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AUG 14 2019
LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR
mm

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

BANK OF THE WEST,

Plaintiff,

v.

THE ESTATE OF SANDRA LYNN MOLL
acting by and through its Personal
Representative, Michael R. Sandoval; CHADD
J. MOLL; and OCCUPANTS AND PARTIES
IN POSSESSION,

Defendants.

) Case No. 19CV23205

) WRIT OF EXECUTION

TO: THE LINCOLN COUNTY SHERIFF:

On July 18, 2019, in the Lincoln County Circuit Court of the State of Oregon, the above-named plaintiff recovered judgment against defendants for foreclosure of the parties' interests in the real property described below and establishing plaintiff's claim secured by its Deed of Trust in the sum of Seventy Four Thousand Eight Hundred Thirty Eight Dollars and Thirty Seven Cents (\$74,838.37) plus interest accruing at the rate of 9% per annum (\$18.45 per diem) from the date of judgment which plaintiff may credit bid. The judgment was enrolled and docketed in the clerk's office of the circuit court in Lincoln County on July 18, 2019.

1 WHEREAS, the following information is provided pursuant to ORS 18.862:

- 2 1. Court Issuing Judgment: Lincoln County Circuit Court
- 3 2. Parties to Action: (1) Bank of the West, Plaintiff.
4 (2) The Estate of Sandra Lynn Moll by and through
5 Michael R. Sandoval, personal representative; Chadd J.
6 Moll; and Occupants and Parties in Possession, Defendants.
- 7 3. Case Number of Action: 19CV23205
- 8 4. Judgment Creditor: Bank of the West
9 Mailing Address: c/o John W. Weil
10 121 SW Morrison St, Suite 1850
11 Portland, OR 97204
- 12 5. Amount Owing on Debt
13 for Credit Bid as of July 31, 2019: \$75,096.72

14 Therefore, in the name of the State of Oregon you are commanded that out of the sale of
15 that real property in your county, specifically known as 1742 NE Wagon Rd, Toledo, OR 97391,
16 and more particularly described as:

17 PARCEL I:

18 Beginning at an iron pipe that is 641.54 feet North and 540.33 feet East of the
19 Southwest corner of the Southeast quarter of the Northwest quarter of Section 8,
20 Township 11 South, Range 10 West, of the Willamette Meridian, in Lincoln
21 County, Oregon; thence South 89° 48' East 129.60 feet to an iron pipe; thence
22 South 110.0 feet; thence North 89° 48' West 158.48 feet to an iron pipe; thence
23 North 14° 43' East 113.73 feet to the point of beginning.
24 EXCEPTING THEREFROM: Any portion of the above described lying within
25 the right of way of the old Toledo-Siletz County Road.
26 ALSO EXCEPTING THEREFROM: The South 20.0 feet thereof.

PARCELL II:

27 A tract of land located in Section 8, Township 11 South, Range 10 West,
28 Willamette Meridian, in Lincoln County, Oregon: more particularly described as
29 follows:
30 Beginning at a point that is North 551.52 feet and East 516.69 feet from the
31 Southwest corner of the Southeast quarter of Section 8, Township 11 South,
32 Range 10 West, Willamette Meridian, in Lincoln County, Oregon; thence South
33 14° 43' West 14.47 feet; thence North 88° 07' 23" East, 83.04 feet; thence North
34 11.00 feet; thence North 89° 48' West, 79.32 feet to the point of beginning.

MORE CORRECTLY SHOWN OF RECORD AS:

1 A tract of land located in Section 8, Township 11 South, Range 10 West,
2 Willamette Meridian, in Lincoln County, Oregon: More particularly described as
3 follows:

4 Beginning at a point that is North 551.52 feet and East 516.69 feet from the
5 Southwest corner of the Southeast quarter of the Northwest quarter of Section 8,
6 Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County,
7 Oregon; thence South 14° 43' West 14.47 feet; thence North 88° 07' 23" East,
8 83.04 feet; thence North 11.00 feet; thence North 89° 48' West, 79.32 feet to the
9 point of beginning.

10 excepting such as the law exempts, you satisfy the sum of \$75,096.72, due on the judgment with
11 interest at the rate of 9% per annum (\$18.45 per diem) from July 31, 2019 and also costs of
12 action taken upon this writ and make due return hereon within 60 days after you have received
13 this writ.



Signed: 7/29/2019 02:31 PM

A handwritten signature in black ink, appearing to read "St. Zalewski".

