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6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF JOSEPHINE

7 JPMORGAN CHASE BANK, N.A.

Case No. 16CV23883

8 Plaintiff,

WRIT OF EXECUTION

9 vs.

10 GARY B. WALLACE II; LAURA J.
11 WALLACE; STATE OF OREGON;
12 EQUABLE ASCENT FINANCIAL, LLC;
13 JOSEPHINE COUNTY TAX
COLLECTOR; JOSEPHINE COUNTY;
14 EDGEWATER INTERNATIONAL, INC.
DBA REC COMPONENTS; MIDLAND
FUNDING LLC; DONALD L. OLSEN;
PARTIES IN POSSESSION

15 Defendants.

16
17 TO: JOSEPHINE COUNTY SHERIFF

18 WHEREAS, on July 10, 2017, in the above-entitled court, a General Judgment of
19 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and
20 was duly entered and docketed in the above-entitled cause

21 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
22 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
23 (subject to redemption) all of the interest which the defendants had on October 6, 2005, the date
24

25 1- WRIT OF EXECUTION
26 S&S No. 15-117526

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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1 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the
2 real property described in the judgment:
3

4 A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST
5 QUARTER OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 5 WEST, OF THE
6 WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY
7 DESCRIBED AS FOLLOWS:

8 BEGINNING AT A 5/8 INCH DIAMETER IRON ROD SET ON THE WEST LINE OF SAID
9 NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, NORTH 00 DEGREES 42'
10 WEST OF AND 193.40 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHWEST
11 QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 50 DEGREES 39' EAST
12 FOR 322.97 FEET TO THE SOUTHWESTERLY LINE OF HIGHLAND AVENUE; THENCE
13 IN A NORTHWESTERLY DIRECTION ALONG SAID SOUTHWESTERLY LINE OF
14 HIGHLAND AVENUE TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE
15 SOUTHEAST QUARTER (THE CHORD OF WHICH BEARS NORTH 45 DEGREES 31' 27"
16 WEST FOR 357.82 FEET); THENCE SOUTH 00 DEGREES 42' EAST FOR 455.50 FEET TO
17 THE POINT OF BEGINNING. EXCEPTING THEREFROM ANY PORTION IN THE
18 COUNTY ROAD.

19 and commonly known as 2424 NW Highland Avenue, Grants Pass, OR 97526 to satisfy the sum
20 of \$334,513.26, as of July 13, 2017, together with additional post judgment interest of 9.00%
21 from that date (\$82.42 per day), and costs of this execution, making due return within 60 days
22 after you receive this writ.
23

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2- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF JOSEPHINE

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

Case No. 16CV23883

**GENERAL JUDGMENT OF
FORECLOSURE AND SALE AS TO
DEFENDANTS:**

- 1) Gary B. Wallace – Defaulted
- 2) Laura J. Wallace – Defaulted
- 3) State of Oregon – Defaulted
- 4) Equable Ascent Financial LLC – Defaulted
- 5) Josephine County – Stipulated
- 6) Edgewater International, Inc DBA Rec Components – Defaulted
- 7) Midland Funding – Defaulted
- 8) Donald L. Olsen – Defaulted
- 9) Parties in Possession - Defaulted

vs.

**GARY B. WALLACE II; LAURA J. WALLACE;
STATE OF OREGON; EQUABLE ASCENT
FINANCIAL, LLC; JOSEPHINE COUNTY TAX
COLLECTOR; JOSEPHINE COUNTY;
EDGEWATER INTERNATIONAL, INC. DBA
REC COMPONENTS; MIDLAND FUNDING
LLC; DONALD L. OLSEN; PARTIES IN
POSSESSION,**

Defendants.

