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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Case No. 17CV05613

Plaintiff,

WRIT OF EXECUTION

vs.

MARC D. CARROLL; PAMELA
SMOLEN; CARTER-JONES
COLLECTION SERVICE, INC.; PARTIES
IN POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on June 12, 2017, 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 May 20, 2011, 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
S&S No. 17-119984

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 A PORTION OF LOTS 7 AND 8, BLOCK 73, BUENA VISTA ADDITION TO THE CITY OF
2 KLAMATH FALLS, IN THE COUNTY OF KLAMATH, STATE OF OREGON, MORE
3 PARTICULARLY DESCRIBED AS FOLLOWS:

4 BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 7 BEING THE POINT
5 OF INTERSECTION OF HARRIMAN AND LAST STREETS; THENCE NORTHEASTERLY
6 ALONG THE SOUTHEASTERLY LINE OF HARRIMAN STREET 100 FEET TO A POINT;
7 THENCE SOUTHEASTERLY AND PARALLEL WITH LAST STREET FOR A DISTANCE
8 OF 120 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 8; THENCE
9 SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 8, 100 FEET
10 TO THE MOST SOUTHERLY CORNER OF SAID LOT 8; THENCE ALONG THE
11 NORTHEASTERLY LINE OF LAST STREET, 120 FEET TO THE POINT OF BEGINNING,
12 BEING THE SOUTHWESTERLY 100 FEET OF SAID LOTS 7 AND 8.

13 and commonly known as 1965 Harriman Avenue, Klamath Falls, OR 97601 to satisfy the sum of
14 \$62,775.19, as of June 14, 2017, together with additional post judgment interest of 9.00% from
15 that date (\$15.47 per day), and costs of this execution, making due return within 60 days after
16 you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 17-119984

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1 JPMorgan Chase Bank, National Association is the Judgment Creditor, and its address for
2 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 7632 SW Durham Road, Suite 350,
3 Tigard, OR 97224 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment
4 Creditor.
5
6

7 June 27, 2017 John M Powell
8 TRIAL COURT ADMINISTRATOR
9
10 [Signature]
11 CIRCUIT COURT CLERK

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: [Signature]
16 [] James A. Craft #090146 [jcraft@logs.com]
17 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
18 [] Cara J. Richter #094855 [crichter@logs.com]
19 [] Holger Uhl #950143 [huhl@logs.com]*
20 [] Joshua R. Orem # 116872 [jorem@logs.com]*
21 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
22 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
23 (360)260-2253; Fax (360)260-2285

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25 3- WRIT OF EXECUTION
26 S&S No. 17-119984

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

MARC D. CARROLL; PAMELA SMOLEN;
CARTER-JONES COLLECTION SERVICE, INC.;
PARTIES IN POSSESSION,

Defendants.

Case No. 17CV05613

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), Marc D. Carroll,
Pamela Smolen, Carter-Jones Collection Service, Inc. and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Klamath County, Oregon is commonly known as 1965 Harriman Avenue, Klamath Falls,
OR 97601 and is legally described as follows:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-119984

SHAPIRO & SUTHERLAND, LLC
7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 A portion of Lots 7 and 8, Block 73, BUENA VISTA ADDITION TO THE CITY OF
2 KLAMATH FALLS, in the County of Klamath, State of Oregon, more particularly
described as follows:

3 Beginning at the most Westerly corner of said Lot 7 being the point of intersection of
4 Harriman and Last Streets; thence Northeasterly along the Southeasterly line of
5 Harriman Street 100 feet to a point; thence Southeasterly and parallel with Last Street
6 for a distance of 120 feet to the Southeasterly line of said Lot 8; thence Southwesterly
7 along the Southeasterly line of said Lot 8, 100 feet to the most Southerly corner of said
Lot 8; thence along the Northeasterly line of Last Street, 120 feet to the point of
beginning, being the Southwesterly 100 feet of said Lots 7 and 8.

- 8 2. The Deed of Trust executed and delivered by Defendant, Marc D. Carroll ("Borrower") on
9 or about May 20, 2011 and recorded on June 3, 2011 as Instrument No. 2011-006876 in the
10 official records of Klamath County, Oregon, is a valid and perfected lien against all of the
11 Property for the amount of Plaintiff's judgment as provided herein.
- 12 3. The Plaintiff is the holder of the original note dated May 20, 2011 and made by Marc D.
13 Carroll in the amount of \$76,740.00. A copy of the Note was attached to the complaint as
14 Exhibit. Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust
15 (together the "Loan").
- 16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
17 interest in the Property is foreclosed and terminated excepting only any statutory right of
18 redemption as provided by Oregon law.

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23 2 - GENERAL JUDGMENT OF FORECLOSURE AND
24 SALE
25 S&S No. 17-119984

26 *SHAPIRO & SUTHERLAND, LLC*
27 7632 SW Durham Road, Suite 350, Tigard, OR 97224
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
28 ksutherland@logs.com

- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
11 County Sheriff's Office in accordance with the process for sale upon execution, and the
12 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
13 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
14 as their interest may appear or to the clerk of the court to be distributed to such party of
15 parties as may establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 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.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND
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11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$54,366.27	
Prejudgment interest at 4.625% through May 22, 2017 (accruing thereafter until entry of judgment at \$6.89 per diem)			\$1,885.86
Late Charges		\$0.00	
Other Costs and fees (recoverable)		1,951.93	
	Hazard Insurance	\$1,502.00	
	Property Inspections	\$98.00	
	Escrow - Real Estate Taxes 2016	\$1,369.84	
	Escrow Credits	\$-1,017.91	
	Subtotal		\$56,318.20
	Total plus Prejudgment Interest		\$58,204.06

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

21

Costs			\$1,345.50
	Title Search Cost	\$225.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$47.00	
	Service Costs	\$267.50	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$4,395.50

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

1 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
2 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
3 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
4 entitled to any further judgment, including a judgment for deficiency.
5

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

10 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
11 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
12 judgment as to the amounts due shall be terminated.
13

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

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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
3 foreclosure sale to obtain possession.
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Signed: 6/8/2017 04:15 PM

8 

9
10 **Rodger J. Isaacson, Senior Pro Tem**
11 **Circuit Court Judge**

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

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

- 14 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
15 shown by each party's signature on the document being submitted.
16 2. Each party affected by this order or judgment has approved the order or judgment, as
17 shown by each party's signature on the document being submitted or by written confirmation of
18 approval sent to me.
19 3. I have served a copy of this order or judgment on each party entitled to service and:
20 a. No objection has been served on me.
21 b. I received objections that I could not resolve with a party despite reasonable efforts to do
22 so. I have filed a copy of the objections I received and indicated which objections remain
23 unresolved.
24 c. After conferring about objections, [role and name of objecting party] agreed to
25 independently file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-119984

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- 1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)
3 5. This is a proposed judgment that includes an award of punitive damages and notice has
4 been served on the Director of the Crime Victims' Assistance Section as required by subsection
5 (5) of this rule.
6 6. Other: _____

7 Dated: June 7, 2017.

8 Submitted by:

9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By: 

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25 7 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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