

paid 8/14/17

Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney, or company Debtor may contest this writ by filing a claim of exception.

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

8 KAREN BARTISH AS THE PERSONAL)
9 REPRESENTATIVE OF THE ESTATE OF) Case No. 18CV36357
10 JOSEPH EDWARD SCHMITZ,)

11)
12 Plaintiff,)
13) WRIT OF EXECUTION

14 v.)

15)
16 PATRICK BUTLER AND OCCUPANTS OF)
17 THE PREMISES,)
18)
19 Defendant.)

TO THE SHERIFF OF MULTNOMAH COUNTY:

WHEREAS, in the Circuit Court of the State of Oregon for the County of Clackamas, Plaintiff, Karen Bartish as Personal Representative of the Estate of Joseph Edward Schmitz has recovered a Judgment and Decree of Foreclosure and Money Award in her favor and against Patrick Butler ("Judgment Debtor")

1. On or about September 9, 2019, the Judgment and Decree of Foreclosure and Money Award ("Judgment") was entered in the register for this case providing a money award in the principal amount of \$200,000 plus interest in the amount of \$185,183.55, with post-judgment

Ted A. Troutman
Troutman Law Firm, P.C.
5075 SW Griffith Dr., Ste 220
Beaverton, OR 97005
503-292-6788 TEL
503-596-2371 FAX
tedtroutman@sbcglobal.net

1 interest accruing at the rate of nine percent (9%) per annum on the total balance of \$385,183.55
2 from the date of entry of the Judgment until paid. As of June 3, 2020, the amount due on the
3 Judgment is \$410,542.98 with interest continuing to accrue at \$94.98 per diem. A copy of the
4 Judgment is attached as Exhibit A.

5 2. On or about November 1, 2019, the Supplemental Judgment and Money Award
6 ("Supplemental Judgment") was entered in the register for this case providing a money award in
7 the principal amount of \$39,285.03 with post-judgment interest accruing at the rate of nine
8 percent (9%) per annum from the date of entry of the Supplemental Judgment until paid. As of
9 June 3, 2020, the amount due on the Supplemental Judgment is \$41,287.76 with interest
10 continuing to accrue at \$9.69 per diem. A copy of the Supplemental Judgment is attached as
11 Exhibit B.

12 3. The total amount due for the Judgment and Supplemental Judgment as of June 3,
13 2020 is \$451,830.74.

14 4. The address for the Judgment Creditor is Kariti Barntish, 131 W Main St., John
15 Day, OR 97845.

16 5. The address for the Judgment Debtor is Patrick Butler, 6513 N Kerby Ave.,
17 Portland, OR 97217

18 6. The address of the Real Property to be sold is 6513 N Kerby Ave., Portland, OR
19 97217. The legal description of the Real Property to be sold is LOCHINVAR ADD; S 46' OF
20 LOT 2 BLOCK 2, MAP 2939, Multnomah County, Oregon.

21 ///

22 ///

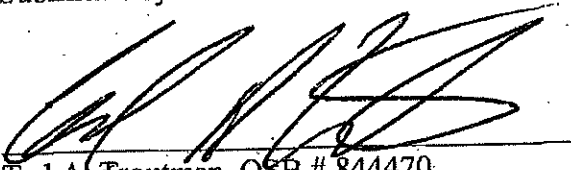
1 NOW THEREFORE in the name of the State of Oregon, you are commanded to enforce
2 the Judgment and Supplemental Judgment described above in paragraphs 1 and 2 and seize and
3 sell the real property and improvements described in paragraph 6 above to satisfy the sum of
4 \$451,830.74 now due on the Judgment and Supplemental Judgment, plus interest continuing to
5 accrue at the rates described above in paragraphs 1 and 2 until paid, and also the costs of and
6 upon this Writ of Execution. You are hereby further directed to make due return hereon within
7 sixty (60) days after you have received this Writ.

8 WITNESS my hand and seal of the court on ^{July} ~~June~~ 28th, 2020.

9 MULTNOMAH COUNTY CIRCUIT COURT

10
11
12
13
14 
Trial Court Administrator

15 Submitted by:

16
17 
18 Ted A. Troutman, OSB # 844470
19 Attorney for Plaintiff

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

KAREN BARTISH AS THE PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
JOSEPH EDWARD SCHMITZ,)

Plaintiff,)

v.)

PATRICK BUTLER and OCCUPANTS)
OF THE PREMISES,)

Defendant.)

Case No. 18CV36357

SUPPLEMENTAL JUDGMENT
(Money Award - Attorney Fees)

THIS MATTER came before the Court for trial on August 7, 2019. This court made an allowance for an award of attorney fees to Plaintiff in the General Judgment and Decree of Foreclosure entered in this case dated September 4, 2019. The court having been presented with this form of supplemental judgment, having reviewed the records and documents on file herein, and being fully advised in the premises, makes the following findings:

1. A Statement for Attorney's Fees, Costs and Disbursements for Plaintiff was

Page 1 - SUPPLEMENTAL GENERAL JUDGMENT (MONEY AWARD - ATTORNEY FEES)

Ted A. Troutman
Troutman Law Firm, P.C.
5075 SW Griffith Dr., Ste. 220
Beaverton, OR 97005
503-292-6788 TEL
503-396-2371 FAX
tedtroutman@sboglobal.net

1. Plaintiff is awarded a General Judgment against Defendant Patrick Butler in the principal amount of \$200,000.00 plus accrued interest as of August 14, 2019 in the amount of \$185,183.55, plus interest on the total sum of \$385,183.55 at 9% per annum from the date of Judgment. In addition to the foregoing, the General Judgment shall include such further amounts that the Court shall award Plaintiff for reasonable attorney's fees and costs and disbursements incurred herein; and a Writ of Execution shall issue therefore.

