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JEFFERSON COUNTY SHERIFF'S OFFICE
MADRAS, OR 97741

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF JEFFERSON

PENNYMAC LOAN SERVICES, LLC, its
successors in interest and/or assigns,

Plaintiff,

v.

CHASE O. BURKHART; AND OCCUPANTS
OF THE PREMISES,

Defendants.

Case No.16CV41641

WRIT OF EXECUTION IN
FORECLOSURE

TO: THE SHERIFF OF JEFFERSON COUNTY, OREGON

1.

WHEREAS, on May 26, 2017, in the above-entitled court, a General Judgment of
Foreclosure (the "Judgment") was entered and docketed in the above-entitled cause.

2.

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 October 28, 2013, the
date of the foreclosed Deed of Trust, and also all of the interest which the defendants had
thereafter, in the real property described in the Judgment to satisfy the amount due to Plaintiff,

1 set out as follows:

2 **Lenders' Principal Judgment**

3 Unpaid Principal Balance	\$84,615.46	
4 Pre-Judgment Interest from February 1, 2016 to March 4, 2017, the date calculated by the declarant in the declaration of indebtedness @ 4.750% per annum.	\$4,387.25	
5 Lenders' Fees and Costs	\$2,328.22	
6 Attorneys' Fees and Costs	\$4,081.00*	
*This number is incorrectly stated on the general judgment		
7 <i>Total Amount Due to Plaintiff as of Judgment Submission Date</i>		\$95,411.93

8 **Additional Pre-Judgment Interest**

9 Accrued Interest from March 5, 2017 through May 26, 2017, the date of entry of the general judgment @ 10 4.750% per annum (\$11.01 per diem).	\$913.83	
11 <i>Total Amount Due to Plaintiff as of Judgment Entry Date</i>		\$96,325.76

12 **Post Judgment Interest**

13 Accrued Post Judgment Interest from May 27, 2017, 14 the date after the entry of the general judgment, through September 7, 2017, the date the Writ was 15 requested @ legal rate of interest of 9.000% per annum (\$24.00 per diem).	\$2,446.25	
16 <i>Total Amount Due to Plaintiff as of Date of Writ</i>		\$98,772.01

17 3.

18
19 In addition to this amount, Plaintiff is entitled to the continued accrual of post-judgment
20 interest at the legal rate of interest of 9.000% per annum, \$24.00 per diem from September 8,
21 2017, to the date the real property subject to the Judgment is sold by the Jefferson County Sheriff
22 at its foreclosure auction, plus costs of this writ, sheriff's fees and sale costs, and all other
23 recoverable costs pursuant to law.

24 4.

25 The real property subject to this writ of execution is situated in Jefferson County, State of
26

1 Oregon, to wit:

2 PARCEL 2, OF PARTITION PLAT 2004-03, LOCATED IN THE NE ¼ OF THE
3 NW ¼ OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 13 EAST OF THE
4 WILLAMETTE MERIDIAN, JEFFERSON COUNTY, OREGON.

5 and more commonly known as 451 Southeast C Street, Madras, Oregon 97741 ("Property").

6 5.

7 The Judgment Creditor's name and address is:

8 PennyMac Loan Services, LLC
9 3043 Townsgate Road #200
10 Westlake Village, CA 91361

11 6.

12 The Judgment Creditor's name and address for the purpose of this Writ is:

13 PennyMac Loan Services, LLC
14 c/o RCO Legal, P.C.
15 511 SW 10th Ave., Ste. 400
16 Portland, OR 97205
17 (503) 977-7840

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the above-described Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, including interest, fees and costs.

MAKE RETURN HEREOF within 60 days after you receive this writ.

This writ does not apply to a bona fide tenant who is subject to protection under the federal Protecting Tenants at Foreclosure Act.

Signed: 9/11/2017 08:39 AM



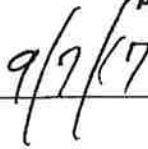
Amy Bonkosky, Trial Court Administrator



Submitted By:



Date:



Randall Szabo, OSB #115304
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 977-7840; Fax (503) 977-7963
rszabo@rcolegal.com

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF JEFFERSON

PENNYMAC LOAN SERVICES, LLC, its
successors in interest and/or assigns,

Plaintiff,

v.

