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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. 16CV16426

Plaintiff,

WRIT OF EXECUTION

vs.

JAKE L. ARNOLD; PARTIES IN
POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on October 13, 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 August 2, 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:

ALL THAT PORTION OF LOT 13 OF EMPIRE TRACTS AS SHOWN UPON THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1- WRIT OF EXECUTION
S&S No. 15-115919

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 BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 AND RUNNING THENCE
2 EAST ALONG THE SOUTH LINE OF SAID LOT, 72.2 FEET TO A POINT WHICH IS THE
3 NORTHEAST CORNER OF LOT 10 OF GARDEN TRACTS, ACCORDING TO THE
4 OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF
5 KLAMATH COUNTY, OREGON; THENCE IN A NORTHEASTERLY DIRECTION IN A
6 STRAIGHT LINE TO THE SOUTHEAST CORNER OF LOT 10 OF SAID EMPIRE
7 TRACTS; THENCE WEST ALONG THE SOUTH LINE OF LOTS 10 AND 9 OF EMPIRE
8 TRACTS, 142.0 FEET; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 13 OF
9 EMPIRE TRACTS 129.3 FEET TO THE POINT OF BEGINNING.

10 and commonly known as 1514 Etna Street, Klamath Falls, OR 97603 to satisfy the sum of
11 \$118,688.46, as of October 19, 2017, together with additional post judgment interest of 9.00%
12 from that date (\$29.22 per day), and costs of this execution, making due return within 60 days
13 after you receive this writ.

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26 2- WRIT OF EXECUTION
S&S No. 15-115919

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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, 1499 SE Tech Center Place, Suite
3 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5
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10 
11

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 #87357 [ksutherland@logs.com]
18 [] Cara J. Richter #094855 [crichter@logs.com]
19 [] Holger Uhl #950143 [huhl@logs.com]*
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

26 3- WRIT OF EXECUTION
27 S&S No. 15-115919

28 *SHAPIRO & SUTHERLAND, LLC*
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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.

JAKE L. ARNOLD; PARTIES IN POSSESSION,

Defendants.

Case No. 16CV16426

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Default having been entered against Defendant, Jake L. Arnold and Defendant, Parties in
Possession, having been dismissed:

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 1514 Etna Street, Klamath Falls, OR
97603 and is legally described as follows:

//

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-115919

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1 All that portion of Lot 13 of EMPIRE TRACTS as shown upon the official plat thereof
2 on file in the office of the County Clerk of Klamath County, Oregon, more particularly
3 described as follows:

4 Beginning at the Southwest corner of Lot 13 and running thence East along the South
5 line of said Lot, 72.2 feet to a point which is the Northeast corner of Lot 10 of
6 GARDEN TRACTS, according to the official plat thereof on file in the office of the
7 County Clerk of Klamath County, Oregon; thence in a Northeasterly direction in a
8 straight line to the Southeast corner of Lot 10 of said EMPIRE TRACTS; thence West
9 along the South line of Lots 10 and 9 of EMPIRE TRACTS, 142.0 feet; thence South
10 along the West line of said Lot 13 of EMPIRE TRACTS 129.3 feet to the point of
11 beginning.

- 12
- 13 2. The Deed of Trust executed and delivered by Defendant, Jake L. Arnold, a single individual
14 ("Borrower") on or about August 2, 2011 and recorded on August 8, 2011 as Instrument No.
15 2011-009106 in the official records of Klamath County, Oregon, is a valid and perfected lien
16 against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 17 3. The Plaintiff is the holder of the original note dated August 2, 2011 and made by Jake L
18 Arnold in the amount of \$97,927.00. A copy of the Note was attached to the complaint as
19 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
20 Trust (together the "Loan").
- 21 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
22 interest in the Property is foreclosed and terminated excepting only any statutory right of
23 redemption as provided by Oregon law.

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28 2 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-115919

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- 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
26 SALE
27 S&S No. 15-115919

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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		\$92,856.73	
3	Prejudgment interest at 4.375% through			\$12,187.44
4	September 18, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$11.13 per diem)			
7	Late Charges		\$0.00	
8	Other Costs and fees (recoverable)		9,096.22	
9	Property Tax	\$3,093.91		
10	Hazard Insurance	\$3,576.07		
11	Property Inspections	\$434.00		
12	Property Preservation	\$2,440.00		
13	Escrow Credits	\$-447.76		
14		Subtotal		\$101,952.95
15	Total plus Prejudgment Interest			\$114,140.39

25

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

14	Costs			\$1,494.50
15	Title Search Cost		\$444.00	
16	Filing Fee		\$531.00	
17	Lis Pendens Recording Fee		\$47.00	
18	Service Costs		\$197.50	
19	Prevailing Party Fee		\$275.00	
20	Attorney fees			\$2,600.00
21	Total			\$4,094.50

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

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27 4 - GENERAL JUDGMENT OF FORECLOSURE AND
 28 SALE
 S&S No. 15-115919

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 ksutherland@logs.com

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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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

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7 Signed: 10/12/2017 04:02 PM

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10 **Circuit Court Judge Roxanne Osborne**
11

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15 **Certificate of Readiness under UTCR 5.100**

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

- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
18 by each party's signature on the document being submitted.
19 2. Each party affected by this order or judgment has approved the order or judgment, as shown
20 by each party's signature on the document being submitted or by written confirmation of approval
21 sent to me.
22 3. I have served a copy of this order or judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
25 have filed a copy of the objections I received and indicated which objections remain unresolved.
26 c. After conferring about objections, [role and name of objecting party] agreed to independently
27 file any remaining objection.
28

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-115919

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1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5. This is a proposed judgment that includes an award of punitive damages and notice has been
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
4 this rule.

5 6. Other: _____

6 Submitted by:
7 Attorneys for Plaintiff,
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____

10 James A. Craft #090146 [jcraft@logs.com]

11 Kelly D. Sutherland #87357 [ksutherland@logs.com]

12 Cara J. Richter #094855 [crichter@logs.com]

13 Holger Uhl #950143 [huhl@logs.com]*

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26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
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