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2012-010253

Klamath County, Oregon



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09/17/2012 03:22:49 PM

Fee: \$82.00

AFTER RECORDING RETURN TO:

ROUTH CRABTREE OLSEN, P.C.

621 SW ALDER ST., SUITE 800

PORTLAND, OR 97205-3623

Ref: 7023.56323

Document Title:

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff:

Wells Fargo Bank, N.A., its successors in interest and/or assigns,

C/o Routh Crabtree Olsen, PC

621 SW Alder Street, Suite 800

Portland, OR 97205

Defendants:

Justin C. Bulkey; Kyrie Virginia Bulkley; State of Oregon; and Occupants of the Premises

Legal Description as follows:

Lot 2, Block 18, Buena Vista Addition to the City of Klamath Falls, According to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

82 amt

County of KLAMATH)
STATE OF OREGON)
I hereby certify that the within is a
true and correct copy and the whole
of the original.
Clerk of Court

By Nancy Houghton
Date Aug 9, 2012



FILED
STATE OF OREGON
KLAMATH CIRCUIT COURT

12 AUG -6 PM 1:19

CLERK OF COURT

BY ao

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

WELLS FARGO BANK, N.A., ITS
SUCCESSORS IN INTEREST AND/OR
ASSIGNS,

Case No.1104087CV

WRIT OF EXECUTION IN
FORECLOSURE

Plaintiff,

v.

JUSTIN C. BULKLEY; KYRIE VIRGINIA
BULKLEY; STATE OF OREGON; AND
OCCUPANTS OF THE PREMISES,

Defendants.

TO: THE SHERIFF OF KLAMATH COUNTY, OREGON

1.

WHEREAS, on April 23, 2012, in the above-entitled court, a General Judgment of
Foreclosure (the "Judgment") was entered and docketed in the above-entitled cause, a true copy
of which is attached hereto and made part hereof.

2.

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 10, 2008, the date
of the foreclosed Deed of Trust, and also all of the interest which the defendants had thereafter,

1 in the real property described in the Judgment to satisfy the money award as follows:

2 **Lenders' Principal Judgment**

3 Unpaid Principal Balance	\$137,271.45
4 Pre-Judgment Interest from October 1, 2009, the default date, to April 19, 2012, the date of submission 5 of the general judgment @ 6.375% per annum (\$23.98 per diem).	\$22,323.27
6 Lenders' Fees and Costs	\$5,690.62
Attorneys' Fees and Costs	\$2,705.70

7
8 ***Total Money Award Entered \$167,991.04***

9 **Additional Pre-Judgment Interest**

10 Accrued Interest from April 19, 2012, the date of submission of the general judgment, through April 23, 11 2012, the date of entry of the general judgment @ 6.375% per annum (\$23.98 per diem).	\$95.90
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12 ***Total Judgment Money Award \$168,086.94***

13 **Post Judgment Interest**

14 Accrued Post Judgment Interest from April 24, 2012, 15 the date after the entry of the general judgment, through August 1, 2012, the date the Writ was 16 requested @ the contract rate of 6.375% per annum (\$29.36 per diem).	\$2,935.77
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17
18 ***Current Total Amount Owing on the Money Award \$171,022.71***

19 3.

20 In addition to this amount, Plaintiff is entitled to the continued accrual of post-judgment
21 interest at the contract rate of 6.375% per annum, \$29.36 per diem from August 2, 2012, to the
22 date the real property subject to the Judgment is sold by the Klamath County Sheriff at its
23 foreclosure auction, plus costs of this writ, sheriff's fees and sale costs, and all other recoverable
24 costs pursuant to law.

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4.

The real property subject to this writ of execution is situated in Klamath County, State of Oregon, to wit:

Lot 2, Block 18, Buena Vista Addition to the City of Klamath Falls, According to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

and more commonly known as 611 Pelican Street, Klamath Falls, Oregon 97601 ("Property").

5.

