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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DONALD B. BALLENGER; THE
UNKNOWN HEIRS AND DEVISEES OF
COLLEEN D. BALLENGER; WELLS
FARGO BANK, N.A.; KARL LINDSTROM;
LISA LUSK; LINDSEY JOHN; COLLEEN
MOONEY; CYNTHIA JOY BALLENGER;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV03340

WRIT OF EXECUTION IN
FORECLOSURE

RECEIVED

APR 30 2018

**CROOK COUNTY SHERIFF
CIVIL DEPARTMENT**

TO THE CROOK COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on March 8, 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 \$47,665.99, plus post judgment interest at the statutory rate of 9.0% per annum from March 8, 2018 to April 5, 2018 in the amount of \$329.09, and continuing with a per diem of \$11.75, currently totaling \$47,995.08.

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 February 27, 2003, 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 # 9937,
3 and commonly known as 6328 SE Cedar Drive, Prineville, OR 97754-2359.

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 This writ does not apply to a bona fide tenant who is subject to protection under the
10 federal Protecting Tenants at Foreclosure Act.

Signed: 4/4/2018 01:03 PM



Amy Bonkosky
Amy Bonkosky, Trial Court Administrator

11
12 Submitted by:

13 **McCarthy & Holthus, LLP**

14 s/ Robert B. Hakari 4/3/2018

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

Lot Twenty-Six (26) in Block Four (4) of The Highlands Subdivision Unit 2, according to the official plat thereof on file and of record in the office of the County Clerk for the Crook County, Oregon.

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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF DONALD B. BALLENGER; THE
UNKNOWN HEIRS AND DEVISEES OF
COLLEEN D. BALLENGER; WELLS
FARGO BANK, N.A.; KARL
LINDSTROM; LISA LUSK; LINDSEY
JOHN; COLLEEN LAREE MOONEY;
CYNTHIA JOY BALLENGER;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV03340

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 Crook County, Oregon, and is commonly known as 6328 SE Cedar Dr, Prineville, OR 97754-2359 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 9937.
- b. Plaintiff is entitled to enforce the note dated February 27, 2003 and made, delivered, and executed by DONALD B. BALLENGER and COLLEEN D. BALLENGER ("Borrowers")

1 to Washington Mutual Bank in the amount of \$69,000.00 (the "Note"). The Note was
2 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

3 c. A deed of trust was made, executed, and delivered by Borrowers on or about February 27,
4 2003 (the "Deed of Trust"). The Deed of Trust was recorded on March 17, 2003 as
5 Instrument No. 178415 in the official records of Crook County, Oregon. The Deed of Trust
6 is a valid and perfected lien against all of the Property for and securing the Amount Due.
7 The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall
8 remain in effect until issuance of a Sheriff's Deed.

9 d. It is declared that the Deed of Trust constitutes a valid lien against the manufactured home
10 located on the Property which has an identification number of 8703.

11 e. It is further declared that the Deed of Trust is secured by the manufactured home located on
12 the Property.

13 f. Borrowers failed to make the payment that was due for December 4, 2015 and has not cured
14 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
15 comprised of the following amounts (the "Amount Due"):

16	a) Unpaid principal balance:	\$34,971.86
17	b) Prejudgment interest accruing from	
18	11/4/2015 through 1/30/2018 and	
19	continuing until the entry of	
20	judgment at the current Note rate of	
21	6.59%:	\$4,618.77
22	c) Additional amounts due under the	\$2,188.00
23	terms of the loan:	
24	d) Attorney fees and costs:	\$5,802.36
25	e) Prevailing party fee (ORS 20.190	\$85.00
26	(1)(a)):	
27	Total:	\$47,665.99

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

1 g. The interest of the Defendants and any successor in interest in the Subject Property is
2 foreclosed and terminated excepting only any statutory right of redemption as provided by
3 Oregon law.

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

5 i. All right, title and interest in the Subject Property that Borrowers had as of the date of the
6 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Crook County
7 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of
8 sale shall be applied:

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

15 j. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

25 ///

26 ///

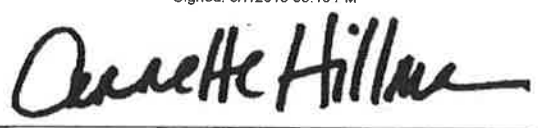
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1 m. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

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Signed: 3/7/2018 03:10 PM



Annette C. Hillman, Circuit Court Judge

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

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

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

McCarthy & Holthus, LLP

s/ Robert B. Hakari 1/30/2018
Robert Hakari OSB No. 114082
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
rhakari@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT " 1 "

Lot 26 in Block 4 of The Highlands Subdivision Unit 2, according to the official plat thereof, recorded August 2, 1972 in Book 7 of Plats at Page(s) 25, records of Crook County, Oregon.