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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

PATRICIA JANE ROBERTS, Personal
Representative of the ESTATE OF DONALD
RAY HUNTER,

Plaintiff,

v.

ROBERT A. HUNTER, LINCOLN COUNTY
ASSESSOR, DYNAMIC FIRST PORTFOLIO
VENTURES I LLC, STATE OF OREGON,
DEPARTMENT OF HUMAN SERVICES, and
OCCUPANTS OF THE SUBJECT
PROPERTY, IF ANY,

Defendants.

Case No.: 19CV48726

**WRIT OF EXECUTION – SALE OF REAL
PROPERTY**

TO: SHERIFF OF LINCOLN COUNTY, OREGON.

1.

WHEREAS, in the above-entitled court on October 29, 2020, a Corrected Amended
General Judgment for Court Ordered Sale against defendants was entered and docketed in an
amount described therein and a Notice of Entry of Judgment was entered and docketed on
October 29, 2020, in the above-entitled matter.

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
commanded to sell the real property described in paragraph 5 in the manner prescribed by law

1 for the sale of real property upon pursuant to this Court's entered Judgment entered on October
2 29, 2020 and ORS 18.954.

3
4 3.

5 From the sale proceeds, plaintiff is entitled to an award of fees and costs as follows:

6 Plaintiff's fees awarded in Judgment	\$ 3,225.00
7	
8 Costs	<u>12.60</u>
9	\$ 3,237.60

10 4.

11 In addition to the amount stated above, the continued accrual of post-judgment interest at
12 the legal rate of interest 9% per annum, from October 29, 2020, to the date the real property
13 subject to the Judgment is sold by the Lincoln County Sheriff at its' sale, plus costs of this writ,
14 sheriff's fees and sale costs, and all other recoverable costs pursuant to law.
15

16 5.

17 The real property is located at 6330 NE Port Drive, Lincoln City, OR 97367 and more
18 particularly described below is hereby ordered to be sold by law:

19
20 Lot 1, Block 3, SAL-LA-SEA, in the County of Lincoln, State of
21 Oregon, according to the official plat thereof filed on October 22,
22 1964 in Plat Book 9, Page 58, Lincoln County Plat Records.

23 6.

24 The surplus, after payment of the sums due described in paragraph 2, 3 and 4 shall be
25 paid, if any, to the clerk of this court to be disbursed to such party or parties as may establish
26 their right thereto, including defendants, Lincoln County Assessor, the State of Oregon, First
27 Portfolio Ventures I, LLC and in accordance with ORS 105.245 and ORS 105.285.

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7.

The Plaintiff/Judgment Creditor's name and address:

Patricia Jane Roberts
c/o Sean M. Neary
Fitch & Neary, P.C.
210 SW 5th St., Ste. #2
Redmond OR 97756

8.

The real property to be sold is not the debtor's residence or homestead. Pursuant to ORS 18.904(3)(c), no additional order is required for sale of the real property.

9.

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the above-described Property, in the manner prescribed by law; and as described herein.

Signed: 1/17/2021 09:45 AM

1/17/21



Circuit Court Judge Thomas O. Branford

Lincoln County Circuit Clerk
Certified to be a true
and correct
copy of the original



Submitted by:
Sean M. Neary, OSB #114709
Attorney for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing *Writ of Execution – Sale of Real Property* on:

3
4 Brad L. Williams
5 Attorney at Law
6 421 W. Riverside Ave., Ste. #512
7 Spokane WA 99201
8 Email: brad@blw-law.com

Kristin Yullie
Lincoln County Counsel
225 W. Olive St.
Newport OR 97365
Email: kyuille@co.lincoln.or.us

7 Robert A. Hunter
8 6330 NE Port Dr.
9 Lincoln City OR 97367

10 by the following indicated method or methods:

11 X by **mailing** a full, true and correct copy thereof in a sealed first-class postage-
12 prepaid envelope, addressed to the attorney(s) listed above, and deposited in the
13 United States Postal Service at Redmond, Oregon, on the date set forth below.

