



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

WELLS FARGO BANK, N.A.  
Plaintiff,

Case No. 20CV04602  
WRIT OF EXECUTION

vs.

UNKNOWN HEIRS, DEVISEES AND/OR  
SUCCESSORS IN INTEREST OF JUDY  
FRANKE AKA JUDITH A. FRANKE;  
MIRANDA STUDER; WILLIAM  
PROSSER; DISCOVER BANK; UNIFUND  
CCR, LLC; PARTIES IN POSSESSION

Defendants.

TO: MORROW COUNTY SHERIFF

WHEREAS, on August 17, 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 September 6, 2001, 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  
LLG No. 19-126211

LOGS LEGAL GROUP LLP  
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 THE SOUTH 390 FEET OF LOT 2 AND THE SOUTH 390 FEET OF THE WEST 35 FEET OF  
2 LOT 1, BLOCK 35 WEST, IN SECTION 23, TOWNSHIP 5 NORTH, RANGE 26, EAST OF  
3 THE WILLAMETTE MERIDIAN, IN THE COUNTY OF MORROW AND STATE OF  
4 OREGON.

5 and commonly known as 74905 Washington Lane (FKA Washington Avenue W), Irrigon, OR  
6 97844 to satisfy the sum of \$82,951.67, as of October 24, 2024, together with additional post  
7 judgment interest of 9.00% from that date (\$15.89 per day), and costs of this execution, making  
8 due return within 60 days after you receive this writ.

9 Wells Fargo Bank, N.A. is the Judgment Creditor, and its address for purpose of this writ  
10 only is: C/O LOGS Legal Group LLP, 1499 SE Tech Center Place, Suite 255, Vancouver, WA  
11 98683 (360) 260-2253. LOGS Legal Group LLP is the attorney for the Judgment Creditor.  
12

13  
14  
15 CERTIFIED TO BE A TRUE AND  
16 CORRECT COPY OF THE ORIGINAL  
17 DATED 10/28, 20 24  
18 TRIAL COURT ADMINISTRATOR  
19 BY Angeline Williams

20 Angeline Williams  
21 Angeline Williams, Court Clerk

22 Submitted by:  
23 Attorneys for Plaintiff,  
24 LOGS LEGAL GROUP LLP

25 By: \_\_\_\_\_

26  James A. Craft #090146 [jcraft@logs.com]  
27  Kelly D. Sutherland #873575 [ksutherland@logs.com]  
28 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
(360) 260-2253; Fax (360) 260-2285



2- WRIT OF EXECUTION  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF MORROW

WELLS FARGO BANK, N.A.,  
Plaintiff,

vs.

UNKNOWN HEIRS, DEVISEES AND/OR  
SUCCESSORS IN INTEREST OF JUDY  
FRANKE AKA JUDITH A. FRANKE; MIRANDA  
STUDER; WILLIAM PROSSER; DISCOVER  
BANK; UNIFUND CCR, LLC; PARTIES IN  
POSSESSION,  
Defendants.

Case No. 20CV04602  
GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Default having been entered against Defendant(s), Unknown Heirs, Devisees and/or successors in interest of Judy Franke aka Judith A. Franke, Miranda Studer, William Prosser, Discover Bank and Unifund CCR, LLC. A Limited Judgment of Dismissal was entered as to Defendant, PARTIES IN POSSESSION by the Court on December 17, 2020:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
JLF No. 19-126211

*Janeway Law Firm, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360) 260-2253 (800)970-5647  
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1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Morrow County, Oregon is commonly known as 74905 Washington Lane (FKA Washington  
3 Avenue W), Irrigon, OR 97844 and is legally described as follows:

4 THE SOUTH 390 FEET OF LOT 2 AND THE SOUTH 390 FEET OF THE WEST 35  
5 FEET OF LOT 1, BLOCK 35 WEST, IN SECTION 23, TOWNSHIP 5 NORTH,  
6 RANGE 26, EAST OF THE WILLAMETTE MERIDIAN. IN THE COUNTY OF  
MORROW AND STATE OF OREGON.

7 2. The Deed of Trust executed and delivered by Defendant, Judy Franke ("Borrower") on or  
8 about September 6, 2001 and recorded on September 11, 2001 as Microfilm Record No. 2001-  
9 2195 in the official records of Morrow County, Oregon, is a valid and perfected lien against  
10 all of the Property for the amount of Plaintiff's judgment as provided herein.

11 3. The Plaintiff is the holder of the original note dated September 6, 2001 and made by Judy  
12 Franke in the amount of \$83,515.00. A copy of the Note was attached to the complaint as  
13 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust  
14 (together the "Loan").

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

18 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants  
19 and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and  
20 good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate  
21 the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and  
22 priorities.  
23  
24

6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Morrow County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party of parties as may establish their right thereto.
8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
9. The purchaser at the sale is entitled to such remedies as are available at law or in equity to secure possession.
10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.
11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$46,804.78	
Prejudgment interest through July 28,2021 at a variable rate (accruing thereafter until entry of judgment at 5.3%)			\$4,421.92
Late Charges		\$298.42	
Other Costs and fees (recoverable)		6,885.67	
	Property Tax	\$4,754.67	
	Hazard Insurance	\$2,131.00	
	Subtotal		\$53,988.87
	Total plus Prejudgment Interest		\$58,410.79

3 - GENERAL JUDGMENT OF FORECLOSURE AND  
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12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$2,065.72
	Title Search Cost	\$288.00	
	Skip Trace Costs	\$50.00	
	Filing Fee	\$283.00	
	Clerk Costs	\$50.00	
	Lis Pendens Recording Fee	\$101.00	
	Service by Publication	\$578.72	
	Service Costs	\$440.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,850.00
Total			\$5,915.72

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.

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

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

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

4 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
5 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11 through  
6 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS 18.936.

7 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
8 necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure  
9 sale to obtain possession.  
10

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12  
13 CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
14 DATED 10/28, 20 21  
TRIAL COURT ADMINISTRATOR  
BY Angeline Williams  
15 Angeline Williams



Signed: 8/13/2021 04:37 PM

16  
17

18  
19 Eva J. Temple, Circuit Court Judge

20  
21 **Certificate of Readiness under UTCR 5 100**

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

- 23 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as  
24 shown by each party's signature on the document being submitted.  
25 2.  Each party affected by this order or judgment has approved the order or judgment, as shown  
26 by each party's signature on the document being submitted or by written confirmation of approval  
27 sent to me.  
28 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.

5 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
JLF No. 19-126211

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1 I have filed a copy of the objections I received and indicated which objections remain unresolved.  
2 c.  After conferring about objections, [role and name of objecting party] agreed to independently  
3 file any remaining objection.

4 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.  
5 UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

6 5.  This is a proposed judgment that includes an award of punitive damages and notice has been  
7 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of  
8 this rule.

9 6.  Other: \_\_\_\_\_

10 Submitted by:

11 Attorneys for Plaintiff,  
12 JANEWAY LAW FIRM, LLC

13 By:  \_\_\_\_\_

8-11-2021

14 James A. Craft #090146 [jcraft@janewaylaw.com]  
15 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
16 (360) 260-2253; Fax (360) 260-2285