

pd #45  
575  
m

2019 JAN 18 AM 10:02

Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

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

WELLS FARGO BANK, N. A.,

Plaintiff,

v.

JUAN C. GALVEZ; THE STATE OF OREGON; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 3335 SE 116TH AVE, PORTLAND, OR 97266,

Defendant.

Case No. 15CV22357

**WRIT OF EXECUTION**

TO THE MULTNOMAH COUNTY SHERIFF:

On January 16, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MULTNOMAH County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: WELLS FARGO BANK, N. A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 3335 SE 116TH AVE, PORTLAND, OR 97266 ("Subject Property"), and legally described as:

LOT 13, BLOCK "B", REED VILLAGE, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON. EXCEPTING THEREFROM THE

1 SOUTHERLY 26 INCHES AS SET-FORTH IN THE GENERAL JUDGMENT FILED  
2 OCTOBER 13, 2013 IN CASE NO. 130609277, CIRCUIT COURT FOR MULTNOMAH  
3 COUNTY

4 The total amount due and owing on the Judgment as of December 7, 2018;

5 Judgment:	Principal	\$173,516.57
6 Pre-Judgment:	Interest(4.50%, \$19.59/day)	\$10,441.47 (8/2/16 through 1/16/18)
7	Attorney Fees	\$1,775.00
8	Costs	\$4,386.64
9	Prevailing Party Fee	\$300.00
10 Post-Judgment:	Interest(9.00%, \$47.07/day)	\$15,297.75 (1/17/18 through 12/7/18)
11	Attorney Fees	\$512.50

12 **TOTAL: \$206,229.93**

13 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
14 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
15 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
16 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
17 holder of the certificate of sale.

18 //  
19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //

1 By the signature of the attorney for the judgment creditor, the person that requested  
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay  
3 making a return on the writ to a date up to 150 days after receipt.



COURT ADMINISTRATOR FOR  
MULTNOMAH COUNTY CIRCUIT  
COURT

18/19  
By: \_\_\_\_\_

8 Presented by:  
9 ALDRIDGE/PITE, LLP

10 By: \_\_\_\_\_  
11 { } Hunter Zook, OSB #095578  
12 { } Katie Riggs, OSB #095861  
13 { } Sarah Mathenia, OSB #120681  
14 {x} Shannon K. Calt, OSB #121855  
15 { } Christina Andreoni, OSB #160875  
16 *of Attorneys for Judgment Creditor*  
17 (858) 750-7600  
18 (503) 222-2260 (facsimile)  
19 orecourtnotices@aldridgepite.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

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

WELLS FARGO BANK, N. A.,

Plaintiff,

v.

JUAN C. GALVEZ; THE STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 3335 SE 116TH AVE, PORTLAND, OR 97266,

Defendants.

Case No. 15CV22357

**GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

15 Based upon the Court’s Order of Default against defendants JUAN C. GALVEZ; THE  
16 STATE OF OREGON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING  
17 ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY  
18 KNOWN AS 3335 SE 116TH AVE, PORTLAND, OR 97266, the records on file herein, and  
19 pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by  
20 Plaintiff WELLS FARGO BANK, N. A. (“Plaintiff”),

**IT IS HEREBY ADJUDGED:**

22 1. Plaintiff’s security interest in the real property located at 3335 SE 116TH AVE,  
23 PORTLAND, OR 97266 (“Subject Property”), as evidenced by the Deed of Trust recorded  
24 February 25, 2014 in the official records of MULTNOMAH County as instrument number 2014-  
25 017564 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the  
26 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are

1 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
2 legally described as follows:

3 LOT 13, BLOCK "B", REED VILLAGE, IN THE CITY OF PORTLAND, COUNTY  
4 OF MULTNOMAH AND STATE OF OREGON. EXCEPTING THEREFROM THE  
5 SOUTHERLY 26 INCHES AS SET-FORTH IN THE GENERAL JUDGMENT FILED  
6 OCTOBER 13, 2013 IN CASE NO. 130609277, CIRCUIT COURT FOR  
7 MULTNOMAH COUNTY

8 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
9 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
10 in the manner provided by law;

11 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
12 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
13 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
14 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

15 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
16 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
17 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
18 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
19 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
20 by sale of the Subject Property as directed under this Judgment;

21 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
22 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
23 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
24 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
25 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

26 ///

1           6.       Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
2 sale of the Subject Property as directed under this Judgment.

3           7.       The Sheriff shall make a return on the writ of execution to the court administrator  
4 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
5 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
6 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
7 parties as may establish their right thereto. The Defendants and all persons claiming through or  
8 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
9 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
10 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
11 every part of the Subject Property when the time for redemption has elapsed;

12           8.       Plaintiff or any other party to this action may become a purchaser at the  
13 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
14 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
15 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
16 subject property if Defendants or any other party or person refuses to surrender possession;

17                                   **DECLARATION OF AMOUNT DUE BY DEFAULT**

18                                   **(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES**  
19                                   **NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

20           1.       The total amount of the unpaid principal balance, interest, and other amounts  
21 owed is \$173,516.57.

22           2.       Simple interest at the variable rate currently at 4.50% (\$19.5979 *per diem*) after  
23 August 1<sup>st</sup>, 2016, through the date of sale.

24           3.       Attorney fees of \$1,775.00, plus \$512.50, through the date of sale.

25           4.       Costs of \$4,386.64, plus costs accrued through the date of sale.  
26

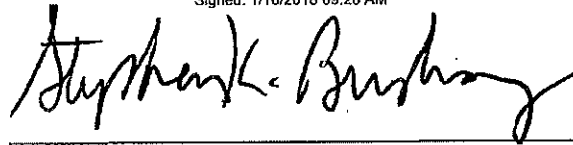
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

5. Prevailing party fee: \$300.00.

6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 1/16/2018 09:28 AM



**Circuit Court Judge Stephen K. Bushong**  
proxy signed by LD

**CERTIFICATE OF READINESS**

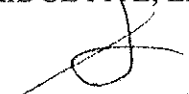
This proposed Order or Judgment is ready for judicial signature because:

- 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 objections have been served on me within that time frame;
  - b.  I received objections that I could not resolve with the opposing 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;
  - c.  After conferring about objections, [**Opposing Party**] agreed to independently file any remaining objection with the Court.
- 4.  The relief sought is against an opposing 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 (3) of this rule, or by statute, rule, or otherwise.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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 (4) of this rule.

Presented By:  
ALDRIDGE PITE, LLP



Date: 12/26/17

- 
- { } Hunter Zook, OSB #095578
  - { } Katie Riggs, OSB #095861
  - { } Sarah Mathenia, OSB #120681
  - { } Shannon K. Calt, OSB #121855
  - { } Christina Andreoni, OSB #160875

*of Attorneys for Plaintiff*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com