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Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA,

Case No.: 16CV12141

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

DWAYNE J. DENNIS; HAZEL R.D. DENNIS; OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 6, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA
c/o Andreanna Smith
Attorney for Plaintiff

EXHIBIT 1

LOT 5, BLOCK 25, CENTRAL ALBINA, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND
STATE OF OREGON.

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, SUCCESSOR IN
INTEREST BY PURCHASE FROM THE
FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER OF
WASHINGTON MUTUAL BANK F/K/A
WASHINGTON MUTUAL BANK, FA,

Plaintiff,

v.

DWAYNE J DENNIS; HAZEL R D
DENNIS; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 16CV12141

GENERAL JUDGMENT OF
FORECLOSURE

Specially Assigned to Judge Litzenberger

1.

THIS MATTER came before the Court on Plaintiff's motion.

- a. Defendant OCCUPANTS OF THE PROPERTY was dismissed from this action;
- b. A verdict was entered in favor of Plaintiff against Defendants DWAYNE J DENNIS and HAZEL R D DENNIS, now therefore,

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

1 a. The real property to which this judgment relates is located and situated in Multnomah
2 County, Oregon, and is commonly known as 3735 N Vancouver Ave, Portland, OR 97227
3 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
4 APN/Parcel No. R146804170.

5 b. Plaintiff is entitled to enforce the Home Equity Line of Credit Agreement and Disclosure
6 dated August 25, 2005 and made, delivered, and executed by Dwayne J Dennis, Hazel R D
7 Dennis to Washington Mutual Bank, FA in the amount of \$216,000.00 (the "Agreement").

8 c. A deed of trust was made, executed, and delivered by Defendants Dwayne J. Dennis, Hazel
9 R.D. Dennis on or about August 30, 2005 (the "Deed of Trust"). The Deed of Trust was
10 recorded on October 4, 2005 as Instrument No. 2005-191072 in the official records of
11 Multnomah County, Oregon and was assigned to Plaintiff through a Corporate Assignment
12 recorded April 29, 2015 as Instrument Number 2015-048335. The Deed of Trust is a valid
13 and perfected lien against all of the Property for and securing the Amount Due. The lien of
14 the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in
15 effect until issuance of a Sheriff's Deed.

16 d. The Borrowers failed to make the payment that was due for December 15, 2014 and have not
17 cured the default. The amount of debt secured by the Deed of Trust that is now due and
18 owing is comprised of the following amounts (the "Amount Due"); pursuant to ORS 88.0101
19 (1)(a), Plaintiff seeks a judicial declaration of the amount of debt secured by the lien being
20 foreclosed, ~~which was \$211,067.59 as of April 29, 2015~~^{id}, plus reasonable attorney's fees and
21 costs pursuant to ORCP 68 and continued accruing interest and amounts recoverable under
22 the terms of the Loan through the date of entry of judgment:

23 a) Unpaid principal balance: \$189,075.97

24
25 b) Prejudgment interest accruing from \$44,407.53
26 11/15/2014 through 1/19/2018 and
27 continuing until the entry of
28 judgment at the current Note rate of
3.75%:

c) Attorney Fees and Costs:	\$30,668.22 \$23,659.35 ^{wd}
d) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00 \$105.00 ^{wd}
Total:	\$264,136.72 \$244,789.10 ^{wd}

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 3.75% per annum, which is \$37.50 per day. ^{wd}

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by 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 Defendants Dwayne J. Dennis and Hazel R.D. Dennis had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Multnomah County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:
 - 1) First, to the costs of sale not incurred by Plaintiff;
 - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
 - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale.
- i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at law or in equity to secure possession. The purchaser at the sale may apply to the Court for a

1 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
2 possession to the purchaser immediately upon the purchaser's demand for possession.

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

5 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
6 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
7 terminated, if deemed appropriate by the court. *wp*

8 ///

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11 
12 Circuit Court Judge Marilyn E. Litzenberger

Signed: 4/6/2018 01:42 PM

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

14 On 1/19/2018 a copy of the Motion For Entry Of Judgment, Declaration Of Attorney
15 Fees And Costs For Plaintiff, Declaration in Support of Legal Assistant Fees, Declaration Of
16 Amounts Due, Proposed Judgment Of Foreclosure was:

17 Mailed to:

18 Dwayne J. Dennis
3735 N Vancouver Ave
Portland, OR 97227

19 Hazel R.D. Dennis
3735 N Vancouver Ave
20 Portland, OR 97227

21
22 not less than 7 days prior to submission to the court with a notice of the time period to
23 object.

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

25 [] Each opposing party affected by this order or judgment has stipulated to the order or
26 judgment, as shown by each opposing party's signature on the document being
27 submitted.

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

3 [X] I have served a copy of this order or judgment on all parties entitled to service and:

4 [] No objection has been served on me.

5 [] 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.

6 [X] After conferring about objections, Hazel and Dwayne Dennis agreed to
independently file any remaining objection.

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

8 [] An order of default is being requested with this proposed judgment.

9 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
10 otherwise.

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

13 [] Other: _____

14 Dated: 1/31/2018 and submitted by:

15 **McCarthy & Holthus, LLP**

16 s/ Andreanna C. Smith

17 Andreanna Smith OSB No. 131336

18 920 SW 3rd Ave, 1st Floor

19 Portland, OR 97204

20 Phone: (971) 201-3200

21 Fax: (971) 201-3202

22 ansmith@mccarthyholthus.com

23 Of Attorneys for Plaintiff

EXHIBIT 1

LOT 5, BLOCK 25, CENTRAL ALBINA, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND
STATE OF OREGON.