CHASE O. BURKHART; AND OCCUPANTS
OF THE PREMISES,

Defendants.

Case No. 16CV41641

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

(1) CHASE O. BURKHART



BY: *John M. Robinson*
John M. Robinson
COURT CLERK

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff PennyMac Loan Services, LLC, its successors in interest and/or assigns ("Plaintiff"), filed its Complaint for deed of trust foreclosure; that defendant Chase O. Burkhardt was duly served with the Summons and Complaint as required by law; that defendant Chase O. Burkhardt; failed to appear; and that an Order of Default has been entered against Chase O. Burkhardt on Plaintiff's Complaint and, consequently this General Judgment of foreclosure is submitted in accordance with UTCR 5.100 (3)(c).

2.

Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the Court's register to accomplish the following: to foreclose any and all interest of defendant Chase O.

1 Burkhart in the real property subject to this foreclosure action, located at 451 Southeast C Street,
2 Madras, Oregon 97741 (the "Property").

3
4 3.

5 The court being fully advised in the Premise, finding good cause exists so this general judgment
6 of foreclosure and sale may be entered in favor of Plaintiff and against Chase O. Burkhart it is hereby

7 ORDERED AND ADJUDGED:

8
9 4.

10 That the Deed of Trust dated October 28, 2013, executed by Chase O. Burkhart for the benefit
11 of Mortgage Electronic Registration Systems, Inc. ("Deed of Trust"), recorded on October 29, 2013 as
12 Instrument No. 2013-3737 in the official records of Jefferson County, Oregon and subsequently
13 assigned to Plaintiff by way of an assignment recorded on December 5, 2016 as Instrument No. 2016-
14 4191, is a valid lien for the amount due and owing as set forth in Paragraph 12 herein, against the
15 Property situated in Jefferson County, Oregon, and described as follows

16 PARCEL 2, OF PARTITION PLAT 2004-03, LOCATED IN THE NE ¼ OF
17 THE NW ¼ OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 13 EAST OF
18 THE WILLAMETTE MERIDIAN, JEFFERSON COUNTY, OREGON.

19
20 5.

21 That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendant Chase
22 O. Burkhart in the Property, and that said Deed of Trust is hereby foreclosed by this Court on the
23 Property.

24
25 6.

26 That defendants Chase O. Burkhart; and Occupants of the Premises, each of them, and all
parties claiming by, through, or under them as purchasers, encumbrances, or otherwise, are forever

1 barred and foreclosed of all interests, liens, or claims in the Property, and every portion thereof,
2 excepting only the statutory right of redemption provided by the laws of the State of Oregon.

3 7.

4 That defendant Chase O. Burkhart is not entitled to a homestead exemption as against Plaintiff's
5 Deed of Trust.

6 8.

7
8 That all of the right, title and interest which Chase O. Burkhart had on October 28, 2013, the
9 date of the Deed of Trust, and all of the right, title and interest defendant Chase O. Burkhart and any
10 successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the proceeds
11 of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of
12 the amount due and owing set forth in Paragraph 12 herein; and the surplus, if any, to the Clerk of the
13 Court to be disbursed to such party or parties as may establish their right thereto.

14 9.

15
16 That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the
17 aggregate amount due and owing set forth in Paragraph 12 herein, plus interest from the date of this
18 Judgment until sale without advancing any cash except money required for the sheriff's sale.

19 10.

20
21 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the
22 right to motion the court after sale for exclusive and immediate possession of the Property through the
23 issuance and enforcement of a writ of assistance, should defendant Chase O. Burkhart refuse to
24 surrender possession of the Property immediately upon the purchaser's demand for possession.

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11.

That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$2,600.00 and its litigation costs in the amount of \$1,481.00, shall be, and is hereby declared additional amounts secured by and hereinafter shall be made part of the amount of the debt secured by Plaintiff's Deed of Trust.

DECLARATION OF DEBT SECURED BY DEED OF TRUST

(Pursuant to Senate Bill 368)

12.

