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LINCOLN COUNTY SHERIFF'S OFFICE  
NEWPORT, OR

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

U.S. BANK NATIONAL ASSOCIATION,  
NOT IN ITS INDIVIDUAL CAPACITY BUT  
SOLELY AS TRUSTEE FOR THE RMAC  
TRUST, SERIES 2016-CTT,

Plaintiff,

v.

PRESTON BISHOP, PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
SALLY F. CUTTER; EMILEE LOUISE  
O'NEIL; MACY EILEEN BISHOP;  
MATTHEW CRAIG SAYLOR; ELOS  
CLAIRE CUTTER; DANN DRISCOLL  
CUTTER; SALISHAN HILLS OWNERS  
ASSOCIATION AND ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 490 FAIRWAY  
DR, GLENEDEN BEACH, OR 97388,

Defendant.

Case No. 17CV05334

**WRIT OF EXECUTION**

TO THE LINCOLN COUNTY SHERIFF:

On December 21, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LINCOLN 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: U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR

1 THE RMAC TRUST, SERIES 2016-CTT c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste.  
2 950, Portland, OR 97201.

3 The real property to be sold at public auction is commonly known as 490 FAIRWAY  
4 DR, GLENEDEN BEACH, OR 97388 ("Subject Property"), and legally described as:

5 LOT 490, SALISHAN HILLS I, IN LINCOLN COUNTY, OREGON.

6 The total amount due and owing on the Judgment as of January 15, 2019;

7	Judgment:	Principal	\$ 418,974.26
8			
9	Pre-Judgment:	Interest(2.00%,\$19.83/day)	\$ 991.00 (11/1/18 through 12/21/18)
10		Attorney Fees	\$ 5,627.50
11		Costs	\$ 3,188.28
12		Prevailing Party Fee	\$ 300.00
13	Post-Judgment:	Interest(9%,\$105.87/day)	\$ 2,646.98 (12/22/18 through 1/15/19)
14		Attorney Fees	\$317.50
15		Costs	\$0.00

16 **TOTAL: \$432,046.02**

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

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



COURT ADMINISTRATOR FOR  
NAME COUNTY CIRCUIT COURT

Signed: 1/16/2019 08:55 AM

By: *St. Jull.*

Circuit Court Clerk Steven Zalewski

Presented by:

ALDRIDGE PITE, LLP

By: *Katie Riggs*

Katie Riggs, OSB #095861  
*of Attorneys for Judgment Creditor*  
(858) 750-7600  
(503) 222-2260 (facsimile)  
orecourtnotices@aldridgepite.com

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FOR THE COUNTY OF LINCOLN**

U.S. BANK NATIONAL ASSOCIATION,  
NOT IN ITS INDIVIDUAL CAPACITY BUT  
SOLELY AS TRUSTEE FOR THE RMAC  
TRUST, SERIES 2016-CTT,

Plaintiff,

v.

PRESTON BISHOP, PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
SALLY F. CUTTER; EMILEE LOUISE  
O'NEIL; MACY EILEEN BISHOP;  
MATTHEW CRAIG SAYLOR; ELOS  
CLAIRE CUTTER; DANN DRISCOLL  
CUTTER; SALISHAN HILLS OWNERS  
ASSOCIATION and ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 490 FAIRWAY DR,  
GLENEDEN BEACH, OR 97388,

Defendants.

Case No. 17CV05334

**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

Based upon the Court's Order of Default against defendants PRESTON BISHOP,  
PERSONAL REPRESENTATIVE FOR THE ESTATE OF SALLY F. CUTTER; EMILEE  
LOUISE O'NEIL; MACY EILEEN BISHOP; MATTHEW CRAIG SAYLOR; ELOS CLAIRE  
CUTTER; DANN DRISCOLL CUTTER; SALISHAN HILLS OWNERS ASSOCIATION and  
ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN,  
OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 490 FAIRWAY DR,  
GLENEDEN BEACH, OR 97388, the records on file herein, and pursuant to the Motion for  
General Judgment and Declaration of Amount Due by Default by Plaintiff U.S. BANK

1 NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS  
2 TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 490 Fairway Dr,  
5 Gleneden Beach, OR 97388 ("Subject Property"), as evidenced by the Deed of Trust recorded  
6 April 4, 2007 in the official records of Lincoln County as Instrument Number 200704916 ("Deed  
7 of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
8 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
9 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

10 LOT 490, SALISHAN HILLS I, IN LINCOLN COUNTY, OREGON.

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

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

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

24 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
26 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

19 DECLARATION OF AMOUNT DUE BY DEFAULT  
20 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

21 1. The total amount of the unpaid principal balance, interest, and other amounts  
22 owed is \$418,974.26.

23 2. Simple interest at the variable rate currently at 2.0000% (\$19.83 *per diem*) after  
24 November 1, 2018, through the date of judgment.

25 3. Attorney fees of \$5,627.50, plus \$317.50, through the date of sale.

26 4. Costs of \$3,188.28, plus costs accrued through the date of sale.

Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

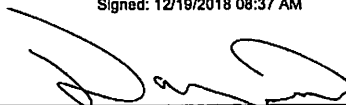
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5. Prevailing party fee: \$300.00.

6. Post-judgment interest thereafter on the total judgment amounts of # 1 – 5 at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

**IT IS SO ADJUDGED**

Signed: 12/19/2018 08:37 AM



Circuit Court Judge David V. Cramer

**CERTIFICATE OF READINESS**

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

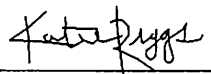
- 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- 3.  I have served a copy of this order or judgment on all parties 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.

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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: \_\_\_\_\_

Presented By:  
ALDRIDGE PITE, LLP



Date: 12/18/2018

\_\_\_\_\_  
Katie Riggs (OSB # 095861)  
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(619) 326-2430  
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111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff