

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JPMORGAN CHASE BANK, N.A.,
Plaintiff,

Case No. 16CV37426

v.

WRIT OF EXECUTION

CINDY L. NUTTER AKA CINDY L
MATHEWS; WASHINGTON MUTUAL
BANK, A FEDERAL ASSOCIATION;
CANDIDA L. WARD; JOEY G. HARPER;
JOEY MATHEWS; AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 29947
SPRAGUE RIVER DR., CHILOQUIN, OR
97624,

Defendant.

TO THE KLAMATH COUNTY SHERIFF:

On October 27, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Klamath 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, N.A. 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 29947 Sprague River Dr., Chiloquin, OR 97624 ("Subject Property"), and legally described as:

A TRACT OF LAND SITUATED IN THE S1/2 OF THE NE1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN,

1 KLAMATH COUNTY, OREGON, AS FOLLOWS: BEGINNING AT A POINT ON THE
2 EAST RIGHT OF WAY LINE OF A PUBLIC ROAD, SAID POINT BEING NORTH 89° 48'
3 10" EAST A DISTANCE OF 60.00 FEET AND SOUTH 00° 16' 52" WEST A DISTANCE OF
4 362.50 FEET FROM THE NORTHWEST CORNER OF THE SW1/4 NE1/4 OF SAID
5 SECTION 34; THENCE SOUTH 00° 16' 52" WEST ALONG THE EAST RIGHT OF WAY
6 LINE OF SAID ROAD A DISTANCE OF 362.50 FEET; THENCE EAST A DISTANCE OF
7 601.78 FEET; THENCE NORTH A DISTANCE OF 362.50 FEET; THENCE WEST A
8 DISTANCE OF 600.00 FEET, MORE OR LESS, TO A POINT OF BEGINNING.

9 EXCEPTING THEREFROM A TRACT OF LAND SITUATED IN THE SW1/4
10 OF THE NE1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 10 EAST OF THE
11 WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AS FOLLOWS:

12 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF A PUBLIC
13 ROAD, SAID POINT BEING NORTH 89° 48' 10" EAST A DISTANCE OF 60.00 FEET AND
14 SOUTH 00° 16' 52" WEST A DISTANCE OF 543.75 FEET FROM THE NORTHWEST
15 CORNER OF THE SW1/4 NE1/4 OF SAID SECTION 34; THENCE SOUTH 00° 16' 52"
16 WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID ROAD A DISTANCE OF
17 181.25 FEET, THENCE EAST A DISTANCE OF 601.78 FEET; THENCE NORTH A
18 DISTANCE OF 181.25 FEET; THENCE WEST A DISTANCE OF 600.00 FEET, MORE OR
19 LESS, TO THE POINT OF BEGINNING. A DISTANCE OF 600.00 FEET, MORE OR LESS,
20 TO THE POINT OF BEGINNING.

21 The total amount due and owing on the Judgment as of December 5, 2017;

22	Judgment:	Principal	\$36,870.09
23	Pre-Judgment:	Interest(6.275%, \$0.99/day)	\$25.74 (10/2/17 through 10/27/17)
24		Attorney Fees	\$3,745.00
25		Costs	\$1,925.44
26			

1 Prevailing Party Fee \$300.00
2 Post-Judgment: Interest(6.275%, \$0.99/day) \$38.61 (10/28/17 through 12/5/17)
3 Attorney Fees \$305.00

4 **TOTAL: \$43,236.88**

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

10 DATED December 6, 2017.

11 John M Powell
12 COURT ADMINISTRATOR FOR
13 KLAMATH COUNTY CIRCUIT COURT

14 By: Deb [Signature]
15 Deputy

16 Presented by:
17 ALDRIDGE PITE, LLP

18 Katie Riggs

19 X
Katie Riggs OSB #095861
20 Tel: (858) 750-7600
21 Fax: (503) 222-2260
22 kriggs@aldridgepite.com
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JPMORGAN CHASE BANK, N.A.,
Plaintiff,

v.

CINDY L. NUTTER aka CINDY L
MATHEWS; WASHINGTON MUTUAL
BANK, A FEDERAL ASSOCIATION;
CANDIDA L. WARD; JOEY G. HARPER;
JOEY MATHEWS; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 29947
SPRAGUE RIVER DR., CHILOQUIN, OR
97624,
Defendant.

Case No. 16CV37426

**GENERAL JUDGMENT OF
FORECLOSURE, DECLARATORY
RELIEF, 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 Cindy L. Nutter aka Cindy L Mathews; Washington Mutual Bank, a Federal Association; Candida L. Ward; Joey G. Harper; Joey Mathews; and All Other Persons or Parties Unknown claiming any Right, Title, Lien, or Interest in The Real Property Commonly Known as 29947 Sprague River Dr., Chiloquin, OR 97624, 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, N.A. ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 29947 Sprague River Dr., Chiloquin, OR 97624 ("Subject Property"), as evidenced by the Deed of Trust recorded January 28, 2004 in the official records of Klamath County as instrument number Vol M04, Pg 5288 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the

Page 1 – GENERAL JUDGMENT OF FORECLOSURE, DECLARATORY RELIEF, AND DECLARATION OF AMOUNT DUE BY DEFAULT

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.

