



OFFICE OF THE SHERIFF

Curtis L. Landers
225 W. Olive Street
Newport, Oregon 97365
Civil (541) 265-4915
www.co.lincoln.or.us/sheriff

State of Oregon)
)
County of Lincoln)

Court Case# 22CV05976
Sheriff's Case# 22-0892

NOTICE OF SHERIFF'S SALE
(Real Property)

On the 3rd day of November, 2022, at the hour of 10:00 a.m., p.m. at the Lincoln County Courthouse, 225 W Olive St, Room 203, in the City of Newport, Oregon, I will sell at public auction to the highest bidder for cash or cashier's check, in hand, made out to Lincoln County Sheriff's Office, subject to redemption, the following described real property:

TIMESHARE INTEREST: L, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 615, The Resort at Whale Pointe II Condominium, **Stage: 4**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: D, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 618, The Resort at Whale Pointe II Condominium, **Stage: 4**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: A, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 603, The Resort at Whale Pointe II Condominium, **Stage: 1**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: L, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 504, The Resort at Whale Pointe II Condominium, **Stage: 1**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: L, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 502, The Resort at Whale Pointe II Condominium, **Stage: 1**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: I, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 504, The Resort at Whale Pointe II Condominium, **Stage: 1**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: A, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 402. The Resort at Whale Pointe II Condominium, **Stage: 1**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

TIMESHARE INTEREST: B, under the Declaration of Co-Ownership Program at The Resort at Whale Pointe II Condominium, being a one-thirteenth (1/13th) interest in the following:

Unit: 418. The Resort at Whale Pointe II Condominium, **Stage: 4**, in Lincoln County, Oregon; Together with the undivided interest in the general and limited common elements appurtenant thereto as more fully set forth and described in the Declaration Submitting The Resort at Whale Pointe II Condominium to Condominium Ownership recorded February 15, 2001, in Book 415, Page 1086 (Stage 1), March 7, 2001, in Book 416, Page 2183 (Stage 2), March 16, 2001, in Book 417, Page 1230 (Stage 3), and March 16, 2001, in Book 417, Page 1246 (Stage 4), Microfilm Records, Lincoln County, Oregon, which description is incorporated herein and by reference made a part hereof.

All interests are located at the Resort at Whale Pointe, 939 NW Highway 101, Depoe Bay, OR 97341.

Said sale is made pursuant to a Writ of Execution dated the 15th day of August, 2022, issued out of the Circuit Court of the State of Oregon for the County of Lincoln to me directed in the case of Association of Unit Owners of the Resort at Whale Pointe Merged Condominiums, Plaintiff vs. Richard F. Marks, Trustee or Successor Trustee of the Marks Family Trust Dated August 5, 2008, Marian J. Marks, Trustee or Successor Trustee of the Marks Family Trust Dated August 5, 2008, Jack T. Turpin, Trustee of the Jack T Turpin Trust Dated July 8, 1994, Janelle Pinardi, Elisa L. Manley, Benjamin R. Hauger, Dianne J. Hauger, Marian H. Milligan, Charles J. Gabrielson, Trustee or Successor in Trust, Under the Gabrielson Living Trust, Dated January 9, 2000 and Marlene E. Gabrielson, Trustee or Successor in Trust, Under the Gabrielson Living Trust, Dated January 9, 2000, Defendants.

On September 23, 2022, I levied on this property by filing a Notice of Levy with the court.

NOTICE TO DEBTOR - READ THIS SECTION CAREFULLY

You should be careful about offers to sell rights to surplus funds. You may have a right to surplus funds remaining after payment of costs and satisfaction of the judgment, as provided in ORS 18.950(4). If you transfer or sell your right to redemption, you might not have the right to surplus funds.

PROSPECTIVE BIDDERS READ THIS SECTION CAREFULLY

Before bidding at the sale, a prospective bidder should independently investigate:

- (a) The priority of the lien or interest of the judgment creditor;
- (b) Land use laws and regulations applicable to the property;

- (c) Approved uses for the property;
- (d) Limits on farming or forest practices on the property;
- (e) Rights of neighboring property owners; and
- (f) Environmental laws and regulations that affect the property.

CONDITIONS OF SALE: All potential bidders are subject to inspection of funds prior to or during participation of the auction to qualify as a bidder. Individuals without proof of sufficient funds, or that have not qualified before the start of the auction, will not be allowed to participate. Only U.S. currency and/or cashier's checks made payable to Lincoln County Sheriff's Office will be accepted. Payment must be made in full immediately upon conclusion of the sale. Only the judgment creditor who obtained the writ may credit bid up to the Writ amount plus allowable costs. The judgment creditor must have cash in hand for any difference above the amount of the Writ and allowable costs.

Interested parties can obtain additional information about this sale including the dollar amount of the creditor's written bid if received, any postponements or cancellation of the sale and the final sale price, by selecting the link "SHERIFF SALES STATUS" on the OSSA Lincoln County sheriff's sales web-page, or by going to <http://www.co.lincoln.or.us/sheriff/page/sheriff-sales-status>.

Curtis L. Landers, SHERIFF
Lincoln County, Oregon

By /s/
Michelle Maresco, Deputy