**Default having been entered against Defendants, Gary B. Wallace II, Laura J. Wallace,
Parties in Possession, Donald L. Olson, State of Oregon, Equable Ascent Financial, LLC,
Edgewater International, Inc. dba Rec Components and Midland Funding LLC and Defendant,**

**1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-117526**

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1 Josephine County Tax Collector, having been dismissed, and Defendant, Josephine County
2 having stipulated to entry of judgment :

3 It is hereby

4 ORDERED AND ADJUDGED:

5
6 1. The real property to which this judgment relates (hereafter the "Property") is situated in
7 Josephine County, Oregon is commonly known as 2424 NW Highland Avenue, Grants Pass,
8 OR 97526 and is legally described as follows:

9 A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section
10 6, Township 36 South, Range 5 West, of the Willamette Meridian, Josephine County,
11 Oregon, more particularly described as follows:

12 Beginning at a 5/8 inch diameter iron rod set on the West line of said Northwest
13 Quarter of the Southeast Quarter, North 00 degrees 42' West of and 193.40 feet from
14 the Southwest corner of said Northwest Quarter of the Southeast Quarter; thence North
15 50 degrees 39' East for 322.97 feet to the Southwesterly line of Highland Avenue;
16 thence in a Northwesterly direction along said Southwesterly line of Highland Avenue
to the West line of said Northwest Quarter of the Southeast Quarter (the chord of
which bears North 45 degrees 31' 27" West for 357.82 feet); thence South 00 degrees
42' East for 455.50 feet to the point of beginning. Excepting therefrom any portion in
the county road.

17 2. The Deed of Trust executed and delivered by Defendant, Gary B Wallace II and Laura J
18 Wallace ("Borrower") on or about October 6, 2005 and recorded on November 30, 2005 as
19 Instrument No. 2005-027990 in the official records of Josephine County, Oregon, is a valid
20 and perfected lien against all of the Property for the amount of Plaintiff's judgment as
21 provided herein.

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- 1 3. The Plaintiff is the holder of the original note dated October 6, 2005 and made by Gary B.
2 Wallace II in the amount of \$250,000.00. A copy of the Note was attached to the complaint
3 as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
4 Trust (together the "Loan").
5
6 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
7 interest in the Property is foreclosed and terminated excepting only any statutory right of
8 redemption as provided by Oregon law.
9
10 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
11 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
12 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
13 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
14 interests and priorities.
15
16 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
17
18 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
19 thereafter acquired in the subject Property, is hereby ordered to be sold by the Josephine
20 County Sheriff's Office in accordance with the process for sale upon execution, and the
21 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
22 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
23 as their interest may appear or to the clerk of the court to be distributed to such party of
24 parties as may establish their right thereto.
25
26 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

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- 1 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
 2 from and after the date of the sale and is entitled to such remedies as are available at law or
 3 in equity to secure possession.
 4
 5 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 6 any person holding possession under or through such Defendant(s) shall refuse to surrender
 7 possession to the purchaser immediately on the purchaser's demand for possession.
 8
 9 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal	\$240,670.86	
Prejudgment interest at variable rates through October 19, 2016 (accruing thereafter until entry of judgment at \$25.65 per diem)		\$70,259.00
Late Charges	\$0.00	
Other Costs and fees (recoverable)	11,609.54	
Property Tax	\$11,609.54	
Subtotal		\$252,280.40
Total plus Prejudgment Interest		\$322,539.40

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

Costs			\$2,355.00
Title Search Cost		\$803.00	
Filing Fee		\$531.00	
Lis Pendens Recording Fee		\$56.00	
Service Costs		\$690.00	
Prevailing Party Fee		\$275.00	
Attorney fees			\$2,600.00
Total			\$4,955.00

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- 23 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
 24 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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.
8

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.
13

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.
21

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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
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27 S&S No. 15-117526
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18. This Court shall retain jurisdiction to enter such additional order, judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.


Signed: 7/10/2017 01:55 PM


Circuit Court Judge Pat Wolke

Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: 
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Approved as to form and content:

By:  3/28/17
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Josephine County Legal Counsel
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