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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, ITS SUCCESSORS IN
INTEREST AND/OR ASSIGNS

Case No. 161502504

Plaintiff,

WRIT OF EXECUTION

vs.

CHERI HILER-CHARLES, SUCCESSOR
TRUSTEE OF THE WILBUR LIVING
TRUST DATED AUGUST 1, 1995;
UNKNOWN SUCCESSOR TRUSTEE OF
THE WILBER LIVING TRUST DATED
AUGUST 1, 1995; UNKNOWN
BENEFICIARIES OF THE WILBER
LIVING TRUST DATED AUGUST 1,
1995; UNKNOWN HEIRS OF FREDERIC
P. WILBUR; STATE OF OREGON;
OCCUPANTS OF THE PREMISES

Defendants.

TO: LANE COUNTY SHERIFF

WHEREAS, on July 26, 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

1- WRIT OF EXECUTION
S&S No. 15-117437

SHAPIRO & SUTHERLAND, 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 (subject to redemption) all of the interest which the defendants had on April 20, 2015, the date of
2 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
3 property described in the judgment:

4 PLEASE SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

5 and commonly known as 370 River Loop 1, Eugene, OR 97404 to satisfy the sum of \$343,491.17,
6 as of August 3, 2017, together with additional post judgment interest of 9.00% from that date
7 (\$84.53 per day), and costs of this execution, making due return within 60 days after you receive
8 this writ.
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25 2- WRIT OF EXECUTION
26 S&S No. 15-117437

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1 JPMorgan Chase Bank, National Association, its successors in interest and/or assigns is
2 the Judgment Creditor, and its address for purpose of this writ only is: C/O Shapiro &
3 Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683 (360)260-2253.
4 Shapiro & Sutherland, LLC is the attorney for the Judgment Creditor.
5

6
7
8 AUG - 8 2017
9

10 Angela Jones
11 Court Clerk

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

15 By: _____



- 16 [] James A. Craft #090146 [jcraft@logs.com]
17 [] Kelly D. Sutherland #873575 [ksutherland@logs.com]
18 [] Cara J. Richter #094855 [crichter@logs.com]
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20 [x] 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
24

25 3- WRIT OF EXECUTION
26 S&S No. 15-117437

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EXHIBIT "A"

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A STONE SET FOR THE BEGINNING POINT OF COUNTY ROAD NO. 18, BEING ACCORDING TO COUNTY SURVEY NO. 1451, 42.56 CHAINS SOUTH 89° 50' WEST FROM A POINT 20.10 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE L. POINDEXTER DONATION LAND CLAIM NO. 52, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; RUN THENCE SOUTH 0° 20' EAST ALONG THE CENTER LINE OF COUNTY ROAD NO. 18, A DISTANCE OF 116.26 FEET TO THE TRUE POINT OF BEGINNING; CONTINUE THENCE SOUTH 0° 20' EAST ALONG SAID CENTER LINE 96.26 FEET; THENCE NORTH 89° 50' EAST 127.48 FEET; THENCE NORTH 0° 20' WEST 96.26 FEET; THENCE SOUTH 89° 50' WEST 127.48 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON. SAVE AND EXCEPT THEREFROM THAT PORTION LYING WITHIN COUNTY ROAD NO. 18.

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, ITS SUCCESSORS IN
INTEREST AND/OR ASSIGNS,

Case No. 161502504

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE

vs.

CHERI HILER-CHARLES, SUCCESSOR
TRUSTEE OF THE WILBUR LIVING TRUST
DATED AUGUST 1, 1995; UNKNOWN
SUCCESSOR TRUSTEE OF THE WILBER
LIVING TRUST DATED AUGUST 1, 1995;
UNKNOWN BENEFICIARIES OF THE WILBER
LIVING TRUST DATED AUGUST 1, 1995;
UNKNOWN HEIRS OF FREDERIC P. WILBUR;
STATE OF OREGON; OCCUPANTS OF THE
PREMISES,

Defendants.