Under the terms of the Deed of Trust and the promissory note dated October 28, 2013, in the principal amount of \$87,755.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

Attorneys' Fees and Costs

Attorneys' Fees		\$2,600.00
Title Report	\$405.00	
Filing Fee - Complaint	\$531.00	
Recording Fee - Lis Pendens	\$65.00	
Process Service Fees	\$380.00	
Date Down Endorsement	\$100.00	
	Total Costs	\$1,481.00
	<i>Total Attorneys' Fees and Costs</i>	\$4,080.00

Lenders' Principal and Interest

Principal Balance	\$ 84,615.46	
Accrued Interest from February 1, 2016, to March 4, 2017, the date calculated by the declarant in the declaration in support of judgment @ .0475 per annum	\$4,387.25	
	<i>Total Principal & Interest</i>	\$89,002.71

//

1 **Lenders' Fees and Costs**

2	Escrow Advance	\$1,976.03	
	Pro Rate MIP / PMI	\$137.95	
3	Accumulated Late Charges	\$73.24	
4	Recoverable Balance	\$141.00	
	Total Lenders' Fees and Costs:		\$2,328.22
5	Total Lenders' Principal, Interest, Fees, and Costs:		\$91,330.93

6 Additional pre-judgment interest pursuant to ORS
7 18.042 from March 4, 2017 to the date entry of
8 judgment at the contract rate of interest as defined by
9 Section 2 of the Note

9 Post-Judgment interest thereafter on the Total
10 Amount Due at the contract rate of interest as defined
11 by Section 2 of the note, or 9.000% per annum,
12 whichever is greater.

11 **Total Amount Due** **\$95,411.93**

15 Signed: 5/26/2017 01:29 PM

17 

18 **Circuit Court Judge, Daniel J. Ahern**

19 Presented by:

20 **RCO LEGAL, P.C.**

21 By 

DATED 5/24/17

22 Randall Szabo, OSB # 115304

23 Attorneys for Plaintiff

24 511 SW 10th Ave., Ste. 400

25 Portland, OR 97205

Telephone (503) 977-7840 Facsimile (503) 977-7963

rszabo@rcolegal.com

CERTIFICATE OF UTCR 5.100 COMPLIANCE

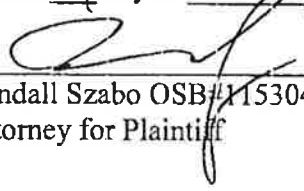
This Proposed order or judgment is ready for judicial signature because:

- A. The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.
- B. The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.
- C. The judgment or order is exempt from UTCR 5.100(1) because:
 - a. The judgment or order is a proposed order or judgment presented in open court with the parties present.
 - b. The judgment or order is of a kind that may be presented *ex parte* and has been submitted either in person or by mail *ex parte*.
 - c. The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.
 - d. The proposed judgment is subject to UTCR 10.0099
 - e. The proposed judgment or order is an uncontested probate and protective proceeding.
 - f. This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.
- D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:
 - 1. 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.
 - 2. 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.
 - 3. I have served a copy of this order or judgment on all parties entitled to service and:
 - a. No objection has been served on me.
 - b. 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.
 - c. After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.
 - 4. The relief sought is against an opposing party who has been found to be in default.

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- 5. [] An order of default is being requested with this proposed judgment.
- 6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise noted.
- 7. [] 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.

Dated this 24 day of May, 2017

By, 
Randall Szabo OSB#115304
Attorney for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF JEFFERSON

PENNYMAC LOAN SERVICES, LLC,

Case No. 16CV41641

Plaintiff,

NOTICE OF SUBSTITUTION OF
COUNSEL

vs.

CHASE O. BURKHART; AND OCCUPANTS OF
THE PREMISES,

Defendants.

PLEASE TAKE NOTICE that Plaintiff substitutes, Shapiro & Sutherland, LLC, 1499 SE
Tech Center Place, Suite 255, Vancouver, WA 98683 as attorney of record.

1 - NOTICE OF SUBSTITUTION OF COUNSEL
S&S No. 17-121992

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@lugs.com

1 All correspondence, documents, and court notices should be sent to said new attorney of record
2 at the above referenced address.

