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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON
5 FOR THE COUNTY OF CLACKAMAS

6 JPMORGAN CHASE BANK, NATIONAL
7 ASSOCIATION,

8 Plaintiff,

9 vs.

10 GREGORY A. DEWEY; LARA J. DEWEY;
11 THERESA DENISE DEWEY; STATE OF
OREGON; OCCUPANTS OF THE
PROPERTY,

12 Defendants.

Case No.: 16CV08366

WRIT OF EXECUTION IN
FORECLOSURE

13 **TO THE CLACKAMAS COUNTY SHERIFF:**

14 A Judgment of Foreclosure was entered and docketed in this case on December 4, 2017.
15 A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
16 Judgment Creditor:

17 JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
18 c/o Robert Hakari, Attorney for Plaintiff
19 McCarthy & Holthus, LLP
20 920 SW 3rd Ave, 1st Floor
Portland, OR 97204

21 With the adjudicated amount due of \$469,846.16, plus post judgment interest at the statutory rate
22 of 9.0% per annum from December 4, 2017 to January 12, 2018 in the amount of \$4,518.25, and
23 continuing with a per diem of \$115.85, currently totaling \$474,364.41.

24 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
25 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
26 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
27

1 about February 15, 2008, 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 00415447, and commonly known as: 4195 Cornwall Street, West Linn, OR 97068.

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 Dated: January 19, 2018



10
11 Wendy Patson

12
13 McCarthy & Holthus, LLP

14
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

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COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.
IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,
PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING
ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST
THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Court Administrator relies on the information
provided by the person seeking issuance of
this writ of execution and is not liable for any
errors or omissions in the information

EXHIBIT 1

THE NORTH 160.00 FEET OF THE WESTERLY ONE-HALF OF LOT 4, GLENESK, IN THE CITY OF WEST LINN, COUNTY OF CLACKAMAS AND STATE OF OREGON. SAID WESTERLY ONE-HALF TO BE CUT OFF BY A LINE PARALLEL WITH SUSSEX STREET AND SAID NORTHERLY 160.00 FEET TO BE CUT OFF BY A LINE PERPENDICULAR TO SUSSEX STREET.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

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

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

GREGORY A. DEWEY; LARA J. DEWEY;
THERESA DENISE DEWEY; STATE OF OREGON;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV08366

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 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 Clackamas County, Oregon, and is commonly known as 4195 Cornwall Street, West Linn, OR 97068. (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00415447.
- b. Plaintiff is entitled to enforce the note dated February 15, 2008 and made, delivered, and executed by Gregory A. Dewey & Lara J. Dewey ("Borrowers") to Plaintiff in the amount of \$407,250.00 (the "Note").

1 c. A deed of trust was made, executed, and delivered by Borrowers on or about February 15,
2 2008 (the "Deed of Trust"). The Deed of Trust was recorded on February 25, 2008 as
3 Instrument No. 2008-013037 in the official records of Clackamas County, Oregon. The
4 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
5 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
6 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

7 d. The Borrower failed to make the payment that was due for May 1, 2014 and has not cured
8 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
9 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|----------------------|
| 10 | a) Unpaid principal balance: | \$ 420,713.95 |
| 11 | b) Prejudgment interest accruing from | \$ 17,329.12 |
| 12 | 4/1/2014 through 9/13/2017 and | |
| 13 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 6.375%: | |
| 14 | c) Additional amounts due under the | \$ 25,707.88 |
| 15 | terms of the loan: | |
| 16 | d) Attorney fees and costs: | \$ 6,010.21 |
| 17 | e) Prevailing party fee (ORS 20.190 | \$ 85.00 |
| | (1)(a)): | |
| 18 | Total: | \$ 469,846.16 |

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

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

25 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

26 g. All right, title and interest in the Subject Property that Defendants Gregory A. Dewey, Lara J.
27 Dewey had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be
28

1 sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon
2 execution, and the proceeds of sale shall be applied:

- 3 1) First, to the costs of sale not incurred by Plaintiff;
- 4 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
5 entry of judgment through the date of the sale and any incurred costs of sale;
- 6 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
7 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
8 such party or parties as they may establish their right thereto.

9 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
10 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
11 the date of entry of judgment through the date of the sale and any incurred costs of sale.

12 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
13 Property from and after the date of the sale and is entitled to such remedies as are available at
14 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
15 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
16 possession to the purchaser immediately upon the purchaser's demand for possession.

17 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
18 entitled to any further or other judgment, including a judgment for the deficiency.

19 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
20 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
21 terminated.

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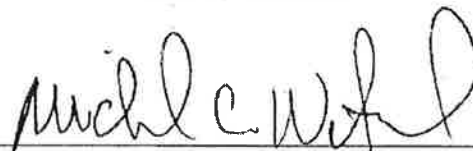
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1 I. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
2 Deed of Trust are as follows:

- 3 1) Defendants THERESA DENISE DEWEY and STATE OF OREGON may claim a
4 junior interest in Subject Property by virtue of a judgment entered on June 7, 2001 as
5 Case No. DR0011388 in the official records of Clackamas County, Oregon.
6
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Signed: 11/30/2017 04:48 PM

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11 **Circuit Court Judge Michael C. Wetzel**

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

13 This proposed Judgment of Foreclosure is ready for judicial signature because:

14 Each opposing party affected by this order or judgment has stipulated to the order or
15 judgment, as shown by each opposing party's signature on the document being
submitted.

16 Each opposing party affected by this order or judgment has approved the order or
17 judgment, as shown by signature on the document being submitted or by written
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
reasonable efforts to do so. I have filed a copy of the objections I received and
indicated which objections remain unresolved.

21 After conferring about objections, _____ agreed to independently file
22 any remaining objection.

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

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

25 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
otherwise.

26 This is a proposed judgment that includes an award of punitive damages and notice
27 has been served on the Director of the Crime Victims' Assistance Section as required
by subsection (4) of this rule.
28

1 Other: _____
2

3 **McCarthy & Holthus, LLP**

4 s/ Robert B. Hakari 9/13/17

5 _____
6 John Thomas OSB No. 024691
7 x Robert Hakari OSB No. 114082
8 920 SW 3rd Ave, 1st Floor
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