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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Case No. 17CV35148

Plaintiff,

WRIT OF EXECUTION

vs.

JOCELYN L. ROSEBERRY, AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF PHILIP BRIAN
ROSEBERRY; PARTIES IN POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on January 4, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 December 23, 2009, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 17-120227

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@logs.com

1 PARCEL 2 OF LAND PARTITION 23-96 BEING LOTS 69 AND 70 OF LEWIS TRACTS,
2 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE
3 COUNTY CLERK OF KLAMATH COUNTY, OREGON.

4 and commonly known as 1538 Hope Street, Klamath Falls, OR 97603 to satisfy the sum of
5 \$138,455.97, as of January 17, 2018, together with additional post judgment interest of 9.00%
6 from that date (\$34.03 per day), and costs of this execution, making due return within 60 days
7 after you receive this writ.

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2- WRIT OF EXECUTION
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1 JPMorgan Chase Bank, National Association is the Judgment Creditor, and its address for
2 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite
3 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5
6
7



01/19/2018

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: _____

James A. Craft #090146 [jcraft@logs.com]
16 Kelly D. Sutherland #87357 [ksutherland@logs.com]
17 Cara J. Richter #094855 [crichter@logs.com]
18 Holger Uhl #950143 [huhl@logs.com]*
19 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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26 3- WRIT OF EXECUTION
27 S&S No. 17-120227

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Case No. 17CV35148

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

JOCELYN L. ROSEBERRY, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
PHILIP BRIAN ROSEBERRY; PARTIES IN
POSSESSION,

Defendants.

Defaults having been granted against Defendant, Jocelyn L. Roseberry, as Personal
Representative of the Estate of Philip Brian Roseberry:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Klamath County, Oregon is commonly known as 1538 Hope Street, Klamath Falls, OR
97603 and is legally described as follows:

Parcel 2 of Land Partition 23-96 being Lots 69 and 70 of Lewis Tracts, according to
the Official Plat thereof on file in the Office of the County Clerk of Klamath County,
Oregon.

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120227

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Telephone (360)260-2253 (800)970-5647
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ksutherland@logs.com

- 1 2. The Deed of Trust executed and delivered by Defendant, Philip B. Roseberry ("Borrower")
2 on or about December 23, 2009 and recorded on December 29, 2009 as Instrument No.
3 2009-016232 in the official records of Klamath County, Oregon, is a valid and perfected lien
4 against all of the Property for the amount of Plaintiff's judgment as provided herein.
5
6 3. The Plaintiff is the holder of the original note dated December 23, 2009 and made by Philip
7 R. Roseberry in the amount of \$137,653.00. A copy of the Note was attached to the
8 complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the
9 Deed of Trust (together the "Loan").
10
11 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
12 interest in the Property is foreclosed and terminated excepting only any statutory right of
13 redemption as provided by Oregon law.
14
15 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
16 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
17 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
18 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
19 interests and priorities.
20
21 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 17-120227

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- 1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
3 County Sheriff's Office in accordance with the process for sale upon execution, and the
4 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
5 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
6 as their interest may appear or to the clerk of the court to be distributed to such party of
7 parties as may establish their right thereto.
- 9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
- 14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
15 any person holding possession under or through such Defendant(s) shall refuse to surrender
16 possession to the purchaser immediately on the purchaser's demand for possession.

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11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$121,655.83	
Prejudgment interest at 5% through October 31, 2017 (accruing thereafter until entry of judgment at \$16.67 per diem)			\$6,589.70
Late Charges		\$118.24	
Other Costs and fees (recoverable)		4,233.26	
Property Tax	\$1,282.10		
Hazard Insurance	\$2,018.56		
Property Inspections	\$154.00		
Property Preservation	\$1,305.00		
Escrow Credits	\$-526.40		
	Subtotal		\$126,007.33
	Total plus Prejudgment Interest		\$132,597.03

65

12. Attorney Fees and Costs are awarded to Plaintiff as follows:

Costs			\$1,733.00
Title Search Cost		\$545.00	
Filing Fee		\$531.00	
Lis Pendens Recording Fee		\$47.00	
Service Costs		\$335.00	
Prevailing Party Fee		\$275.00	
Attorney fees			\$2,600.00
Total			\$4,333.00

13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 17-120227

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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

9 15. Execution may issue against the subject property for the aggregate amount found due
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
12 ORS 18.936 or other applicable law.
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
21

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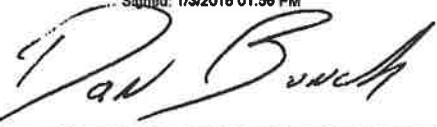
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25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 17-120227
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 1/3/2018 01:58 PM

Circuit Court Judge Dan Bunch

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14 **Certificate of Readiness under UTCR 5 100**

15 This proposed order or judgment is ready for judicial signature because:

- 16 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
17 by each party's signature on the document being submitted.
18 2. Each party affected by this order or judgment has approved the order or judgment, as shown
19 by each party's signature on the document being submitted or by written confirmation of approval
20 sent to me.
21 3. I have served a copy of this order or judgment on each party entitled to service and:
22 a. No objection has been served on me.
23 b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
24 have filed a copy of the objections I received and indicated which objections remain unresolved.
25 c. After conferring about objections, [role and name of objecting party] agreed to independently
26 file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 17-120227

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1 4. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5. [] This is a proposed judgment that includes an award of punitive damages and notice has been
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
4 this rule.

5 6. [] Other: _____

6 Submitted by:
7 Attorneys for Plaintiff,
8 SHAPIRO & SUTHERLAND, LLC

9 By: _____

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