

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,
Plaintiff,

Case No. 17CV26879

WRIT OF EXECUTION

v.

LINDA M. BARRETT; TAMARA L. BARRETT; CITY OF STAYTON; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 482 N 4TH AVE, STAYTON, OR 97383,
Defendant.

TO THE MARION COUNTY SHERIFF:

On March 8, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Marion County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 482 N 4TH AVE, STAYTON, OR 97383 ("Subject Property"), and legally described as:

LOT 1, RIVERTOWN SUBDIVISION, A RESUBDIVISION OF LOTS 1, 2, 3, AND 4, BLOCK 1, U. WHITNEY'S ADDITION, IN THE CITY OF STAYTON, MARION COUNTY,

1 STATE OF OREGON. (PLAT VOLUME 38, PAGE 23)

2 The total amount due and owing on the Judgment as of March 23, 2018;

3	Judgment:	Principal	\$100,899.80
4	Pre-Judgment:	Interest(4.500%, \$11.04/day)	\$1,402.08 (11/1/17 through 3/8/18)
5		Attorney Fees	\$2,340.00
6		Costs	\$2,166.00
7		Prevailing Party Fee	\$300.00
8	Post-Judgment:	Interest(9.000%, \$26.47/day)	\$370.64 (3/9/18 through 3/23/18)
9		Attorney Fees	\$260.00

10 **TOTAL: \$107,738.52**

11 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
12 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
13 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
14 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
15 holder of the certificate of sale.

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

Page 2 – WRIT OF EXECUTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

By the signature of the attorney for the judgment creditor, the person that requested issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay making a return on the writ to a date up to 150 days after receipt.

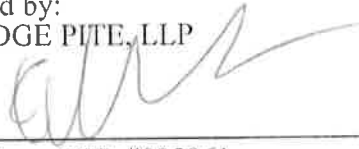
COURT ADMINISTRATOR FOR
MARION COUNTY CIRCUIT COURT

Signed: 3/27/2018 04:34 PM

By: 
Noel B. Herlitz, Court Clerk



Presented by:
ALDRIDGE PITE, LLP



By: _____
Katie Riggs, OSB #095861
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

LINDA M. BARRETT; TAMARA L. BARRETT; CITY OF STAYTON; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 482 N 4TH AVE, STAYTON, OR 97383,
Defendants.

Case No. 17CV26879

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

PURSUANT TO SB368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court’s Order of Default against defendants Linda M. Barrett; Tamara L. Barrett; City Of Stayton; and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known as 482 N 4th Ave, Stayton, OR 97383, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff JPMorgan Chase Bank, National Association,

IT IS HEREBY ADJUDGED:

1. Plaintiff’s security interest in the real property located at 482 N 4th Ave, Stayton, OR 97383 (“Subject Property”), as evidenced by the Deed of Trust recorded November 18, 2010 in the official records of Marion County as instrument number Reel 3234 Page 377 (“Deed of Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

LOT 1, RIVERTOWN SUBDIVISION, A RESUBDIVISION OF LOTS 1, 2, 3, AND 4,

1 BLOCK 1, U. WHITNEY'S ADDITION, IN THE CITY OF STAYTON, MARION
2 COUNTY, STATE OF OREGON. (PLAT VOLUME 38, PAGE 23)

3 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
4 administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the
5 Sheriff, in the manner provided by law;

6 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
7 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
8 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
9 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

10 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
11 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
12 68(C), which amount may be added to the outstanding obligation due and owing under the Note
13 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
14 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
15 by sale of the Subject Property as directed under this Judgment;

16 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
17 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
18 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
19 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
20 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

21 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
22 sale of the Subject Property as directed under this Judgment.

23 7. The Sheriff shall make a return on the writ of execution to the court administrator
24 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
25 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
26 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or

1 parties as may establish their right thereto. The Defendants and all persons claiming through or
2 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
3 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
4 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
5 every part of the Subject Property when the time for redemption has elapsed;

6 8. Plaintiff or any other party to this action may become a purchaser at the
7 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
8 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
9 successor in interest may apply to this Court for a writ of assistance to gain possession of the
10 subject property if Defendants or any other party or person refuses to surrender possession;

11 DECLARATION OF AMOUNT DUE BY DEFAULT
12 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
13 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

14 1. The amount of the principle, interest and other amounts due and owed is
15 \$100,899.80.

16 2. Simple interest at the variable rate currently at 4.50000% (\$11.04 *per diem*) from
17 November 1, 2017, through the date of judgment.

18 3. Attorney fees of \$2,340.00, plus \$260.00, through the date of sale.

19 4. Costs of \$2,166.00, plus costs accrued through the date of sale.

20 5. Prevailing party fee: \$300.00.

21 6. Post-judgment interest thereafter on the total amounts #1-5 above, at the contract
22 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

23 **IT IS SO ADJUDGED**

24 Signed: 3/8/2018 12:50 PM

25 

26 Circuit Court Judge Audrey J. Broyles

1
2 **CERTIFICATE OF READINESS**

3 This proposed Order or Judgment is ready for judicial signature because:

- 4 1. Each opposing party affected by this Order or Judgment has stipulated to the Order
5 or Judgment, as shown by each opposing party's signature on the document being
6 submitted.
- 7 2. Each opposing party affected by this Order or Judgment has approved the Order or
8 Judgment, as shown by signature on the document being submitted or by written
9 confirmation of approval sent to me.
- 10 3. I have served a copy of this Order or Judgment on all parties entitled to service and:
11 a. No objections have been served on me within that time frame;
12 b. I received objections that I could not resolve with the opposing party despite
13 reasonable efforts to do so. I have filed with the Court a copy of the objections I
14 received and indicated which objections remain unresolved;
15 c. After conferring about objections, [**Opposing Party**] agreed to independently
16 file any remaining objection with the Court.
- 17 4. The relief sought is against an opposing party who has been found in default.
- 18 5. x An order of default is being requested with this proposed judgment.
- 19 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
20 otherwise.
- 21 7. This is a proposed judgment that includes an award of punitive damages and notice
22 has been served on the Director of the Crime Victims' Assistance Section as required by
23 subsection (4) of this rule.

24 Presented By:
25 ALDRIDGE PITE, LLP

26 

Date: 2/16/2018

Katie L. Riggs, OSB#095861
(858) 750-7600
(503) 222-2260 (Facsimile)
kriggs@aldridgepite.com

Of Attorneys for Plaintiff