14 X by **emailing** a full, true and correct copy thereof addressed to the attorney(s) listed
15 above, at the email address listed above, on the date set forth below.

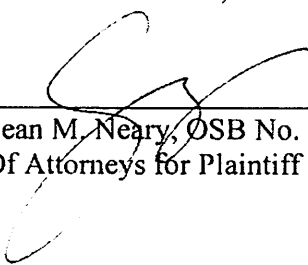
16 _____ by **hand-delivering** a full, true and correct copy thereof to the attorney(s) listed
17 above on the date set forth below.

18 _____ by **sending via overnight delivery** a full, true and correct copy thereof in a sealed,
19 postage-prepaid envelope, addressed to the attorney(s) listed above, on the date
20 set forth below.

21 _____ by **faxing** a full, true and correct copy thereof to the attorney(s) at the fax
22 number(s) shown above, on the date set forth below.

23 Dated this 19 day of November 2020.

24 FITCH & NEARY, P.C.

25 
26 _____
27 Sean M. Neary, OSB No. 114709
28 Of Attorneys for Plaintiff

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

PATRICIA JANE ROBERTS, Personal
Representative of the ESTATE OF DONALD
RAY HUNTER,

Plaintiff,

v.

ROBERT A. HUNTER, LINCOLN COUNTY
ASSESSOR, DYNAMIC FIRST PORTFOLIO
VENTURES I LLC, STATE OF OREGON,
DEPARTMENT OF HUMAN SERVICES, and
OCCUPANTS OF THE SUBJECT
PROPERTY, IF ANY,

Defendants.

Case No.: 19CV48726

**CORRECTED
AMENDED GENERAL JUDGMENT FOR
COURT ORDERED SALE**

This matter comes before the court by way of plaintiff's Motion and Order to Enter General Judgment of Court Order Sale entered on June 3, 2020. Defaults being entered against the defendants on January 15, 2020; and a Stipulated Limited Judgment entered March 25, 2020 between plaintiff and defendant Tax Collector for Lincoln County, and a Stipulated Limited Judgment entered April 9, 2020 between plaintiff and defendant, Dynamic First Portfolio Ventures 1, LLC, and the court being fully advised, and this Amended General Judgment being necessary to correct the terms of the court ordered sale,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1 1. Based on the foregoing, an equal and equitable partition of property cannot be
2 effected as it is a single residence. Pursuant to ORS 105.245, *et seq.*, the court orders sale of the
3 property.

4 2. The real property located at 6330 NE Port Drive, Lincoln City, OR 97367 and
5 more particularly described below is hereby ordered to be sold by law:
6

7 Lot 1, Block 3, SAL-LA-SEA, in the County of Lincoln, State of
8 Oregon, according to the official plat thereof filed on October 22,
9 1964 in Plat Book 9, Page 58, Lincoln County Plat Records.

10 3. The Sheriff for Lincoln County shall conduct the sale and the proceeds of sale
11 shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of
12 the amount due and owing set forth in Paragraph 5 infra, and the surplus, if any, to the Clerk of
13 the Court to be disbursed to such party or parties as may establish their right thereto, including
14 defendants Lincoln County Assessor, the State of Oregon and First Portfolio Ventures I, LLC.

15 4. Plaintiff is entitled to and is hereby awarded her attorney fees and costs incurred
16 in this action, and that plaintiff's attorney fees in the amount of \$3,225.00 and its litigation costs
17 in the amount of \$12.60 for a total of \$3,237.60.
18

19 5. This court shall retain jurisdiction to enter such additional orders, judgments, or
20 decrees necessary to enforce this judgment, the writ of execution or for the purchaser at time of
21 sale to obtain possession.
22

23 6. The Clerk of the Court is hereby ordered to issue a Writ of Execution and sale of
24 the Property.

25 7. Distribution of the sale proceeds shall be in accordance with ORS 105.245 and
26 105.285 and in accordance with the respective interests of plaintiff and defendants.
27

28 //

1 8. No money award is entered against any party.