Defaults having been previously filed against Defendant(s), State of Oregon:

It is hereby

ORDERED AND ADJUDGED:

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 15-117437

SHAPIRO & SUTHERLAND, 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
2 Lane County, Oregon is commonly known as 370 River Loop 1, Eugene, OR 97404 and is
3 legally described as follows:

4 Please see Legal description attached hereto as Exhibit "1"

- 5
- 6 2. The Deed of Trust executed and delivered by Defendant, Fredric P Wilbur ("Borrower") on
7 or about April 20, 2015 and recorded on April 27, 2009 as Reception No. 2009-022078 in
8 the official records of Lane 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 April 20, 2015 and made by Fredric P.
11 Wilbur in the amount of \$254,375.00. 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
- 15 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
16 interest in the Property is foreclosed and terminated excepting only any statutory right of
17 redemption as provided by Oregon law.
- 18 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
19 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
20 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
21 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
22 interests and priorities.
- 23

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25 2 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 15-117437

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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 Lane 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
- 7 may appear or to the clerk of the court to be distributed to such party of parties as may
- 8 establish 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 exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 15-117437

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

2	Principal	\$244,974.05	
3	Prejudgment interest at 5.00% through April 27, 2017		\$67,368.18
4	(accruing thereafter until entry of judgment at \$1,020.73 per mensum)		
5	Late Charges	\$346.53	
6	Other Costs and fees (recoverable)	25,637.98	
	Escrow Balance	\$-18.90	
7	Property Tax	\$10,506.30	
	Hazard Insurance	\$8,375.00	
8	PMI/MIP	\$5,789.58	
9	Property Inspections	\$986.00	
10	Subtotal		\$270,958.56
	Total plus Prejudgment Interest		\$338,326.74

11
12 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

13	Costs		\$1,426.00
14	Skip Trace Costs	\$237.00	
15	Filing Fee	\$531.00	
16	Lis Pendens Recording Fee	\$62.00	
	Service by Publication	\$596.00	
17	Total		\$1,426.00

18 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal
19 rate of 9% per annum pursuant to ORS 82.010.

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25 4 - GENERAL JUDGMENT OF FORECLOSURE
26 S&S No. 15-117437

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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.

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

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment 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
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.

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26 § - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 15-117437


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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.
4

- 5 GRANTED
6
7 DENIED
8

Signed: 7/25/2017 10:21 AM

9
10 
11
12 **Suzanne B. Chantti, Circuit Court Judge**

13
14 **Certificate of Readiness under UCR 5 100**

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

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

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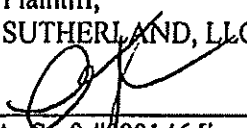
6 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 15-117437

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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: July 13, 2017

8 Submitted by:
9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By: 
12 James A. Craft #090146 [jcraft@logs.com]
13 Kelly D. Sutherland #873575 [ksutherland@logs.com]
14 Cara J. Richter #094855 [crichter@logs.com]
15 Holger Uhl #950143 [huhl@logs.com]*
16 Joshua R. Orem # 116872 [jorem@logs.com]*
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18 98683
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26 7 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 15-117437

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Verified Correct Copy of Original 4/27/2015

LEGAL DESCRIPTION: Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT A STONE SET FOR THE BEGINNING POINT OF COUNTY ROAD NO. 18, BEING ACCORDING TO COUNTY SURVEY NO. 1451, 42.56 CHAINS SOUTH 89° 50' WEST FROM A POINT 20.10 CHAINS SOUTH OF THE NORTHEAST CORNER OF THE L. POINDEXTER DONATION LAND CLAIM NO. 52, TOWNSHIP 17 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; RUN THENCE SOUTH 0° 20' EAST ALONG THE CENTER LINE OF COUNTY ROAD NO. 18, A DISTANCE OF 116.26 FEET TO THE TRUE POINT OF BEGINNING; CONTINUE THENCE SOUTH 0° 20' EAST ALONG SAID CENTER LINE 96.26 FEET; THENCE NORTH 89° 50' EAST 127.48 FEET; THENCE NORTH 0° 20' WEST 96.26 FEET; THENCE SOUTH 89° 50' WEST 127.48 FEET TO THE TRUE POINT OF BEGINNING, IN LANE COUNTY, OREGON. SAVE AND EXCEPT THEREFROM THAT PORTION LYING WITHIN COUNTY ROAD NO. 18.

EXHIBIT "A" 1208

MLAD026
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EXHIBIT 1
PAGE 1 OF 1