3 Attorneys for Plaintiff,
4 SHAPIRO & SUTHERLAND, LLC

5 By: 

6 11-17-17

- 7 James A. Craft #090146 [jcraft@logs.com]
 - 8 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 - 9 Cara J. Richter #094855 [crichter@logs.com]
 - 10 Holger Uhl #950143 [huhl@logs.com]*
 - 11 Joshua R. Orem # 116872 [jorem@logs.com]*
- 12 1499 SE Tech Center Place, Suite 255, Vancouver, WA
13 98683
14 7632 SW Durham Road, Suite 350, Tigard, OR 97224*
15 (360)260-2253; Fax (360)260-2285

16 I hereby consent to said substitution

17 

- 18 Randall Szabo #115304
 - 19 Calvin A Knickerbocker III #050110
 - 20 Eric A Marshack #050166
 - 21 Janaya L. Carter # 032830
- 22 RCO Legal PS
23 511 SW 10th Ave Ste 400
24 Portland OR 97205
25 (503)977-7840; Fax(425)974-8190

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
JEFFERSON COUNTY**

**PENNYMAC LOAN SERVICES, LLC, ITS
SUCCESSORS IN INTEREST AND/OR ASSIGNS,**

Plaintiff/s,

v.

CHASE O. BURKHART; AND OCCUPANTS OF THE
PREMISES,

Defendant/s.

Case No.: 16CV41641

CHALLENGE TO EXECUTION

THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING
PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY
TO CLAIM AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE
DEBT.

I/We claim that the following described property or money is exempt from execution:

I/We believe this property is exempt from execution because (the Notice of Exempt
Property at the end of this form describes most types of property that you can claim as exempt
from execution):

I am a person other than the Debtor and I have the following interest in the property:

Name _____

Name _____

Signature _____

Signature _____

Address _____

Address _____

Telephone Number

(required): _____

Telephone Number

(required): _____

YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

You may seek to reclaim your exempt property by doing the following:

- (1) Fill out the Challenge to Execution form that you received with this notice.
- (2) Mail or deliver the Challenge to Execution form to the court administrator at the address shown on the writ of execution.
- (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the address shown on the writ of execution.

You should be prepared to explain your exemption in court. If you have any questions about the execution or debt, you should see an attorney.

YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE VALIDITY OF THE DEBT.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject to are listed in ORS 18.899.

NOTICE OF EXEMPT PROPERTY

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers are enclosed.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below.

- (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following amounts is less:
 - (a) 75 percent of your take-home wages; or
 - (b) \$218 per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI).
- (4) Public assistance (welfare).
- (5) Unemployment benefits.
- (6) Disability benefits (other than SSI benefits).
- (7) Workers' compensation benefits.
- (8) All Social Security Benefits and Supplemental Security Income benefits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are held in a bank account.
- (9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.
- (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly own the homestead with another person who is also liable on the debt, up to \$50,000 of the value of the homestead is exempt.
- (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure another homestead.

- (12) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.
- * (13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.
- * (14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$5,000.
- * (15) Books, pictures and musical instruments with a combined value not to exceed \$600.
- * (16) Wearing apparel, jewelry and other personal items with a combined value not to exceed \$1,800.
- (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000 and their food for 60 days.
- (18) Provisions and fuel for your family for 60 days.
- (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1,000.
- (20) Public or private pensions.
- (21) Veterans' benefits and loans.
- (22) Medical assistance benefits.
- (23) Health insurance proceeds and disability proceeds of life insurance policies.
- (24) Cash surrender value of life insurance policies not payable to your estate.
- (25) Federal annuities.
- (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same exemption as wages).
- (27) Professionally prescribed health aids for you or any of your dependents.
- * (28) Elderly rental assistance allowed pursuant to ORS 310.635.
- * (29) Your right to receive, or property traceable to:
 - * (a) An award under any crime victim reparation law.
 - * (b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily injury suffered by you or an individual of whom you are a dependent.
 - * (c) A payment in compensation of loss of future earnings of you or an individual of whom you are or were a dependent, to the extent reasonably necessary for your support and the support of any of your dependents.
- (30) Amounts paid to you as an earned income tax credit under federal tax law.
- (31) Your right to the assets held in, or right to receive payments under, a medical savings account or health savings account authorized under section 220 or 223 of the Internal Revenue Code.
- (32) Interest in personal property to the value of \$400, but this cannot be used to increase the amount of any other exemption.
- (33) Equitable interests in property.

Note: If two or more people in your household owe the claim or judgment, each of them may claim the exemptions marked by an asterisk (*).

SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt may be taken to pay for overdue support. For instance, Social Security benefits, workers' compensation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support obligation.