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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

RIVERMARK COMMUNITY CREDIT UNION, its successors in interest and/or assigns,

Plaintiff,

v.

PATRICIA CANADY, AS TRUSTEE OF THE STEPHEN K. WAGNER REVOCABLE LIVING TRUST UAD JUNE 16, 2009; BOULDER BROOK OWNERS ASSOCIATION; AND OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 17CV39765

WRIT OF EXECUTION OF REAL PROPERTY

TO: THE SHERIFF OF DESCHUTES COUNTY, GREETINGS:

WHEREAS, on March 22, 2019, General Judgment and Decree of Foreclosure and Declaration of Amount Due by Default ("General Judgment") was entered herein. A true copy of the General Judgment is attached hereto and incorporated herein as Exhibit 1. The total amount owing on the Judgment as of April 3, 2019, is as follows:

1.	Principal Amount of Judgment:	\$ 92,822.97
2.	Fees and Costs:	5,258.60
3.	Taxes and Insurance:	9,898.09
4.	Prejudgment Interest:	8,348.36
5.	Reasonable Attorney Fees	15,534.25
6.	Costs:	1,608.00
7.	Prevailing Party Fee:	300.00
8.	Post Judgment Interest (9.00%, \$33.07 per day):	362.83
	Total as of April 3, 2019:	\$134,133.10

1 NOW THEREFORE, in the name of the State of Oregon, you are commanded to
2 levy on and sell, in the manner prescribed by law for the sale of real property, upon execution
3 (subject to redemption) all of the interest which the defendants had on August 1, 2012, the date of
4 the Deed of Trust, and also all of the interest which the defendants had thereafter, in the real
5 property described in the Judgment, which is commonly known as 438 NW 19th Street #4,
6 Redmond, OR 97756, and more particularly described as follows:

7 Lot Four (4), Boulder Brook Phase 1, recorded September 25, 2000, in
8 Cabinet E, Page 512, Deschutes County, Oregon.

9 to satisfy the sum of \$134,133.10 due as of April 3, 2019, plus post-judgment interest at the rate
10 of \$33.07 per diem from April 3, 2019, until paid in full, plus costs of this writ, sheriff's fees and
11 costs of sale, and all other recoverable costs pursuant to law.

12 **JUDGMENT CREDITOR INFORMATION:**

13 The mailing address of the judgment creditor is as follows:

14 Rivermark Community Credit Union
15 c/o Michelle M. Bertolino
16 Farleigh Wada Witt
17 121 SW Morrison Street, Suite 600
18 Portland, OR 97204

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22 Signed: 4/9/2019 07:30 AM

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24 _____
25 Trial Court Administrator Jeffrey E. Hall



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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

RIVERMARK COMMUNITY CREDIT UNION, its successors in interest and/or assigns,

Plaintiff,

v.

PATRICIA CANADY, AS TRUSTEE OF THE STEPHEN K. WAGNER REVOCABLE LIVING TRUST UAD JUNE 16, 2009; BOULDER BROOK OWNERS ASSOCIATION; AND OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 17CV39765

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

Based upon the Court's Order Granting Plaintiff's Motion for Summary judgment against defendant Boulder Brook Owners Association, the Order of Default and Limited Judgment entered against defendants Patricia Canady, as Trustee of the Stephen K. Wagner Revocable Living Trust UAD June 16, 2009 and Occupants of the Premises, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by plaintiff, Rivermark Community Credit Union;

IT IS ORDERED AND ADJUDGED that plaintiff shall have a general judgment and decree of foreclosure and declaration of amount due as follows:

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1 1. For judgment and declaration of amount of the debt owed in the principal
2 sum of \$92,822.97, plus interest at the contract rate of 3.50 percent per annum through February 8,
3 2019, in the amount of \$7,913.48 plus interest thereafter in the per diem amount of \$8.90 until the
4 date judgment is entered, plus fees and costs in the amount of \$5,258.60, which sum accrues
5 interest at the rate of 3.50 percent per annum, until the date judgment is entered; together with any
6 additional sums required to be paid by plaintiff during the pendency of this suit for the protection
7 of the property described herein and plaintiff's interest therein; including, but not limited to taxes,
8 insurance in the amount of \$9,898.09, plus interest on the total sum in paragraph 1 at the statutory
9 legal rate of interest of 9% percent per annum from the date judgment is entered, until paid in full.

