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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

ADESINA O. ADENIJI; STATE OF OREGON; UNITED STATES OF AMERICA; LVNV FUNDING LLC; UNIFUND CCR PARTNERS; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV36048

WRIT OF EXECUTION IN FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on December 11, 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 \$418,891.58, plus post judgment interest at the statutory rate of 9.0% per annum from December 11, 2017 to January 22, 2018 in the amount of \$4,338.11, and continuing with a per diem of \$103.29, currently totaling \$423,229.69.

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

1 about October 29, 2001, the date of the Deed of Trust, and also the interest that the Defendant
2 had thereafter, in the real property described as shown in Exhibit 1, having APN/Parcel #
3 1294493, and commonly known as: 2185 W 29th Ave, Eugene, OR 97405.

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

9
10 *January 16, 2018*

11 *By: [Signature]*
12 *Court Clerk*

13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 1/15/18
15 Robert Hakari OSB No. 114082
16 920 SW 3rd Ave, 1st Floor
17 Portland, OR 97204
18 Phone: (971) 201-3200
19 Fax: (971) 201-3202
20 rhakari@mccarthyholthus.com
21 Of Attorneys for Plaintiff
22
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EXHIBIT 1

Lot 29, EXCEPT THEREFROM the Southeasterly 5.29 feet as measured at right angles to the Southeast line of said Lot 29, Block 2, SECOND ADDITION TO MONTA VISTA PARK, as platted and recorded in Book 48, Page 18, Lane County Oregon Plat Records, in Lane County, Oregon.

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

JPMORGAN CHASE BANK, N.A.,

Case No.: 16CV36048

Plaintiff,

vs.

GENERAL JUDGMENT OF
FORECLOSURE

ADESINI O. ADENIJI; STATE OF
OREGON; UNITED STATES OF
AMERICA; LVNV FUNDING LLC;
UNIFUND CCR PARTNERS;
OCCUPANTS OF THE PROPERTY;

Defendants.

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 Lane County, Oregon, and is commonly known as 2185 W 29th Ave, Eugene, OR 97405 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1294493.
- b. Plaintiff is entitled to enforce the note dated October 29, 2001 and made, delivered, and executed by Adesina O. Adeniji ("Borrower") to Washington Mutual Bank in the amount of

1 \$360,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
2 and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrower on or about October 29,
4 2001 (the "Deed of Trust"). The Deed of Trust was recorded on October 31, 2001 as
5 Instrument No. 2001-072826 in the official records of Lane 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. The Borrower failed to make the payment that was due for January 1, 2012 and has not cured
10 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
11 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 12 | a) Unpaid principal balance: | \$235,057.02 |
| 13 | b) Prejudgment interest accruing from | \$74,696.64 |
| 14 | 12/1/11 through 11/29/2017 and | |
| 15 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 6.74% | |
| 16 | c) Additional amounts due under the | \$104,783.92 |
| 17 | terms of the loan: | |
| 18 | d) Attorney fees and costs: | \$4,354.00 |
| 19 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| 20 | (1)(a)): | |
| 21 | Total: | \$418,891.58 |

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

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

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- 1 f. Pursuant to 28 U.S.C. § 2410(c), because the United States' lien arises under the Internal
- 2 Revenue Code, the United States has a 120 day redemption right.
- 3 g. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 4 h. All right, title and interest in the Subject Property that Borrower had as of the date of the
- 5 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane County
- 6 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
- 7 sale shall be applied:
 - 8 1) First, to the costs of sale not incurred by Plaintiff;
 - 9 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
 - 10 entry of judgment through the date of the sale and any incurred costs of sale;
 - 11 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
 - 12 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
 - 13 such party or parties as they may establish their right thereto.
- 14 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
- 15 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
- 16 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 17 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
- 18 Property from and after the date of the sale and is entitled to such remedies as are available at
- 19 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
- 20 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
- 21 possession to the purchaser immediately upon the purchaser's demand for possession.
- 22 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
- 23 entitled to any further or other judgment, including a judgment for the deficiency.
- 24 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
- 25 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
- 26 terminated.

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1 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

3 1) Defendant STATE OF OREGON acting through the department of Employment may
4 claim an interest in Subject Property by virtue of a Tax lien recorded 04/19/2005 as
5 Instrument No. 2005-027594 in the official records in this county in the amount of
6 \$489.18.

7 2) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
8 Property by virtue of a federal tax lien, notice of which was filed as follows:
9 Notice of federal tax lien in the amount of \$31,353.57, filed 06/12/2007,
10 Office of County Record, Lane County, Instrument Number 2007-039645
11 wherein ADESINI O. ADENIJI is named as taxpayer. The notice was filed
12 by the Internal Revenue Service and bears serial number 369311607.

13 3) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
14 Property by virtue of a federal tax lien, notice of which was filed as follows:
15 Notice of federal tax lien in the amount of \$100,171.88, filed 06/12/2007,
16 Office of County Record, Lane County, Instrument Number 2007-039646
17 wherein ADESINI O. ADENIJI is named as taxpayer. The notice was filed
18 by the Internal Revenue Service and bears serial number 367915307.

19 4) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
20 Property by virtue of a federal tax lien, notice of which was filed as follows:
21 Notice of federal tax lien in the amount of \$362,740.84, filed 09/17/2007,
22 Office of County Record, Lane County, Instrument Number 2007-064701
23 wherein ADESINI O. ADENIJI is named as taxpayer. The notice was filed
24 by the Internal Revenue Service and bears serial number 270702497.


25 5) Defendant UNITED STATES OF AMERICA may claim an interest in the Subject
26 Property by virtue of a federal tax lien, notice of which was filed as follows:
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Notice of federal tax lien in the amount of \$8,237.07, filed 12/24/2007, Office of County Record, Lane County, Instrument Number 2007-084193 wherein ADESINI O. ADENIJI is named as taxpayer. The notice was filed by the Internal Revenue Service and bears serial number 409959807.

- 6) Defendant LVNV FUNDING LLC may claim an interest in Subject Property by virtue of a judgment entered on 02/28/2008 in the Circuit Court of Lane County, Case No. 160723421, in the amount of \$32,233.22.
- 7) Defendant UNIFUND CCR PARTNERS may claim an interest in Subject Property by virtue of a judgment entered on 07/30/2010 in the Circuit Court of Lane County, Case No. 120515633, in the amount of \$970.00.

Signed 12/8/2017 02:47 PM



Charles D. Carlson, Circuit Court Judge

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.

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- 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.
- 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 11/29/2017
_ John Thomas OSB No. 024691
x 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 29, EXCEPT THEREFROM the Southeasterly 5.29 feet as measured at right angles to the Southeast line of said Lot 29, Block 2, SECOND ADDITION TO MONTA VISTA PARK, as platted and recorded in Book 48, Page 18, Lane County Oregon Plat Records, in Lane County, Oregon.