accomplish the following: to foreclose any and all interest of defendants Barbara K.  
9 Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.;  
10 Gerald Thomas; State of Oregon; and Occupants of the Premises in the real property subject to this  
11 foreclosure action, located at 1956-1958 Smith Oak Street, Eugene, Oregon 97404 (the "Property").

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13 3.

14 The court being fully advised in the Premise, finding good cause exists so this general judgment  
15 of foreclosure and sale may be entered in favor of Plaintiff and against Barbara K. Parmenter aka  
16 Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas;  
17 State of Oregon; and Occupants of the Premises, all of them, it is hereby

18 ORDERED AND ADJUDGED:

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20 4.

21 That the Deed of Trust dated December 27, 2002, executed by Barbara K. Parmenter aka  
22 Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick for the benefit of Mortgage  
23 Electronic Registration Systems, Inc. solely as nominee for Sierra Pacific Mortgage Company ("Deed  
24 of Trust"), recorded on December 31, 2002 as Instrument No. 2002-102684 in the official records of  
25 Lane County, Oregon, and subsequently assigned to Plaintiff by way of an assignment recorded on  
26

1 November 17, 2011 as Instrument No. 2011-052410, is a valid lien for the amount due and owing as set  
2 forth in Paragraph 13 herein, against the Property situated in Lane County, Oregon, and described as  
3 follows

4 LOT 6, IN BLOCK 1, SMITH'S OAK HILL ADDITION, AS PLATTED AND  
5 RECORDED IN BOOK 36, PAGE 10, LANE COUNTY OREGON PLAT  
6 RECORDS, IN LANE COUNTY, OREGON.

7 5.

8 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants Barbara  
9 K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.;  
10 Gerald Thomas; State of Oregon; and Occupants of the Premises in the Property, and that said Deed of  
11 Trust is hereby foreclosed by this Court on the Property.

12 6.

13 That the grantor of the Deed of Trust, defendant Barbara K. Parmenter aka Barbara K.  
14 Parmenter-Pierce aka Barbara K. Parmenter-McCormick, previously filed for protection under Chapter  
15 11 of the United States Bankruptcy Code, Case No. 09-60875-fra11, District of Oregon, Eugene  
16 Division. On April 22, 2011, the Chapter 11 bankruptcy Trustee's Plan of Reorganization, as Finally  
17 Modified was filed (the "Bankruptcy Plan"). The Bankruptcy Plan expressly provides that Wells Fargo  
18 shall retain its lien against the Property. The Bankruptcy Plan further provides that the bankruptcy  
19 trustee shall attempt to sell the property, but if a sale of the property has not closed within 6 months and  
20 there is no judgment entered by the bankruptcy court or a court of competent jurisdiction invalidating  
21 Wells Fargo's lien on the property, then the bankruptcy trustee will abandon the Property and Wells  
22 Fargo will be allowed to enforce its rights and remedies against the Property. Thus, this suit does not  
23 constitute an attempt to collect the debt in violation of the Bankruptcy Plan. Rather, this judgment of  
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1 foreclosure and sale is to be enforced by execution and sale of the Property as security for the debt owed  
2 under the terms of the Deed of Trust, as contemplated by the bankruptcy code, and pursuant to ORS  
3 88.010 and 88.060.

4  
5 7.

6 That defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K.  
7 Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the  
8 Premises, each of them, and all parties claiming by, through, or under them as purchasers,  
9 encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the  
10 Property, and every portion thereof, excepting only the statutory right of redemption provided by the  
11 laws of the State of Oregon.

12  
13 8.

14 That defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K.  
15 Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the  
16 Premises, all of them, are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

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9.

That all of the right, title and interest which Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick had on December 27, 2002, the date of the Deed of Trust, and all of the right, title and interest defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the Premises and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 13 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

10.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount due and owing set forth in Paragraph 13 herein, plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

11.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, should defendants Barbara K. Parmenter aka Barbara K. Parmenter-Pierce aka Barbara K. Parmenter-McCormick; Bobbi, L.L.C.; Gerald Thomas; State of Oregon; and Occupants of the Premises refuse to surrender possession of the Property immediately upon the purchaser's demand for possession.

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12.

That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$5,920.50 and its litigation costs in the amount of \$1,150.61, shall be, and is hereby declared additional amounts secured by and hereinafter shall be made part of the amount of the debt secured by Plaintiff's Deed of Trust.