The Judgment Creditor's name and address is:

Wells Fargo Bank, N.A., its successors in interest and/or assigns,
c/o Wells Fargo Bank, N.A.
Wells Fargo Bank, N.A.
Attention: Bankruptcy Department MAC #D3347-014
3476 Stateview Blvd.
Fort Mill, SC 29715

6.

The Judgment Creditor's name and address for the purpose of this Writ is:

Wells Fargo Bank, N.A., its successors in interest and/or assigns,
c/o Routh Crabtree Olsen, P.C.
621 SW Alder St., Suite 800
Portland, OR 97205
(503) 977-7840

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1 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
2 sell the above-described Property, in the manner prescribed by law; or so much thereof as may be
3 necessary to satisfy the Judgment and Money Award, interest, fees and costs.

4 MAKE RETURN HEREOF within 60 days after you receive this writ.

5 DATED this 6 day of Aug.

6
7
8 Circuit Court Clerk

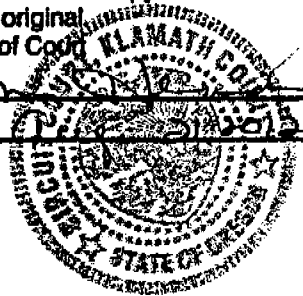
9 Submitted By:

10 Amber Norling, OSB #094393
11 Attorneys for Plaintiff
12 621 SW Alder St., Suite 800
13 Portland, OR 97205
14 503-459-0115; Fax 425-247-7794
15 anorling@rcolegal.com
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County of KLAMATH)
STATE OF OREGON)
I hereby certify that the within is a
true and correct copy and the whole
of the original
Clerk of Court

By

Date



FILED
STATE OF OREGON
KLAMATH CO. CIRCUIT COURT
2012 APR 20 PM 4:21
BY CLERK OF COURT
ENTERED
6/23/12
BY RLA

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

WELLS FARGO BANK, N.A., ITS
SUCCESSORS IN INTEREST AND/OR
ASSIGNS,

Plaintiff,

v.

JUSTIN C. BULKLEY; KYRIE VIRGINIA
BULKLEY; STATE OF OREGON; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 1104087CV

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER coming on regularly before the Court on this day and it appearing from the record herein that plaintiff, Wells Fargo Bank, N.A., its successors in interest and/or assigns ("Plaintiff") filed its Complaint for deed of trust foreclosure; that the defendants: Justin C. Bulkley; Kyrie Virginia Bulkley; State of Oregon; and Occupants of the Premises (hereinafter collectively the "Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, and an Order of Default has been entered against them on Plaintiff's Complaint; and that the Court being fully advised; finding good cause exists so that this General Judgment of

GENERAL JUDGMENT OF FORECLOSURE -1

ROUTH
CRABTREE
OLSEN, P.C.

621 SW Alder St., Ste. 800
Portland, OR 97205-3623
Telephone: 503.977.7840
Facsimile: 503.977.7963

1 Foreclosure may be entered in resolution of all matters raised in Plaintiff's Complaint, it is hereby

2 ORDERED AND ADJUDGED:

3 2.

4 That the Deed of Trust executed and delivered by Justin C. Bulkley to Wells Fargo Bank,
5 N.A./Plaintiff on January 10, 2008, and recorded on January 17, 2008 under recording number 2008-
6 000735 of the official records of Klamath County, Oregon, and assigned to Plaintiff by way of an
7 Assignment of Deed of Trust recorded on May 5, 2010 as Instrument No. 2010-005309, is a valid lien
8 for the amount of Plaintiff's Money Award set forth herein against all the real property commonly
9 known as 611 Pelican Street, Klamath Falls, Oregon 97601 (the "Property") situated in Klamath
10 County, Oregon, described as follows:
11

12 LOT 2, BLOCK 18, BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS,
13 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE
14 COUNTY CLERK OF KLAMATH COUNTY, OREGON.

15 That the lien is superior to any interest, lien, or claim of the Defendants in that Property and that said
16 Deed of Trust is hereby foreclosed by this Court on the Property.

17 3.

