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LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF LINCOLN

PENNYMAC LOAN SERVICES, LLC

Case No. 18CV35359

Plaintiff,

WRIT OF EXECUTION

vs.

ROBIN L. WELTCH; KEVIN SPENCE,
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF KEVIN M. RYAN, AKA
KEVIN MICHAEL RYAN; UNKNOWN
HEIRS AND DEVISEES OF KEVIN M.
RYAN, AKA KEVIN MICHAEL RYAN;
KEVIN RYAN, JR.; PATRICK RYAN;
PARTIES IN POSSESSION

Defendants.

TO: LINCOLN COUNTY SHERIFF

WHEREAS, on March 25, 2019, 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 October 27, 2005, the date

1- WRIT OF EXECUTION
S&S No. 18-122911

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 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the
2 real property described in the judgment:

3
4 LOT 22, BLOCK 20, 4TH ADDITION TO PANTHER CREEK, COUNTY OF LINCOLN
AND STATE OF OREGON.

5 and commonly known as 855 N. Deerlane Loop, Otis, OR 97368 to satisfy the sum of \$96,889.20,
6 as of June 2, 2019, together with additional post judgment interest of 9.00% from that date
7 (\$23.49 per day), and costs of this execution, making due return within 60 days after you receive
8 this writ.
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26 2- WRIT OF EXECUTION
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1 PennyMac Loan Services, LLC is the Judgment Creditor, and its address for purpose of
2 this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5
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7



Signed: 6/7/2019 11:01 AM

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

Circuit Court Clerk Steven Zalewski

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: _____

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Gadi Shahak #180865 [gshahak@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
20 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
21 (360)260-2253; Fax (360)260-2285

22 Lincoln County Circuit Court
23 Certified to be a true
24 and correct
25 copy of the original

A handwritten signature in blue ink, appearing to read "Allee".



26 3- WRIT OF EXECUTION
27 S&S No. 18-122911

28 SHAPIRO & SUTHERLAND, LLC
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF LINCOLN

PENNYMAC LOAN SERVICES, LLC,
Plaintiff,

Case No. 18CV35359
GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

ROBIN L. WELTCH; KEVIN SPENCE, AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF KEVIN M. RYAN, AKA KEVIN
MICHAEL RYAN; UNKNOWN HEIRS AND
DEVISEES OF KEVIN M. RYAN, AKA KEVIN
MICHAEL RYAN; KEVIN RYAN, JR.; PATRICK
RYAN; PARTIES IN POSSESSION,
Defendants.

Default having been entered against Defendant(s), Robin L Weltch, Kevin Spence, Kevin
Ryan, Jr. and Patrick Ryan:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 18-122911

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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in
2 Lincoln County, Oregon is commonly known as 855 N. Deerlane Loop, Otis, OR 97368 and
3 is legally described as follows:

4 LOT 22, BLOCK 20, 4TH ADDITION TO PANTHER CREEK, COUNTY OF
5 LINCOLN AND STATE OF OREGON.

6 2. The Deed of Trust executed and delivered by Defendant, Kevin M Ryan and Robin L
7 Welch ("Borrower") on or about October 27, 2005 and recorded on November 2, 2005 as
8 Document No. 200517616 in the official records of Lincoln County, Oregon, is a valid and
9 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
10 herein.

11 3. The Plaintiff is the holder of the original note dated October 27, 2005 and made by Kevin M
12 Ryan and Robin L Welch in the amount of \$77,140.00. A copy of the Note was attached to
13 the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the
14 Deed of Trust (together the "Loan").

15 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
16 interest in the Property is foreclosed and terminated excepting only any statutory right of
17 redemption as provided by Oregon law.

18 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
19 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
20 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
21 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
22 interests and priorities.
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26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 18-122911

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- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lincoln
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.
- 18 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

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1	Principal		\$63,773.65	
2	Prejudgment interest at 6.5% through			\$13,472.16
3	October 31, 2018			
4	(accruing thereafter until entry of judgment			
5	at \$345.44 per diem/mensum			
6	Late Charges		\$48.20	
7	Other Costs and fees (recoverable)		12,391.04	
8	Property Inspections	\$893.97		
9	Property Preservation	\$8,079.87		
10	Escrow Advance	\$3,676.60		
11	Suspense Balance	(\$259.40)		
12		Subtotal		\$76,212.89
13	Total plus Prejudgment Interest			\$89,685.05

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

14	Costs			\$1,897.50
15	Title Search Cost		\$342.00	
16	Filing Fee		\$560.00	
17	Lis Pendens Recording Fee		\$98.00	
18	Service Costs		\$622.50	
19	Prevailing Party Fee		\$275.00	
20	Attorney fees			\$2,050.00
21	Total			\$3,947.50

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

14. This Judgment shall not create a personal lien or liability against Borrower except as is customary or necessary to execute on such Judgment and for purposes of redemption. In no event should it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to

4 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
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1 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
2 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
3 entitled to any further judgment, including a judgment for deficiency.

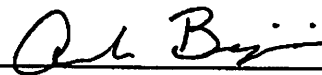
4
5 15. Execution may issue against the subject property for the aggregate amount found due
6 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
7 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
8 ORS 18.936 or other applicable law.

9
10 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
11 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
12 judgment as to the amounts due shall be terminated.

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

18
19 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
20 necessary to enforce this judgment, the writ of execution or for the purchaser at the
21 foreclosure sale to obtain possession.

Signed: 3/22/2019 02:25 PM

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23 

24 Circuit Court Judge Pro Tem Amanda Benjamin

25
26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 18-122911

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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:
 - 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. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
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: _____

Submitted by:

Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By:  3-15-19

James A. Craft #090146 [jcraft@logs.com]
 Kelly D. Sutherland #87357 [ksutherland@logs.com]
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