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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

THE MONEY SOURCE, INC.

Case No. 21CV08053

Plaintiff,

WRIT OF EXECUTION

vs.

UNKNOWN HEIRS AND DEVISEES OF  
LENA J. COOK; JOANNE HAYNES;  
UNKNOWN PARTIES IN POSSESSION,  
CLAIMING ANY RIGHT, TITLE OR  
INTEREST IN THE SUBJECT REAL  
PROPERTY

Defendants.

TO: WASCO COUNTY SHERIFF

WHEREAS, on September 9, 2021, 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 January 26, 2018, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION  
JLF No. 20-126661

JANEWAY LAW FIRM, 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 LOTS 5 AND 8, AND THE SOUTHEASTERLY HALF OF LOTS 4 AND 9, BLOCK 7,  
2 BAIRD'S ADDITION TO THE TOWN OF ANTELOPE, IN THE COUNTY OF WASCO AND  
3 STATE OF OREGON.

4 and commonly known as 45494 Main Street, Antelope, OR 97001 to satisfy the sum of  
5 \$109,259.20, as of September 15, 2021, together with additional post judgment interest of 9.00%  
6 from that date (\$26.90 per day), and costs of this execution, making due return within 60 days after  
7 you receive this writ.

8 The Money Source, Inc. is the Judgment Creditor, and its address for purpose of this writ  
9 only is: C/O Janeway Law Firm, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA  
10 98683 (360) 260-2253. Janeway Law Firm, LLC is the attorney for the Judgment Creditor.



*Janey Craft*  
Sept. 15<sup>th</sup>, 2021

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17  
18 Submitted by:  
19 Attorneys for Plaintiff,  
20 JANEWAY LAW FIRM, LLC

21 By: *Janey Craft*

22 James A. Craft #090146 [jcraft@janewaylaw.com]  
23 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
24 (360) 260-2253; Fax (360) 260-2285

25 2- WRIT OF EXECUTION  
26 JLF No. 20-126661

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

THE MONEY SOURCE, INC.,  
Plaintiff,

Case No. 21CV08053  
GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

vs.

UNKNOWN HEIRS AND DEVISEES OF LENA  
I. COOK; JOANNE HAYNES; UNKNOWN  
PARTIES IN POSSESSION, CLAIMING ANY  
RIGHT, TITLE OR INTEREST IN THE SUBJECT  
REAL PROPERTY,  
Defendants.

Default as to Defendant, JOANNE HAYNES having been sent to the court on June 29,  
2021.; Defaults being submitted contemporaneously against Defendant(s), UNKNOWN HEIRS  
AND DEVISEES OF LENA I. COOK. A Limited Judgment of Dismissal was entered as to  
Defendant, UNKNOWN PARTIES IN POSSESSION, CLAIMING ANY RIGHT, TITLE OR  
INTEREST IN THE SUBJECT REAL PROPERTY by the Court on July 8, 2021;

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
JLF No. 20-126661

*Janeway Law Firm, 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 1. The real property to which this judgment relates (hereafter the "Property") is situated in Wasco  
2 County, Oregon is commonly known as 45494 Main Street, Antelope, OR 97001 and is legally  
3 described as follows:

4 Lots 5 and 8, and the Southeasterly half of Lots 4 and 9, Block 7, BAIRD'S ADDITION  
5 TO THE TOWN OF ANTELOPE, in the County of Wasco and State of Oregon.

6 2. The Deed of Trust executed and delivered by Defendant, Lena I. Cook ("Borrower") on or  
7 about January 26, 2018 and recorded on January 29, 2018 as Instrument No. 2018-000378 in  
8 the official records of Wasco County, Oregon, is a valid and perfected lien against all of the  
9 Property for the amount of Plaintiff's judgment as provided herein.

10 3. The Plaintiff is the holder of the original note dated January 26, 2018 and made by Lena I.  
11 Cook in the amount of \$92,956.00. A copy of the Note was attached to the complaint as  
12 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust  
13 (together the "Loan").

