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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

SHANNON L. DAVIS AKA SHANNON L. LOPEZ AKA SHANNON LYNN DAVIS-LOPEZ AKA SHANNON LYNN LOPEZ; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; PEDRO ALEX LOPEZ; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV37866

WRIT OF EXECUTION IN FORECLOSURE

TO THE COLUMBIA COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 5/24/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
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 \$167,793.83, plus post judgment interest at the statutory rate of 9.0% per annum from 5/24/2017 to 7/20/2017 in the amount of \$2,358.31, and continuing with a per diem of \$41.37, currently totaling \$170,152.14.

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

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
2 about 1/20/2009, the date of the Deed of Trust, and also the interest that the Defendant had
3 thereafter, in the real property described as shown in *Exhibit 1*; having APN No. 10922 and
4 commonly known as: 406 South 12th Street, Saint Helens, OR 97051.

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



8/4/17


Judge

15 **McCarthy & Holthus, LLP**

16 s/ Robert B. Hakari 7/18/2017
17 Robert Hakari OSB No. 114082
18 920 SW 3rd Ave, 1st Floor
19 Portland, OR 97204
20 Phone: (971) 201-3200
21 Fax: (971) 201-3202
22 rhakari@mccarthyholthus.com
23 Of Attorneys for Plaintiff
24
25
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EXHIBIT 1

PARCEL 1:
LOT 9, BLOCK 99, CITY OF ST. HELENS, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY,
OREGON.

PARCEL 2:
LOT 10, BLOCK 99, CITY OF ST. HELENS, IN THE CITY OF ST. HELENS, COLUMBIA COUNTY,
OREGON.

1 in the amount of \$160,256.00 (the "Note"). The Note was transferred to Plaintiff by delivery
2 of possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrower on or about 1/21/2009 (the
4 "Deed of Trust"). The Deed of Trust was recorded on 1/23/2009 as Instrument No. 2009-
5 000500 in the official records of Columbia County, Oregon. The Deed of Trust is a valid and
6 perfected lien against all of the Property for and securing the Amount Due. The lien of the
7 Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect
8 until issuance of a Sheriff's Deed.

9 d. The Borrower failed to make the payment that was due for 8/1/2015 and has not cured the
10 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:	\$147,984.11
13	b) Prejudgment interest accruing from	\$10,852.16
14	7/1/2015 through 4/30/2017 and	
15	continuing until the entry of judgment	
	at the current Note rate of 4.000%:	
16	c) Additional amounts due under the	\$5,801.32
17	terms of the loan:	
18	d) Attorney fees and costs:	\$3,071.24
19	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
20	Total:	\$167,793.83

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

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

- 1 f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 2 g. All right, title and interest in the Subject Property that Defendant Shannon L. Davis had as of
3 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the
4 Columbia County Sheriff's Office in accordance with the process for sale upon execution,
5 and the proceeds of sale shall be applied:
- 6 1) First, to the costs of sale not incurred by Plaintiff;
- 7 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
8 entry of judgment through the date of the sale and any incurred costs of sale;
- 9 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
10 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
11 such party or parties as they may establish their right thereto.
- 12 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
13 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
14 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 15 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
16 Property from and after the date of the sale and is entitled to such remedies as are available at
17 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
18 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
19 possession to the purchaser immediately upon the purchaser's demand for possession.
- 20 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
21 entitled to any further or other judgment, including a judgment for the deficiency.
- 22 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
23 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
24 terminated.
- 25 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
26 Trust are as follows:
- 27 1) Defendant OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION
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may claim a junior interest in Subject Property by virtue of a deed of trust recorded 12/09/2014 as Instrument No. 2014-008143 in the official records of Columbia County, Oregon, securing a promissory note in the amount of \$35,000.00.

2) Defendant PEDRO ALEX LOPEZ may claim an interest in Subject Property by virtue of a judgment entered on 07/06/2015 in the Circuit Court of Columbia County, Case No. 15DR09411.

May 22, 2017



Judge

I hereby certify that the requirements of UTCR 5.100 have been satisfied. This proposed General 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: _____

Presented by:

McCarthy & Holthus, LLP

s/ Robert B. Hakari 5/17/2017

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