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LINN COUNTY
SHERIFF'S OFFICE

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

JPMORGAN CHASE BANK, N.A.,

Case No.: 16CV35979

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

CARRIE BETH OLESON AKA CARRIE B.
OLESON; OREGON AFFORDABLE
HOUSING ASSISTANCE CORPORATION;
OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE LINN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 24, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

JPMORGAN CHASE BANK, N.A.
c/o Robert Hakari
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$57,501.05, plus post judgment interest at the statutory rate
2 of 9.0% per annum from November 24, 2017 to December 26, 2017 in the amount of \$453.71,
3 and continuing with a per diem of \$14.18, currently totaling \$57,945.76.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
7 about June 19, 2002, the date of the Deed of Trust, and also the interest that the Defendant had
8 thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel #142394,
9 and commonly known as: 1317 Takena SW, Albany, OR 97321.

10 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
11 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
12 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
13 You are to make the return within 60 days after you receive this Writ. Should the sale be
14 continued, the writ may be automatically extended for 30 days.

Signed: 12/20/2017 09:26 AM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

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19 Dated: December 18, 2017 and submitted by:

20 **McCarthy & Holthus, LLP**

21 s/ Brady Godbout

22 Robert Hakari OSB No. 114082

23 Brady Godbout, OSB No. 132708

24 920 SW 3rd Ave, 1st Floor

25 Portland, OR 97204

26 Phone: (971) 201-3200

27 Fax: (971) 201-3202

28 rhakari@mccarthyholthus.com

Of Attorneys for Plaintiff



EXHIBIT 1

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE STATE OF OREGON AND COUNTY OF LINN FREE OF ENCUMBRANCES, EXCEPT AS SPECIFICALLY SET FORTH HEREIN: BEGINNING AT A 1/2 INCH IRON ROD ON THE EAST LINE OF AND NORTHERLY 25.0 FEET FROM THE SOUTHEAST CORNER OF LOT 3, BLOCK 2, LIMMONT ADDITION TO ALBANY, LINN COUNTY, OREGON, AND THENCE WESTERLY PARALLEL TO THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 102.69 FEET TO A 1/2 INCH IRON ROD ON THE WEST LINE OF SAID LOT 3 THENCE SOUTHERLY, ALONG THE WEST LINES OF LOTS 3 AND 6, A DISTANCE OF 75.675 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE EASTERLY 113.22 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTHERLY ALONG THE EAST LINES OF LOTS 6 AND 3, A DISTANCE OF 75.0 FEET TO THE POINT OF BEGINNING.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

CARRIE BETH OLESON AKA CARRIE B.
OLESON; OREGON AFFORDABLE
HOUSING ASSISTANCE
CORPORATION; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV35979

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. All Defendants were duly served with process and failed to appear; the default has been entered against Defendants, and it appearing that Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Linn County, Oregon, and is commonly known as 1317 Takena SW, Albany, OR 97321 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 142394.
- b. Plaintiff is entitled to enforce the note dated June 19, 2002 and made, delivered, and executed by Carrie Beth Oleson ("Borrower") to Washington Mutual Bank in the amount of \$72,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and

1 by indorsement set forth on the Note.

2 c. A deed of trust was made, executed, and delivered by Borrower on or about June 19, 2002
3 (the "Deed of Trust"). The Deed of Trust was recorded on June 24, 2002 as Volume No.
4 1305 Page 167-173 in the official records of Linn County, Oregon. The Deed of Trust is a
5 valid and perfected lien against all of the Property for and securing the Amount Due. The
6 lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
7 remain in effect until issuance of a Sheriff's Deed.

8 d. Borrower failed to make the payment that was due for June 24, 2015 and has not cured the
9 default. The amount of debt secured by the Deed of Trust that is now due and owing is
10 comprised of the following amounts (the "Amount Due"):

11	a) Unpaid principal balance:	\$35,742.57
12	b) Prejudgment interest accruing from	\$5,263.69
13	5/24/2015 through 11/22/2017 and	
14	until the entry of judgment at the	
	current Note rate of 6.59%:	
15	c) Additional amounts due under the	\$11,806.42
	terms of the loan:	
16	d) Attorney fees and costs:	\$4,603.37
17	e) Prevailing party fee (ORS 20.190	\$85.00
18	(1)(a)):	
19	Total:	\$57,501.05

20 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
21 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
22 per annum.

23 e. The interest of the Defendants and any successor in interest in the Subject Property is
24 foreclosed and terminated excepting only any statutory right of redemption as provided by
25 Oregon law.

26 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

27 g. All right, title and interest in the Subject Property that Defendant Carrie Beth Oleson had as
28

1 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
2 Linn County Sheriff's Office in accordance with the process for sale upon execution, and the
3 proceeds of sale shall be applied:

- 4 1) First, to the costs of sale not incurred by Plaintiff;
- 5 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
6 entry of judgment through the date of the sale and any incurred costs of sale;
- 7 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
8 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
9 such party or parties as they may establish their right thereto.

10 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
11 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
12 the date of entry of judgment through the date of the sale and any incurred costs of sale.

13 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
14 Property from and after the date of the sale and is entitled to such remedies as are available at
15 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
16 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
17 possession to the purchaser immediately upon the purchaser's demand for possession.

18 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
19 entitled to any further or other judgment, including a judgment for the deficiency.

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1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 11/24/2017 08:41 AM

8 

10 **Circuit Court Judge, Thomas A. McHill**

11 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

12 This proposed Judgment Of Foreclosure is ready for judicial signature because:

13 Each opposing party affected by this order or judgment has stipulated to the order or
14 judgment, as shown by each opposing party's signature on the document being
submitted.

15 Each opposing party affected by this order or judgment has approved the order or
16 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

17 I have served a copy of this order or judgment on all parties entitled to service and:

18 No objection has been served on me.

19 I received objections that I could not resolve with the opposing party despite
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

20 After conferring about objections, _____ agreed to independently file
any remaining objection.

21 The relief sought is against an opposing party who has been found in default.

22 An order of default is being requested with this proposed judgment.

23 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
24 otherwise.

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

27 Other: _____

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McCarthy & Holthus, LLP

s/ Robert B. Hakari 11/22/2017

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Portland, OR 97204
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Fax: (971) 201-3202
rhakari@mccarthyholthus.com
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