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

17 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants  
18 and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and  
19 good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate  
20 the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and  
21 priorities.  
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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 Wasco County
- 4 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
- 5 sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded
- 6 Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may
- 7 appear or to the clerk of the court to be distributed to such party of parties as may establish
- 8 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 such remedies as are available at law or in equity to
- 12 secure possession.
- 13
- 14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 15 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 16 possession to the purchaser immediately on the purchaser's demand for possession.

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11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$90,448.50	
Prejudgment interest at 4.625% through August 3, 2021 (accruing thereafter until entry of judgment at \$11.46 per diem)			\$7,692.12
Late Charges		\$137.94	
Other Costs and fees (recoverable)		5,477.24	
	Appraisal/BPO	\$914.00	
	Property Inspections	\$500.00	
	Property Preservation	\$1,625.00	
	Escrow Advance	\$2,444.07	
	Suspense Balance	(\$5.83)	
	Subtotal		\$96,063.68
Total plus Prejudgment Interest			\$103,755.80

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

Costs			\$1,992.00
	Title Search Cost	\$423.00	
	Skip Trace Costs	\$50.00	
	Filing Fee	\$281.00	
	Death Certificate	\$50.00	
	Lis Pendens Recording Fee	\$110.00	
	Service by Publication	\$608.00	
	Service Costs	\$195.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,350.00
Total			\$5,342.00

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.

1 14. This Judgment shall not create a personal lien or liability against Borrower except as is  
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no  
3 event should it be construed as establishing personal liability for any persons whose debt has  
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay  
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be  
7 entitled to any further judgment, including a judgment for deficiency.  
8

9 15. Execution may issue against the subject property for the aggregate amount found due Plaintiff  
10 herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due"). Plaintiff  
11 may credit bid up to the Amounts Due plus such additional amounts as provided by ORS  
12 18.936 or other applicable law.  
13

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through  
19 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.  
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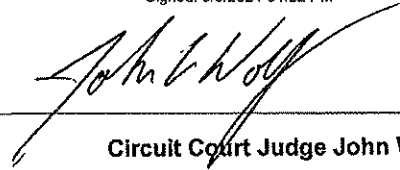
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure  
3 sale to obtain possession.  
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Signed: 9/9/2021 04:22 PM

  
Circuit Court Judge John Wolf

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15 **Certificate of Readiness under UTCR 5 100**

16 This proposed order or judgment is ready for judicial signature because:

- 17 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
18 shown by each party's signature on the document being submitted.  
19 2.  Each party affected by this order or judgment has approved the order or judgment, as shown  
20 by each party's signature on the document being submitted or by written confirmation of approval  
21 sent to me.  
22 3.  I have served a copy of this order or judgment on each party entitled to service and:  
23 a.  No objection has been served on me.  
24 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.  
25 c.  After conferring about objections, [role and name of objecting party] agreed to independently  
26 file any remaining objection.  
27 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.  
28 UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
JLF No. 20-126661

*Janeway Law Firm, LLC*  
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Telephone (360) 260-2253 (800)970-5647  
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1 5.  This is a proposed judgment that includes an award of punitive damages and notice has been  
2 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of  
3 this rule.

4 6.  Other: \_\_\_\_\_

5 Submitted by:

6 Attorneys for Plaintiff,  
7 JANEWAY LAW FIRM, LLC

8 By:  9/8/2021

9  James A. Craft #090146 [jcraft@janewaylaw.com]\*

10  Kelly D. Sutherland #873575

11 [ksutherland@janewaylaw.com]

12  Gadi Shahak #180865 [gshahak@janewaylaw.com]

13 of JANEWAY LAW FIRM, LLC

14 Attorneys for Plaintiff,

15 1499 SE Tech Center Place, Suite 255

16 Vancouver, WA 98683

17 6950 SW Hampton Street, Suite 340\*

18 Tigard, OR 97223\*

19 (360) 260-2253; Fax (360) 260-2285