Circuit Court Clerk Steven Zalewski

14
15
16 SUBMITTED BY:

17 s/ John W. Weil

18 John W. Weil, OSB #803967
19 Of Attorneys for Plaintiff

20 TOMASI SALYER MARTIN PC
21 121 SW Morrison St, Suite 1850
22 Portland, OR 97204
23 Telephone: (503) 894-9900
24 Email: jweil@tomasilegal.com
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN

BANK OF THE WEST,)	Case No. 19CV23205
)	
Plaintiff,)	GENERAL JUDGMENT REFORMING
)	DEED OF TRUST AND FOR DEED OF
v.)	TRUST FORECLOSURE WITH
)	DECLARATION OF DEBT
THE ESTATE OF SANDRA LYNN MOLL)	
acting by and through its Personal)	
Representative, Michael R. Sandoval;)	
CHADD J. MOLL; and OCCUPANTS AND)	
PARTIES IN POSSESSION,)	
)	
Defendants)	

THIS MATTER came before the Court pursuant to the Order of Default entered against defendants The Estate of Sandra Lynn Moll acting by and through its Personal Representative, Michael R. Sandoval; Chadd J. Moll; and Occupants and Parties in Possession and the court being fully advised and finding that judgment may be entered resolving all matters in the case,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

A. ON THE FIRST CLAIM FOR RELIEF:

1.

For Judgment declaring that Plaintiff's Deed of Trust dated April 7, 2008 and recorded on April 22, 2008, as Recording No. 200804975, in the Records of Lincoln County, Oregon is

1 reformed to replace the existing legal description with the correct legal description to include the
2 orphaned parcel, as set forth on Exhibit 1 attached hereto and incorporated herein by this
3 reference.

4 **B. ON THE SECOND CLAIM FOR RELIEF:**

5 1

6 Pursuant to ORS Sec. 88.010 (1)(a) it is hereby declared that plaintiff is owed the
7 following debt which plaintiff may credit bid at a subsequent sheriff's sale of the subject
8 property and which debt will be satisfied in full by the proceeds of that sale, consisting of the
9 principal sum of \$50,349.99, late fees of \$306.86, title and appraisal fees of \$1,165.00, account
10 fees of \$487.00, accrued interest of \$6,067.52 through July 17, 2019; \$1,070.00 for the cost of a
11 title guarantee; \$14,422.00 in attorneys fees; and \$970.00 in costs incurred herein with interest
12 accruing on the total of debt declared hereby of \$74,838.37 at the statutory rate of 9% per annum
13 from the date of judgment until paid from the proceeds of the sale.

14 2

15 That the Deed of Trust described above is a valid first priority lien for the amount of
16 plaintiff's debt declared in paragraph B.1 above against all the real property subject to this
17 action, situated in Lincoln County and legally described as set forth on Exhibit 1 attached hereto
18 and incorporated herein by this reference (subject property). The subject property is more
19 commonly known as 1742 NE Wagon Rd, Toledo, OR 97391.

20 3

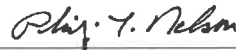
21 That plaintiff's lien against the subject property is superior to any right, title, interest,
22 lien, or claim of defendants, or any of them, and any and all persons claiming an interest in the
23 subject property through defendants, or any of them, and that said Deed of Trust is hereby
24 foreclosed by this Court on the subject property.

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26 4

1 That the purchaser at the sheriff's sale is entitled to exclusive and immediate possession
2 of the subject property from and after the date of the sale and is entitled to such remedies as are
3 available by law to secure possession and that the judgment entered herein has the same effect as
4 a writ of assistance, if defendants, or any of them, or any other party(ies) or person(s) shall refuse
5 to surrender possession to the purchaser immediately on the purchaser's demand for possession.
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Signed: 7/17/2019 02:47 PM



Philip Nelson, Sr. Circuit Court Judge

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14 SUBMITTED BY:

15 s/ John W. Weil

16 John W. Weil, OSB #803967
17 Of Attorneys for Plaintiff

18 TOMASI SALYER MARTIN PC
19 121 SW Morrison St, Suite 1850
20 Portland, OR 97204
21 Telephone: (503) 894-9900
22 E-mail: jweil@tomasilegal.com
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24
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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 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: July 17, 2019.

TOMASI SALYER MARTIN PC

s/ John W. Weil

By: _____
John W. Weil OSB #803967
Of Attorneys for Plaintiff

121 SW Morrison St, Suite 1850
Portland, OR 97204
Telephone: (503) 894-9900
E-mail: jweil@tomasilegal.com

PARCEL I:

Beginning at an iron pipe that is 641.54 feet North and 540.33 feet East of the Southwest corner of the Southeast quarter of the Northwest quarter of Section 8, Township 11 South, Range 10 West, of the Willamette Meridian, in Lincoln County, Oregon; thence South 89° 48' East 129.60 feet to an iron pipe; thence South 110.0 feet; thence North 89° 48' West 158.48 feet to an iron pipe; thence North 14° 43' East 113.73 feet to the point of beginning.

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ALSO EXCEPTING THEREFROM: The South 20.0 feet thereof.

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