2. The Trust Deed dated January 18, 2008, signed January 23, 2008 and recorded January 28, 2008 as recorder number 2008-013354, Multnomah County Official Records (the "Plaintiff's Trust Deed") is a valid lien for the amount of Plaintiff's judgment set forth in Paragraph 1 above against the real property described in Plaintiff's Trust Deed as:

Lochinvar Add; S 46' of Lot 2, Block 2, Map 2939

also known as 6513 N Kerby Ave., Portland, OR 97217 (the "Property").

3. The lien of Plaintiff's Trust Deed is foreclosed and all interest of Defendant, Patrick M. Butler in the property should be sold by the Sheriff of Multnomah County, Oregon in the manner provided by law, and in accordance with the practice of this Court.

4. The proceeds of sale shall be applied first toward the cost of sale; then toward satisfaction of Plaintiff's judgment awarded herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

5. The Defendant, and all persons claiming through or under Defendant as purchasers, encumbrancers or otherwise, are forever foreclosed of all interest, lien or claim in the Property, and every portion thereof, excepting only any statutory right of redemption as Defendant may have therein.

503-596-2371 Facsimile
tedtroutman@sbcglobal.net

Judgment Debtor:

Patrick M. Butler
c/o Christopher E. Hayes
Scannellaw
7307 SW Beveland Rd., Ste. 200
Portland, OR 97223

Judgment Debtor's Attorney:

Christopher E. Hayes, OSB# 093777
Terry Scannell, OSB# 853220
7307 SW Beveland Rd., Ste. 200
Portland, OR 97223
503-789-6566 Telephone
503-296-5349 Facsimile
chris@scannellaw.com
terry@scannellaw.com

Others Entitled to Portion of Judgment:

None

Money Award Amount:

\$39,285.03

Prejudgment Interest:

None

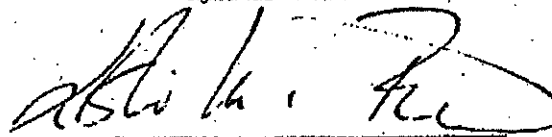
Post-judgment Interest:

Nine percent (9%) per annum simple interest
on \$39,285.03 attorney fees, costs and
disbursements from the date this judgment is
entered until fully paid.

Attorney Fees:

As set forth above

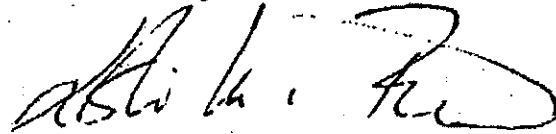
Signed: 10/26/2019 11:38 AM



Circuit Court Judge Leslie Roberts

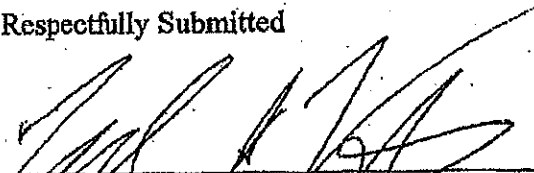
Amount of General Judgment: \$200,000.00
Accrued interest through 08/14/2019: \$185,183.55
Attorney Fees: To be determined pursuant to ORCP 68
Costs and Disbursements: To be determined pursuant to ORCP 68
Post-judgment interest: Interest to accrue on the total judgment of \$385,183.55 at 9% per annum, simple interest from August 15, 2019 until paid.
Post-judgment interest on attorney's fees, costs and disbursements: Interest at the rate of 9% per annum, simple interest, from the date of Supplemental General Judgment until paid.

Signed: 9/4/2019 04:29 PM



Circuit Court Judge Leslie Roberts

Respectfully Submitted



Ted A. Troutman, OSB# 844470
5075 SW Griffith Dr., Ste 220
Beaverton, OR 97005
503-292-6788 Tel.
503-596-2371 Fax
tedtroutman@sbcglobal.net
Attorney for Plaintiff

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

KAREN BARNTISH AS THE PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
JOSEPH EDWARD SCHMITZ,)

Plaintiff,)

v.)

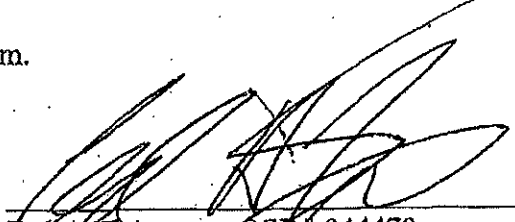
PATRICK BUTLER and OCCUPANTS)
OF THE PREMISES,)

Defendant.)

Case No. 18CV36357

**CERTIFICATE OF READINESS
FOR JUDICIAL SIGNATURE**

Pursuant to UTCR 5.100 this proposed Supplemental Judgment was provided to counsel
for Defendant who approved this Judgment as to form.


Ted A. Troutman, OSB# 844470
Attorney for Plaintiff