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LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

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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.: 16CV14451

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

JEANDRE ATCHLEY AKA JEANDRE
SAVY; MARK ATCHLEY ; THE
UNKNOWN HEIRS AND DEVISEES OF M.
IRENE REISINGER AKA MABEL IRENE
REISINGER AKA MABEL I. REISINGER
BOOTH; OCCUPANTS OF THE
PROPERTY,

Defendants.

TO THE LINCOLN COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on January 31, 2018. 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 \$339,318.31, plus post judgment interest at the statutory rate of 9.0% per annum from January 31, 2018 to February 22, 2018 in the amount of \$1,840.69, and continuing with a per diem of \$83.67, currently totaling \$341,159.00.

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 13, 2006, 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 R68200, and commonly known as: 315 NE Vista Terrace Ave, Depoe Bay, OR 97341.

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.



Signed: 2/27/2018 12:07 PM

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

Circuit Court Clerk Steven Zalewski

14 **McCarthy & Holthus, LLP**

15 s/ Robert B. Hakari 2/22/2018
16 _____
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
26
27
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EXHIBIT 1

That portion of Lot 2, Block 4, SUNDOWNE ADDITION TO DEPOE BAY, in Lincoln County, Oregon, lying Westerly of the West line of a 20 foot roadway as described in Deed recorded September 18, 1968 in Volume 1, page 840, Film Records, TOGETHER WITH that portion of vacated Adams Street that inured thereto by reason of Vacation Ordinance recorded October 8, 1970 in Volume 21, page 1098, Film Records of Lincoln County, 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.

JEANDRE ATCHLEY AKA JEANDRE SAVY; MARK ATCHLEY; THE UNKNOWN HEIRS AND DEVISEES OF M. IRENE REISINGER AKA MABEL IRENE REISINGER AKA MABEL IRENE REISINGER AKA MABEL I. REISINGER BOOTH; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV14451

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 315 NE Vista Terrace Ave, Depoe Bay, OR 97341 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R68200.
- b. Plaintiff is entitled to enforce the note dated October 13, 2006 and made, delivered, and executed by Jeandre Atchley ("Borrower") to Washington Mutual Bank in the amount of

1 \$300,000.00 (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 13,
4 2006 (the "Deed of Trust"). The Deed of Trust was recorded on November 2, 2006 as
5 Instrument No. 200616755 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. It is declared that the real estate contract recorded on June 6, 1978 as Book 88, page 855 (the
10 "Booth Contract") was satisfied prior to the time this loan (including the Note and Deed of
11 Trust) was funded, and has only been left as a cloud on title through inadvertence and error.

12 e. Borrower failed to make the payment that was due for April 18, 2015 and has not cured the
13 default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 15 | a) Unpaid principal balance: | \$299,447.49 |
| 16 | b) Prejudgment interest accruing from | \$32,795.67 |
| 17 | 3/18/2015 through 1/23/2018 and | |
| 18 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 7.450%: | |
| 19 | c) Additional amounts due under the | \$0.00 |
| 20 | terms of the loan: | |
| 21 | d) Attorney fees and costs: | \$6,990.15 |
| 22 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| | (1)(a)): | |
| 23 | Total: | \$339,318.31 |

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

27 f. The interest of the Defendants and any successor in interest in the Subject Property is
28

1 foreclosed and terminated excepting only any statutory right of redemption as provided by
2 Oregon law.

3 g. The Defendants are 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 Lincoln 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 ///

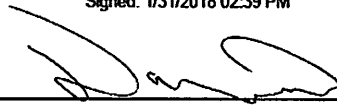
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1 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 1/31/2018 02:39 PM



Circuit Court Judge David V. Cramer

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

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

12 Each opposing party affected by this order or judgment has stipulated to the order or
13 judgment, as shown by each opposing party's signature on the document being
14 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
17 confirmation of approval sent to me.

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

19 No objection has been served on me.

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

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

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

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

27 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
28 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: _____

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McCarthy & Holthus, LLP

s/ Robert B. Hakari 1/30/2018

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x Robert Hakari OSB No. 114082
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rhakari@mccarthyholthus.com
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