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4 JEFFERSON COUNTY CLERK
JEFFERSON COUNTY, OREGON

5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
6 FOR THE COUNTY OF JEFFERSON

7 JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

8 Plaintiff,

9 v.

10 THE ESTATE OF JOANN DACUS; THE
11 UNKNOWN HEIRS, DEVISEES, AND
12 ASSIGNEES OF JOANN DACUS; DENISE
13 DACUS; NATALIE DACUS; SCOTT
14 DACUS; STATE OF OREGON,
15 DEPARTMENT OF HUMAN RESOURCES,
ESTATE ADMINISTRATION UNIT; AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 709
MOUNTAIN RIDGE RD, CULVER,
OREGON 97734,

Defendant.

Case No. 16CV39744

WRIT OF EXECUTION

16 TO THE JEFFERSON COUNTY SHERIFF:

17 On September 12, 2017, a General Judgment of Foreclosure and Declaration of Amount
18 Due by Default was entered by the Jefferson County Circuit Court, foreclosing Plaintiff's Deed
19 of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid
20 debt due to Plaintiff.

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

24 The real property to be sold at public auction is commonly known as 709 Mountain
25 Ridge Rd, Culver, Oregon 97734 ("Subject Property"), and legally described as:
26

1 LOT 26, CULVER RIDGE THIRD ADDITION, PHASE 2, JEFFERSON COUNTY,
2 OREGON.

3 The total amount due and owing on the Judgment as of October 27, 2017;

4 Judgment:	Principal	\$78,200.00
5 Pre-Judgment:	Interest(5.500%, \$8.80/day)	\$378.40 (8/1/17 through 9/12/17)
6	Attorney Fees	\$2,195.00
7	Costs	\$3,256.87
8	Prevailing Party Fee	\$300.00
9 Post-Judgment:	Interest(5.500%, \$8.80/day)	\$396.00 (9/13/17 through 10/27/17)
10	Attorney Fees	\$205.00

11 **TOTAL: \$78,208.80**

12 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
13 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
14 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
15 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
16 holder of the certificate of sale.


Signed: 10/30/2017 10:16 AM

17
18 

19 Amy Bonkosky, Trial Court Administrator



20 Presented by:
21 ALDRIDGE PITE, LLP

22 
23 X
24 Katie L. Riggs, OSB # 095861
25 (858) 750-7600
(503) 222-2260 (Facsimile)
kriggs@aldridgepite.com


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Page 2 – WRIT OF EXECUTION

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

CERTIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 15 DAY OF Nov., 20 17
CIRCUIT COURT
JEFFERSON COUNTY,
STATE OF OREGON



BY: *Jessica M. Robinson*
JESSICA M. ROBINSON COURT CLERK

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

THE ESTATE OF JOANN DACUS; THE
UNKNOWN HEIRS, DEVISEES, AND
ASSIGNEES OF JOANN DACUS; DENISE
DACUS; NATALIE DACUS; SCOTT
DACUS; STATE OF OREGON,
DEPARTMENT OF HUMAN RESOURCES,
ESTATE ADMINISTRATION UNIT; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 709
MOUNTAIN RIDGE RD, CULVER,
OREGON 97734,

Defendants.

Case No. 16CV39744

**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 THE ESTATE OF JOANN DACUS; THE UNKNOWN HEIRS, DEVISEES, AND ASSIGNEES OF JOANN DACUS; DENISE DACUS; NATALIE DACUS; SCOTT DACUS; STATE OF OREGON, DEPARTMENT OF HUMAN RESOURCES, ESTATE ADMINISTRATION UNIT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 709 MOUNTAIN RIDGE RD, CULVER, OREGON 97734, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff JPMORGAN CHASE

1 BANK, NATIONAL ASSOCIATION ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 709 Mountain Ridge Rd,
4 Culver, Oregon 97734 ("Subject Property"), as evidenced by the Deed of Trust recorded May 4,
5 2010 in the official records of Jefferson County as instrument number 2010-001577 ("Deed of
6 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
7 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
8 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

9 LOT 26, CULVER RIDGE THIRD ADDITION, PHASE 2, JEFFERSON COUNTY,
10 OREGON.

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

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

18 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
19 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
20 68(C), which amount may be added to the outstanding obligation due and owing under the Note
21 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
22 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
23 by sale of the Subject Property as directed under this Judgment;

24 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
25 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
26 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant

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

1 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
2 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

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

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

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

1 **DECLARATION OF AMOUNT DUE BY DEFAULT**
2 **(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT**
3 **CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)**

- 4 1. The amount of the judgment is \$71,477.53.
5 2. Simple interest at the variable rate currently at 5.500% (\$8.80 *per diem*) after
6 7/31/2017, through the date of sale.
7 3. Attorney fees of \$2,195.00, plus \$205.00, through the date of sale.
8 4. Costs of \$3,256.87, plus costs accrued through the date of sale.
9 5. Prevailing party fec: \$300.00.

10 **IT IS SO ADJUDGED**

Signed: 9/8/2017 01:35 PM

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13 _____
14 **Circuit Court Judge, Daniel J. Ahern**

15 **CERTIFICATE OF READINESS**

16
17 This proposed Order or Judgment is ready for judicial signature because:

- 18 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
19 or Judgment, as shown by each opposing party's signature on the document being
20 submitted.
21 2. Each opposing party affected by this Order or Judgment has approved the Order or
22 Judgment, as shown by signature on the document being submitted or by written
23 confirmation of approval sent to me.
24 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
25 a. No objections have been served on me within that time frame;
26 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;

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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: 9/7/17

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kriggs@aldridgepite.com

111 SW Columbia Street, Suite 950
Portland, OR 97201

Of Attorneys for Plaintiff