18 That the Defendants, and each of them, and all parties claiming through or under them as
19 purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interest, lien, or claim
20 in the Property and every portion thereof excepting only any statutory right of redemption provided by
21 the laws of the State of Oregon.
22

23 4.

24 That the Defendants are not entitled to a homestead exemption as against Plaintiff's Deed of
25 Trust.
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5.

That all of the right, title and interest which Justin C. Bulkley had on January 10, 2008, the date of the Deed of Trust, and all of the right, title and interest the Defendants and any successor thereafter had in and to the real Property is hereby ordered to be sold by law and the proceeds of sale shall be applied toward the satisfaction of Plaintiff's Money Award 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.

6.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount of its Money Award plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

7.

That the purchaser of the Property at the sheriff's sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and that the Judgment entered herein shall have the same effect as a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

MONEY AWARD

1. **Judgment Creditor:**

Wells Fargo Bank, N.A.
c/o Routh Crabtree Olsen, P.C.
621 SW Alder St., Suite 800
Portland, OR 97205
503.977.7840

//

2. Judgment Creditor's Attorney:

Amber Norling
Routh Crabtree Olsen, P.C.
621 SW Alder St., Suite 800
Portland, OR 97205
503.459.0140

3. Judgment Debtor:

Justin C. Bulkley
The property located at:
611 Pelican Street
Klamath Falls, OR 97601

Social Security No's.: xxx-xx-6472
Dates of Birth: Unknown
Drivers' License No's: Unknown
Name of Attorney: Unknown

Person or public body entitled to any portion of money award herein: None

3. Total Amount of Money Award: \$ 167,991.04

<u>Attorneys' Fees and Costs</u>		
Attorneys' Fees		\$1,850.00
Filing Fee	\$505.00	
Recording Fee -- Lis Pendens	\$42.00	
Process Service Fees- Supported by Statement for Attorney Fees	\$300.00	
Overnight mailings	\$8.70	
Total Costs		\$855.70
<i>Total Attorneys' Fees and Costs</i>		\$2,705.70
<u>Lenders' Principal and Interest</u>		
Principal Balance	\$137,271.45	
Accrued Interest from October 1, 2009, the default date, to March 1, 2012 the date of this judgment @ 6.375% per annum (\$23.98 per diem)	\$21,148.25	
Interest from March 2, 2012 to April 19, 2012 date this judgment was mailed to Court @6.375% per annum (\$23.98 per diem x 49 days)	\$1,175.02	
<i>Total Principal & Interest</i>		\$159,594.72

GENERAL JUDGMENT OF FORECLOSURE -4

ROUTH
CRABTREE
OLSEN, P.C.

621 SW Alder St., Ste. 800
Portland, OR 97205-3623
Telephone: 503.977.7840
Facsimile: 503.977.7963

Lenders' Fees and Costs		
Pre-acceleration Late Charges	\$47.37	
Hazard Insurance Disbursements	\$2,327.28	
Tax Disbursements	\$2,815.97	
Property Inspections/Preservation	\$500.00	
Total Lender's fees and costs:		\$5,690.62
Total Lenders' Principal, Interest, Fees, and Costs:		\$165,285.34
Additional pre-judgment interest to accrue pursuant to ORS 18.042 from the date of mailing this judgment to Court to the date it is entered into the Court's register at the \$23.98 per diem rate.		
Post-Judgment interest thereafter at the contract rate of 6.375% percent per annum on the total judgment amount, or 9.000% per annum, whichever is greater.		
Total Money Award (Judgment)		\$167,991.04

DATED this 20 day of April 2012

Roxanne Osborn
CIRCUIT COURT JUDGE

Presented by:

ROUTH CRABTREE OLSEN, P.C.

By [Signature] Dated: 4/19/12
Amber Norling, OSB # 094593
Attorneys for Plaintiff
621 SW Alder St., Suite 800
Portland, OR 97205
Telephone (503) 459-0140; Facsimile 425-247-7794
anorling@rcolegal.com

GENERAL JUDGMENT OF FORECLOSURE -5

ROUTH
CRABTREE
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