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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST

Case No. 17CV21606

Plaintiff,

WRIT OF EXECUTION

vs.

UNKNOWN HEIRS OF THOMAS P.
WALKER; RAY WALKER; PARTIES IN
POSSESSION

Defendants.

TO: TILLAMOOK COUNTY SHERIFF

WHEREAS, on September 11, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on February 8, 2008, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 17-120474

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 LOT 22 AND 23, BLOCK 13, MANHATTAN BEACH, IN PLAT BOOK 1, PAGE 1,
2 TILLAMOOK COUNTY, OREGON.

3 and commonly known as 1065 NE 13th Ave, Rockaway Beach, OR 97136 to satisfy the sum of
4 \$168,841.61, as of October 17, 2018, together with additional post judgment interest of 9.00%
5 from that date (\$41.27 per day), and costs of this execution, making due return within 60 days
6 after you receive this writ.

7 U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust is the Judgment
8 Creditor, and its address for purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499
9 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland,
10 LLC is the attorney for the Judgment Creditor.
11



12
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17 Emily Huselman
TEA

17 Submitted by:
18 Attorneys for Plaintiff,
19 SHAPIRO & SUTHERLAND, LLC

20 By: _____

21 James A. Craft #090146 [jcraft@logs.com]
22 [] Kelly D. Sutherland #87357 [ksutherland@logs.com]
23 [] Cara J. Richter #094855 [crichter@logs.com]
24 [] Holger Uhl #950143 [huhl@logs.com]*
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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25 2-- WRIT OF EXECUTION
26 S&S No. 17-120474

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Certified True Copy of The Original
Dated This 18 Day of Oct, 2018
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By

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

U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF10 MASTER PARTICIPATION TRUST,

Plaintiff,

vs.

UNKNOWN HEIRS OF THOMAS P. WALKER;
RAY WALKER; PARTIES IN POSSESSION,

Defendants.

Case No. 17CV21606

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Unknown Heirs of
Thomas P. Walker and Ray Walker:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Tillamook County, Oregon is commonly known as 1065 NE 13th Ave, Rockaway Beach,
OR 97136 and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120474

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Fax (360)260-2285
ksutherland@logs.com

1 Lot 22 and 23, Block 13, MANHATTAN BEACH, in Plat Book 1, Page 1, Tillamook
2 County, Oregon.

- 3 2. The Deed of Trust executed and delivered by Defendant, Thomas P. Walker, an estate in fee
4 simple ("Borrower") on or about February 8, 2008 and recorded on February 19, 2008 as
5 Instrument No. 2008-001089 in the official records of Tillamook County, Oregon, is a valid
6 and perfected lien against all of the Property for the amount of Plaintiff's judgment as
7 provided herein.
- 8 3. The Plaintiff is the holder of the original note dated February 8, 2008 and made by Thomas
9 P. Walker in the amount of \$145,000.00. A copy of the Note was attached to the complaint
10 as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
11 (together the "Loan").
- 12 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
13 interest in the Property is foreclosed and terminated excepting only any statutory right of
14 redemption as provided by Oregon law.
- 15 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
16 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
17 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
18 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
19 interests and priorities.
- 20 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 21 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
22 thereafter acquired in the subject Property, is hereby ordered to be sold by the Tillamook
23
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26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 17-120474

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1 County Sheriff's Office in accordance with the process for sale upon execution, and the
 2 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
 3 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
 4 as their interest may appear or to the clerk of the court to be distributed to such party of
 5 parties as may establish their right thereto.
 6

- 7 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
 8 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
 9 from and after the date of the sale and is entitled to such remedies as are available at law or
 10 in equity to secure possession.
 11 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 12 any person holding possession under or through such Defendant(s) shall refuse to surrender
 13 possession to the purchaser immediately on the purchaser's demand for possession.
 14 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:
 15

Principal		\$130,266.85	
Prejudgment interest at 7.74% through August 31, 2018 (accruing thereafter until entry of judgment at \$27.62 per diem/mensum			\$20,153.77
Late Charges		\$0.00	
Other Costs and fees (recoverable)		10,678.67	
	Property Tax	\$1,530.57	
	PMI/MIP	\$915.00	
	Appraisal/BPO	\$118.50	
	Property Preservation	\$6,455.60	
	Escrow Balance	\$1,659.00	
	Subtotal		\$140,945.52
	Total plus Prejudgment Interest		\$161,099.29

1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

2

Costs			\$2,930.40
	Title Search Cost	\$563.00	
	Skip Trace Costs	\$100.00	
	Filing Fee	\$531.00	
	Clerk Costs	\$52.00	
	Recording cost- Assignments	\$104.00	
	Lis Pendens Recording Fee	\$52.00	
	Service by Publication	\$880.40	
	Service Costs	\$375.00	
	Death Certificate Fee	\$50.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$5,980.40

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11 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
12 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

13 14. This Judgment shall not create a personal lien or liability against Borrower except as is
14 customary or necessary to execute on such Judgment and for purposes of redemption. In no
15 event should it be construed as establishing personal liability for any persons whose debt has
16 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
17 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
18 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
19 entitled to any further judgment, including a judgment for deficiency.
20

21 15. Execution may issue against the subject property for the aggregate amount found due
22 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").

23 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by

24 ORS 18.936 or other applicable law.

25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 17-120474

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1 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
2 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
3 judgment as to the amounts due shall be terminated.

4
5 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
6 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
7 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
8 18.936.

9 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
10 necessary to enforce this judgment, the writ of execution or for the purchaser at the
11 foreclosure sale to obtain possession.
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Signed: 9/11/2018 12:09 PM



Circuit Court Judge Mari Garric Trevino

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Certificate of Readiness under UTCR 5 100

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:

5 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120474

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- 1 a. No objection has been served on me.
- 2 b. I received objections that I could not resolve with a party despite reasonable efforts to do
3 so. I have filed a copy of the objections I received and indicated which objections remain
4 unresolved.
- 5 c. After conferring about objections, [role and name of objecting party] agreed to
6 independently file any remaining objection.
- 7 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
8 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
- 9 5. This is a proposed judgment that includes an award of punitive damages and notice has
10 been served on the Director of the Crime Victims' Assistance Section as required by subsection
11 (5) of this rule.
- 12 6. Other: _____

Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: 

- 12 James A. Craft #090146 [jcraft@logs.com]
- 13 Kelly D. Sutherland #87357 [ksutherland@logs.com] 9/10/2018
- 14 Cara J. Richter #094855 [crichter@logs.com]
- 15 Holger Uhl #950143 [huhl@logs.com]*
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