**DECLARATION OF DEBT SECURED BY DEED OF TRUST**

**(Pursuant to Senate Bill 368)**

13.

Under the terms of the Deed of Trust and the promissory note dated December 27, 2002, in the principal amount of \$112,500.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

**Attorneys' Fees and Costs**

Attorneys' Fees		\$5,920.50
Filing Fee - Complaint	\$531.00	
Courier and Mailing Costs	\$35.61	
Process Service Fees	\$164.00	
Publication Costs	\$320.00	
Filing Fee - MSJ	\$100.00	
	<b>Total Costs</b>	<b>\$1,150.61</b>
	<b>Total Attorneys' Fees and Costs</b>	<b>\$7,071.11</b>

**Lenders' Principal and Interest**

Principal Balance	\$100,795.26	
Accrued Interest from June 1, 2010, to January 18, 2017, the date calculated by the declarant in the declaration of indebtedness @ 6.500% per annum	\$43,436.78	
	<b>Total Principal &amp; Interest</b>	<b>\$144,232.04</b>

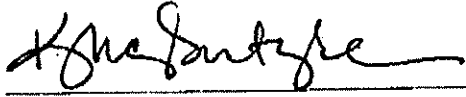
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1 **Lenders' Fees and Costs**

2	Tax Disbursements	\$12,184.77	
3	Property Inspections/Preservation	\$155.00	
3	Credits to Borrower	(\$396.05)	
4	<i>Total Lenders' Fees and Costs:</i>		<b>\$11,943.72</b>
4	<i>Total Lenders' Principal, Interest, Fees, and Costs:</i>		<b>\$156,175.76</b>
5			
6	Additional pre-judgment interest pursuant to ORS		
6	18.042 from January 18, 2017 to the date entry of		
7	judgment at the contract rate of interest (\$17.95 per		
7	diem)		
8	Post-Judgment interest thereafter on the Total		
9	Amount Due at the contract rate of interest, or		
9	9.000% per annum, whichever is greater.		
10		<i>Total Amount Due</i>	<b>\$163,246.87</b>


17 Signed: 4/19/2017 03:06 PM

18 

19 **Karrie K. McIntyre, Circuit Court Judge**

20 Presented by:

21 **RCO LEGAL, P.C.**

22 By  DATED 4-17-17

23 Calvin Knickerbocker, OSB # 050110  
24 Attorneys for Plaintiff  
24 511 SW 10<sup>th</sup> Ave., Ste. 400  
25 Portland, OR 97205  
25 Telephone (503) 977-7840 Facsimile (503) 977-7963  
26 cknickerbocker@rcolegal.com

GENERAL JUDGMENT OF FORECLOSURE AND SALE - 7

**RCO  
LEGAL, P.C.**

511 SW 10th Ave., Ste. 400  
Portland, OR 97205  
Phone: 503.977.7840  
Fax: 503.977.7963

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**CERTIFICATE OF UTCR 5.100 COMPLIANCE**

This Proposed order or judgment is ready for judicial signature because:

- A.  The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B.  The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C.  The judgment or order is exempt from UTCR 5.100(1) because:
  - a.  The judgment or order is a proposed order or judgment presented in open court with the parties present.
  - b.  The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.
  - c.  The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.
  - d.  The proposed judgment is subject to UTCR 10.0099
  - e.  The proposed judgment or order is an uncontested probate and protective proceeding.
  - f.  This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.
- D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:
  - 1.  Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
  - 2.  Each opposing party affected by this order or judgment has approved the order or judgment, as shown by 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 all parties entitled to service and:
    - a.  No objection has been served on me.
    - b.  I received objections that I could not resolve with the opposing 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 opposing party] agreed to independently file any remaining objection.

- 1 4. [ ] The relief sought is against an opposing party who has been found to be in default.  
2 5. [ ] An order of default is being requested with this proposed judgment.  
3 6. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise  
4 noted.  
5 7. [ ] This is a proposed judgment that includes an award of punitive damages and notice has been  
6 served on the Director of the Crime Victims' Assistance Section as required by subsection  
7 (4) of this rule.

8 Dated this 17 day of April, 2017

9 By, Calvin Knickerbocker  
10 Calvin Knickerbocker OSB#050110  
11 Attorney for Plaintiff  
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