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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

Case No. 17CV26882

Plaintiff,

**WRIT OF EXECUTION**

v.

DANNY STACEY aka BUTCH STACEY;  
STARLA STACEY; HARLAN MILLER; and  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
6040 LAKE LABISH RD NE, SALEM, OR  
97305,

Defendant.

TO THE MARION COUNTY SHERIFF:

On October 30, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Marion County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 6040 Lake Labish Rd NE, Salem, OR 97305 ("Subject Property"), and legally described as:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 16, LABISH GARDENS,

1 MARION COUNTY, OREGON, WHICH POINT IS 0.45 OF A CHAIN NORTHERLY FROM  
2 THE SOUTHWEST CORNER OF LOT 16; THENCE EASTERLY AND PARALLEL WITH  
3 THE SOUTH LINE OF LOT 16, A DISTANCE OF 11.116 CHAINS TO THE EAST LINE OF  
4 SAID LOT; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT, A  
5 DISTANCE OF 1.35 CHAINS TO AN IRON PIPE; THENCE WESTERLY AND PARALLEL  
6 WITH THE SOUTH LINE OF SAID LOT, A DISTANCE OF 11.116 CHAINS TO THE WEST  
7 LINE OF SAID LOT; THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID  
8 LOT, A DISTANCE OF 1.35 CHAINS TO THE PLACE OF BEGINNING.

9 The total amount due and owing on the Judgment as of November 13, 2017;

10 Judgment:	Principal	\$155,585.90
11 Pre-Judgment:	Interest(4.375%, \$17.49/day)	\$507.21 (October 2, 2017 through
12		October 30, 2017)
13	Attorney Fees	\$2,340.00
14	Costs	\$1,650.00
15	Prevailing Party Fee	\$300.00
16 Post-Judgment:	Interest(4.375%, \$17.49/day)	\$244.86 (October 31, 2017 through
17		November 13, 2017)
18	Attorney Fees	\$260.00
19	Costs	\$0.00

20 **TOTAL: \$160,887.97**

21 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
22 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the  
23 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.

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Further, you are directed to execute, after the time for redemption has elapsed, a deed to the holder of the certificate of sale.

Signed: 11/17/2017 10:31 AM

  
\_\_\_\_\_  
Court Clerk



Presented by:  
ALDRIDGE PITE, LLP  


\_\_\_\_\_  
Katie L. Riggs, OSB # 095861  
(858) 750-7600  
(503) 222-2260 (Facsimile)  
[kriggs@aldridgepite.com](mailto:kriggs@aldridgepite.com)

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

DANNY STACEY aka BUTCH STACEY;  
STARLA STACEY; HARLAN MILLER; and  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
6040 LAKE LABISH RD NE, SALEM, OR  
97305,

Defendants.

Case No. 17CV26882

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants Danny Stacey aka Butch Stacey; Starla Stacey; Harlan Miller; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 6040 Lake Labish Rd NE, Salem, OR 97305, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff JPMorgan Chase Bank, National Association ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 6040 Lake Labish Rd NE, Salem, OR 97305 ("Subject Property"), as evidenced by the Deed of Trust recorded November 22, 2011 in the official records of Marion County as instrument number Reel: 3336 Page 104 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the

1 Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are  
2 subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is  
3 legally described as follows:

4 BEGINNING AT A POINT ON THE WEST LINE OF LOT 16, LABISH GARDENS,  
5 MARION COUNTY, OREGON, WHICH POINT IS 0.45 OF A CHAIN NORTHERLY  
6 FROM THE SOUTHWEST CORNER OF LOT 16; THENCE EASTERLY AND  
7 PARALLEL WITH THE SOUTH LINE OF LOT 16, A DISTANCE OF 11.116  
8 CHAINS TO THE EAST LINE OF SAID LOT; THENCE NORTHERLY ALONG THE  
9 EAST LINE OF SAID LOT, A DISTANCE OF 1.35 CHAINS TO AN IRON PIPE;  
10 THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID LOT, A  
11 DISTANCE OF 11.116 CHAINS TO THE WEST LINE OF SAID LOT; THENCE  
12 SOUTHERLY AND ALONG THE WEST LINE OF SAID LOT, A DISTANCE OF  
13 1.35 CHAINS TO THE PLACE OF BEGINNING.

14 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
15 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
16 in the manner provided by law;

17 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
18 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
19 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.  
20 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

21 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
22 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
23 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
24 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
25 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
26 by sale of the Subject Property as directed under this Judgment;

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1           5.       Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
2 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
3 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
4 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
5 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

6           6.       Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
7 sale of the Subject Property as directed under this Judgment.

8           7.       The Sheriff shall make a return on the writ of execution to the court administrator  
9 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
10 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
11 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
12 parties as may establish their right thereto. The Defendants and all persons claiming through or  
13 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
14 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
15 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
16 every part of the Subject Property when the time for redemption has elapsed;

17           8.       Plaintiff or any other party to this action may become a purchaser at the  
18 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
19 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
20 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
21 subject property if Defendants or any other party or person refuses to surrender possession;

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DECLARATION OF AMOUNT DUE BY DEFAULT

(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$155,585.90
2. Simple interest at the variable rate currently at 4.375% (\$17.49 *per diem*) from October 1, 2017 through the date of sale.
3. Attorney fees of \$2,340.00, plus \$260.00 through the date of sale.
4. Costs of \$1,650.00, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

**IT IS SO ADJUDGED**

Signed: 10/27/2017 03:57 PM



**Circuit Court Judge David Leith**

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1.  Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2.  Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

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- 3.  I have served a copy of this Order or Judgment on all parties entitled to service and:
  - a.  No objections have been served on me within that time frame;
  - b.  I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
  - c.  After conferring about objections, **[Opposing Party]** agreed to independently file any remaining objection with the Court.
- 4.  The relief sought is against an opposing party who has been found in default.
- 5.  An order of default is being requested with this proposed judgment.
- 6.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7.  This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:  
ALDRIDGE PITE, LLP



Date: 10/24/2017

Katie L. Riggs OSB No. 095861  
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111 SW Columbia Street, Suite 950  
Portland, OR 97201

Of Attorneys for Plaintiff

