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

JPMORGAN CHASE BANK, N.A.,

Case No.: 16CV42028

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

CHARLES G. WOODS; KATHLEEN K.
WOODS AKA KATHLEEN KELLY
WOODS; OCCUPANTS OF THE
PROPERTY,

Defendants.

TO THE LINCOLN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 5, 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

With the adjudicated amount due of \$71,666.32, plus post judgment interest at the statutory rate of 9.0% per annum from December 5, 2017 to January 16, 2018 in the amount of \$742.19, and continuing with a per diem of \$17.67, currently totaling \$72,408.51.

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 on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about January 17, 2003, the date of the Deed of Trust, and also the interest that the Defendant

1 had thereafter, in the real property described as shown in Exhibit 1, having APN/Parcel #
2 R169659; M21813, and commonly known as: 123 NW Willow Ct, Siletz, OR 97380.

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



Signed: 1/11/2018 11:32 AM

A handwritten signature in black ink, appearing to read "St. Zalewski".

Circuit Court Clerk Steven Zalewski

11 **McCarthy & Holthus, LLP**

12 s/ Robert B. Hakari 1/9/18

13 Robert Hakari OSB No. 114082
14 920 SW 3rd Ave, 1st Floor
15 Portland, OR 97204
16 Phone: (971) 201-3200
17 Fax: (971) 201-3202
18 rhakari@mccarthyholthus.com
19 Of Attorneys for Plaintiff

EXHIBIT 1

Lot 2, STROME ADDITION, in the City of Siletz, County of Lincoln and State of Oregon.

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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

CHARLES G. WOODS; KATHLEEN K.
WOODS AKA KATHLEEN KELLY
WOODS; OCCUPANTS OF THE
PROPERTY;

Defendants.

Case No.: 16CV42028

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 Defaulted Defendants, and it appearing that Defaulted 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 Lincoln County, Oregon, and is commonly known as 123 NW Willow Ct, Siletz, OR 97380 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R169659, M21813.
- b. Plaintiff is entitled to enforce the note dated January 17, 2003 and made, delivered, and executed by Charles Woods to Washington Mutual Bank in the amount of \$60,000.00 (the

1 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement
2 set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Charles G. Woods on or about January
4 17, 2003 (the "Deed of Trust"). The Deed of Trust was recorded on January 23, 2003 as
5 Instrument No. 200301001 in the official records of Lincoln County, Oregon. The Deed of
6 Trust is a valid and perfected lien against all of the Property for and securing the Amount
7 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
8 shall remain in effect until issuance of a Sheriff's Deed.

9 d. Charles G. Woods failed to make the payment that was due for January 1, 2014 and has not
10 cured the default. The amount of debt secured by the Deed of Trust that is now due and
11 owing is comprised of the following amounts (the "Amount Due"):

12	a) Unpaid principal balance:	\$59,243.68
13	b) Prejudgment interest accruing from	\$8,348.14
14	12/1/13 through 12/4/17 and	
15	continuing until the entry of	
	judgment at the rate of 4% per	
	annum:	
16	c) Attorney fees and costs:	\$3,989.50
17	d) Prevailing party fee (ORS 20.190	\$85.00
18	(1)(a)):	
19	Total:	\$71,666.32

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 Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
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1 g. All right, title and interest in the Subject Property that Defendant Charles G. Woods had as of
2 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
3 Lincoln County Sheriff's Office in accordance with the process for sale upon execution, and
4 the proceeds of sale shall be applied:

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

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

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

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

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

24 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
25 Deed of Trust are as follows:

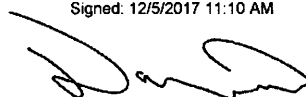
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1) Defendant KATHLEEN K. WOODS AKA KATHLEEN KELLY WOODS may claim an interest in Subject Property by virtue of a Quitclaim Deed recorded March 21, 1997 as Book 334, Page 783.

2) Defendant KATHLEEN K. WOODS AKA KATHLEEN KELLY WOODS may claim an interest in Subject Property by virtue of a judgment entered on November 3, 2010 in the Circuit Court of Lincoln County, Case No. 104074.

Signed: 12/5/2017 11:10 AM



Circuit Court Judge David V. Cramer

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

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

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.

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.

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

No objection has been served on me.

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.

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

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

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

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

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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.

Other: _____

McCarthy & Holthus, LLP

s/ Robert B. Hakari 12/4/17

Robert Hakari OSB No. 114082
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
rhakari@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Lot 2, STROME ADDITION, in the City of Siletz, County of Lincoln and State of Oregon.