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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

DEWAYNE R. BARKEMEYER AS
TRUSTEE OF THE BARKEMEYER
FAMILY TRUST U.A.D. JANUARY 11,
1994; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV19933

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 27, 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 \$459,852.50, plus post judgment interest at the statutory rate of 9.0% per annum from March 27, 2018 to April 16, 2018 in the amount of \$2,267.77, and continuing with a per diem of \$113.39, currently totaling \$462,120.27.

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 about November 30, 2005, the date of the Deed of Trust, and also the interest that the Defendant

1 had thereafter, in the real property described in Exhibit 1, having APN/Parcel # R305177, and
2 commonly known as 960 Riessen Rd, Grants Pass, OR 97526.

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

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11 Court Clerk
12 APR 16 2018



12 Submitted by:

13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 4/10/18

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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EXHIBIT 1

A PARCEL OF LAND SITUATED IN SECTIONS 29 AND 30, TOWNSHIP 35 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8 INCH IRON ROD ON THE WESTERLY RIGHT OF WAY LINE OF RISSEEN ROAD, SAID POINT BEING NORTH 0 DEGREES 22' 43" WEST A DISTANCE OF 430.02 FEET AND SOUTH 89 DEGREES 52' 30" EAST A DISTANCE OF 300.59 FEET FROM THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE NORTH 14 DEGREES 07' 20" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 71.00 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 60 DEGREES 00' 00" WEST A DISTANCE OF 690.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 57 DEGREES 25' 37" WEST A DISTANCE OF 283.13 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 17 DEGREES 29' 32" WEST A DISTANCE OF 270.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89 DEGREES 41' 20" EAST A DISTANCE OF 599.41 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 89 DEGREES 52' 30" EAST A DISTANCE OF 300.59 FEET TO THE POINT OF BEGINNING

EXCEPT PREMISES DESCRIBED ARE CLASSIFIED AS DESIGNATED FOREST LAND, IF THE LAND BECOMES DISQUALIFIED PROPERTY IS SUBJECT TO INCREASED TAXES WHICH THE GRANTEES ASSUME AND AGREE TO PAY; DECLARATION OF RESTRICTIONS VOL 339 PAGE 1104 JCDR; RIGHT OF WAY OF RECORD.

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FOR THE COUNTY OF JOSEPHINE

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

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TRUSTEE OF THE BARKEMEYER
FAMILY TRUST U.A.D. JANUARY 11,
1994; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 17CV19933

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 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 Josephine County, Oregon, and is commonly known as 960 Riessen Rd, Grants Pass, OR 97526 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R305177.
- b. Plaintiff is entitled to enforce the note dated November 30, 2005 and made, delivered, and executed by Donald K. Barkemeyer ("Borrower") to Washington Mutual Bank, FA in the amount of \$409,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery of

1 possession and by indorsement set forth on the Note.

2 c. A deed of trust was made, executed, and delivered by Borrower on or about November 30,
3 2005 (the "Deed of Trust"). The Deed of Trust was recorded on December 30, 2005 as
4 Instrument No. 2005-030603 in the official records of Josephine County, Oregon. The Deed
5 of Trust is a valid and perfected lien against all of the Property for and securing the Amount
6 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and
7 shall remain in effect until issuance of a Sheriff's Deed.

8 d. Borrower failed to make the payment that was due for July 4, 2015 and has not cured the
9 default. The amount of debt secured by the Deed of Trust that is now due and owing is
10 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|---------------------|
| 11 | a) Unpaid principal balance: | \$409,500.00 |
| 12 | b) Prejudgment interest accruing from | |
| 13 | 6/4/2015 through 3/23/2018 and | |
| 14 | continuing until the entry of | |
| 15 | judgment at the current Note rate of | |
| 16 | 4.35%: | \$45,518.45 |
| 17 | c) Additional amounts due under the | \$0.00 |
| 18 | terms of the loan: | |
| 19 | d) Attorney fees and costs: | \$4,749.05 |
| 20 | e) Prevailing party fee (ORS 20.190 | \$85.00 |
| 21 | (1)(a)): | |
| 22 | Total: | \$459,852.50 |

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

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

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

g. All right, title and interest in the Subject Property that Borrower had as of the date of the

1 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Josephine County
2 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
3 sale shall be applied:

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

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

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

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

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1 k. 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: 3/26/2018 04:11 PM

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Circuit Court Judge Pat Wolke

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

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

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

13 Each opposing party affected by this order or judgment has approved the order or
14 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

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

16 No objection has been served on me.

17 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.

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

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

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

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

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

25 Other: _____

26 ///

1 **McCarthy & Holthus, LLP**

2 s/ Robert B. Hakari 3/23/18

3 Robert Hakari OSB No. 114082

4 920 SW 3rd Ave, 1st Floor

5 Portland, OR 97204

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9 Of Attorneys for Plaintiff

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