10 2. For judgment and decree that plaintiff's Deed of Trust, dated August 1,
11 2012, and recorded August 6, 2012, as Recording No. 2012-030579, Records of Deschutes County,
12 Oregon, as fully described in the Complaint filed herein, encumbering the real property commonly
13 known as 438 Northwest 19th St. #4, Redmond, OR 97756 ("Real Property") be declared a first
14 priority lien upon the Real Property for the amount of the judgment prayed for herein. The Real
15 Property is legally described as follows:

16 Lot Four (4), Boulder Brook Phase 1, recorded September 25, 2000, in
17 Cabinet E, Page 512, Deschutes County, Oregon.

18 3. For judgment and decree that plaintiff's Deed of Trust upon the Property be
19 foreclosed, and that the right, title, claim, lien, interest, or demand of defendants in said Property,
20 and every part thereof, except their statutory rights of redemption, be foreclosed;

21 4. Defendant Boulder Brook Owners Association has a valid statutory lien on
22 the Property that is junior and inferior to lien of Plaintiff, which lien shall be foreclosed. However,
23 said lien shall attach to any surplus, if any, as outlined in paragraph 6 below;

24 5. For judgment and decree that upon entry of a general judgment of
25 foreclosure and issuance of a writ of execution the Real Property, with all of its appurtenances,
26 rights, privileges, and easements be sold on execution by the Sheriff for Deschutes County,

1 Oregon, after giving notice as required by law; that Plaintiff may be and become a purchaser at
2 said sale; that the Sheriff give the purchaser thereof a Certificate of Sale and, unless the Real
3 Property is redeemed before the expiration of the redemption period, a deed; that the purchaser
4 have immediate possession of the Real Property, and every part thereof; and that the purchaser be
5 entitled to such remedies as are available at law to secure such position, including a writ of
6 assistance, if Defendants or any other parties or persons shall refuse to immediately surrender
7 possession to the purchaser;

8 6. That the proceeds of the sale be applied: first, to pay the costs and expenses
9 of said sale; second, to pay the judgment of Plaintiff; and third, the surplus, if any, be paid to the
10 Registry of the Court to be disbursed to the party or parties who establish the right thereto and/or
11 subject to further Court order;

12 7. For plaintiff's attorney fees in the amount of \$15,534.25, costs in the amount
13 of \$1,608.00 and a prevailing party fee in the amount of \$300.00, to be submitted in accordance
14 with ORCP 68C; and

15 8. For interest on the sum of paragraphs 1 and 6 at the statutory rate of 9.0
16 percent per annum, from the date judgment is entered, until paid in full.

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DECLARATION OF AMOUNT DUE BY DEFAULT

(1)	Principal Amount of Judgment:	\$92,822.97
(2)	Fees and Costs	\$5,258.60
(3)	Taxes and Insurance	\$9,898.09
(4)	Prejudgment simple interest at the contract rate of 3.50% per annum:	
	i) Accrued through February 8, 2019:	\$7,913.48
	ii) Per diem thereafter until date judgment is entered:	\$11.12
(5)	Reasonable Attorney Fees	\$15,534.25
(6)	Costs	\$1,608.00
(7)	Prevailing Party Fee	\$300.00
(8)	Postjudgment simple interest at the statutory rate of 9% per annum on the total judgment of (1) + (2) + (3) + (4)+(5)+(6) + (7) from the date judgment is entered until fully paid.	

Signed: 3/22/2019 10:56 AM



Circuit Court Judge Bethany P. Flint

SUBMITTED BY:



Michelle M. Bertolino, OSB #912130
Farleigh Wada Witt
(503) 228-6044
mbertolino@fwwlaw.com
Of Attorneys for Plaintiff

CERTIFICATE OF READINESS PURSUANT TO UTCR 5.100

A. I hereby certify that I complied with UTCR 5.100(1) with respect to the order or judgment to which this certificate is attached by doing the following: N/A

B. 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:

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.

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: _____

DATED: March 12, 2019.

CERTIFIED BY:

By: 
Michelle M. Bertolino, OSB #912130
Farleigh Wada Witt
(503) 228-6044
mbertolino@fwwlaw.com
Of Attorneys for Plaintiff