3 2. The Deed of Trust is reformed to accurately describe the security interest intended
4 by both parties. The Subject Property is legally described as follows:

5 A TRACT OF LAND SITUATED IN THE S1/2 OF THE NE1/4 OF SECTION 34,
6 TOWNSHIP 35 SOUTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN,
7 KLAMATH COUNTY, OREGON, AS FOLLOWS: BEGINNING AT A POINT ON THE
8 EAST RIGHT OF WAY LINE OF A PUBLIC ROAD, SAID POINT BEING NORTH 89° 48'
9 10" EAST A DISTANCE OF 60.00 FEET AND SOUTH 00° 16' 52" WEST A DISTANCE OF
10 362.50 FEET FROM THE NORTHWEST CORNER OF THE SW1/4 NE1/4 OF SAID
11 SECTION 34; THENCE SOUTH 00° 16' 52" WEST ALONG THE EAST RIGHT OF WAY
12 LINE OF SAID ROAD A DISTANCE OF 362.50 FEET; THENCE EAST A DISTANCE OF
13 601.78 FEET; THENCE NORTH A DISTANCE OF 362.50 FEET; THENCE WEST A
14 DISTANCE OF 600.00 FEET, MORE OR LESS, TO A POINT OF BEGINNING.

15 EXCEPTING THEREFROM A TRACT OF LAND SITUATED IN THE SW1/4 OF
16 THE NE1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 10 EAST OF THE
17 WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AS FOLLOWS:

18 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF A PUBLIC
19 ROAD, SAID POINT BEING NORTH 89° 48' 10" EAST A DISTANCE OF 60.00 FEET AND
20 SOUTH 00° 16' 52" WEST A DISTANCE OF 543.75 FEET FROM THE NORTHWEST
21 CORNER OF THE SW1/4 NE1/4 OF SAID SECTION 34; THENCE SOUTH 00° 16' 52"
22 WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID ROAD A DISTANCE OF
23 181.25 FEET, THENCE EAST A DISTANCE OF 601.78 FEET; THENCE NORTH A
24 DISTANCE OF 181.25 FEET; THENCE WEST A DISTANCE OF 600.00 FEET, MORE OR
25 LESS, TO THE POINT OF BEGINNING.

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

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

8 5. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
9 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
10 68(C), which amount may be added to the outstanding obligation due and owing under the Note
11 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
12 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
13 by sale of the Subject Property as directed under this Judgment;

14 6. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
15 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
16 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
17 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
18 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

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

21 8. The Sheriff shall make a return on the writ of execution to the court administrator
22 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
23 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
24 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
25 parties as may establish their right thereto. The Defendants and all persons claiming through or

26 Page 3 – GENERAL JUDGMENT OF FORECLOSURE, DECLARATORY RELIEF, AND DECLARATION OF
AMOUNT DUE BY DEFAULT

1 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
2 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
3 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
4 every part of the Subject Property when the time for redemption has elapsed;

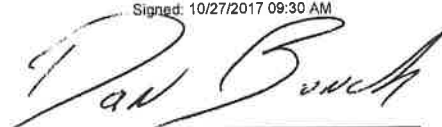
5 9. Plaintiff or any other party to this action may become a purchaser at the
6 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
7 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
8 successor in interest may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

10 DECLARATION OF AMOUNT DUE BY DEFAULT

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

- 13 1. The amount of the judgment is \$36,870.09
14 2. Simple interest at the variable rate currently at 6.275% (\$0.99 *per diem*) from
15 October 1, 2017, through the date of sale.
16 3. Attorney fees of \$3,745.00, plus \$305.00 through the date of sale.
17 4. Costs \$1,9525.44, plus costs accrued through the date of sale.
18 5. Prevailing party fee: \$300.00.

19 **IT IS SO ADJUDGED**

20
21
22
23 Signed: 10/27/2017 09:30 AM

24
25 **Circuit Court Judge Dan Bunch**

26 Page 4 – GENERAL JUDGMENT OF FORECLOSURE, DECLARATORY RELIEF, AND DECLARATION OF
AMOUNT DUE BY DEFAULT

1
2
3 **CERTIFICATE OF READINESS**

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

- 5 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
6 or Judgment, as shown by each opposing party's signature on the document being
7 submitted.
- 8 2. Each opposing party affected by this Order or Judgment has approved the Order or
9 Judgment, as shown by signature on the document being submitted or by written
10 confirmation of approval sent to me.
- 11 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
12 a. No objections have been served on me within that time frame;
13 b. I received objections that I could not resolve with the opposing party despite
14 reasonable efforts to do so. I have filed with the Court a copy of the objections I
15 received and indicated which objections remain unresolved;
16 c. After conferring about objections, **[Opposing Party]** agreed to independently
17 file any remaining objection with the Court.
- 18 4. The relief sought is against an opposing party who has been found in default.
- 19 5. An order of default is being requested with this proposed judgment.
- 20 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
21 otherwise.
- 22 7. This is a proposed judgment that includes an award of punitive damages and notice
23 has been served on the Director of the Crime Victims' Assistance Section as required by
24 subsection (4) of this rule.

25 Presented By:
26 ALDRIDGE PITE, LLP



Date: 10/19/2017

Katie I
(858) 750-7600 (503) 222-2260
kriggs@aldridgepite.com
111 SW Columbia Street, Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff

Page 5 – GENERAL JUDGMENT OF FORECLOSURE, DECLARATORY RELIEF, AND DECLARATION OF AMOUNT DUE BY DEFAULT

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