Signed: 10/29/2020 01:48 PM

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4 10/29/20



5 **Circuit Court Judge Thomas O. Branford**

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11 Submitted by:
12 Sean M. Neary, OSB #114709
13 Attorney for Plaintiff

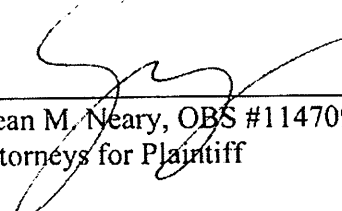
CERTIFICATE OF READINESS UNDER UTCR 5.100

I certify this proposed judgment/order is ready for judicial signature because (check all that apply):

- 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 _____ 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 Crime Victims' Assistance Section as required by subsection (5) of this rule.
- 6. Other: _____

Dated this 30th day of October 2020.

FITCH & NEARY, P.C.


Sean M. Neary, OBS #114709
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing *Declaration of Sean M. Neary Re Submission of Corrected Amended General Judgment for Court Ordered Sale and Corrected General Judgment for Court Ordered Sale* on:

Brad L. Williams
Attorney at Law
421 W. Riverside Ave., Ste. #512
Spokane WA 99201
Email: blwilliams@blwilliams.com

Kristin Yullie
Lincoln County Counsel
225 W. Olive St.
Newport OR 97365
Email: kyullie@clulincocounty.org

Robert A. Hunter
6330 NE Port Dr.
Lincoln City OR 97367

by the following indicated method or methods:

 X by **mailing** a full, true and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney(s) listed above, and deposited in the United States Postal Service at Redmond, Oregon, on the date set forth below.

 X by **emailing** a full, true and correct copy thereof addressed to the attorney(s) listed above, at the email address listed above, on the date set forth below.

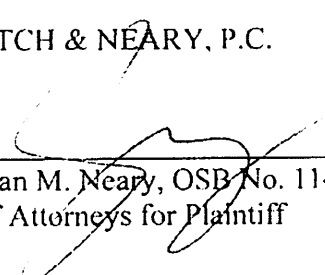
 by **hand-delivering** a full, true and correct copy thereof to the attorney(s) listed above on the date set forth below.

 by **sending via overnight delivery** a full, true and correct copy thereof in a sealed postage-prepaid envelope, addressed to the attorney(s) listed above, on the date set forth below.

 by **faxing** a full, true and correct copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

Dated this 9 day of September 2020.

FITCH & NEARY, P.C.


Sean M. Neary, OSB No. 114709
Of Attorneys for Plaintiff

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

225 W. Olive St. Newport Oregon 97365

541-265-4236

<http://www.courts.oregon.gov/courts/lincoln/pages/default.aspx>

October 29, 2020

BRAD WILLIAMS
421 W Riverside Ave., Ste. #512
SPOKANE WA 99201

Re: Patricia Jane Roberts, PR of the Estate of Donald Ray Hunter vs Robert A Hunter, Lincoln County Assessor, Dynamic First Portfolio Ventures I LLC, State of Oregon, Department of Human Services et al.

Case #: 19CV48726 Case Type: Property - General

NOTICE OF ENTRY OF JUDGMENT

The court entered a Judgment - Corrected General on 10/29/2020 in the court register.

Judgment Creditor:

Judgment Debtor:

Why did I get this notice?

Oregon law (ORS 18.078) requires the court to send this notice when a judgment is entered. If you have questions about the judgment, contact the other party.

If this Notice says that a judgment lien was created:

What is a lien?

A lien is a claim attached to the real property of the person who owes a debt. Depending on the type of case and the amount of the money award, some judgments automatically attach a lien to real property. A lien may prevent property from being sold, or it may require a buyer to pay off the judgment before the seller gets any money.

How do I get rid of a lien?

Judgment liens stay attached to real property until the judgment is paid off, including costs and fees. Once the judgment is paid, the creditor (the person receiving the payment) has to file a Satisfaction of Judgment, which tells the court that the judgment is paid.
