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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Case No. 16CV28390

Plaintiff,

WRIT OF EXECUTION

vs.

DAVID MOSS; JOHNNIE MARIE
EASTLICK; JULIA MARIE MOSS;
STATE OF OREGON; SYNCHRONY
BANK; CAPITAL ONE BANK (USA),
N.A.; SPRINGLEAF FINANCIAL
SERVICES, INC.; MIDLAND FUNDING
LLC; PARTIES IN POSSESSION

Defendants.

TO: KLAMATH COUNTY SHERIFF

WHEREAS, on April 3, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 upon execution (subject to redemption) all of the interest which the defendants had on May 17, 2012, the date of

1- WRIT OF EXECUTION
S&S No. 16-118143

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real
2 property described in the judgment:

3 THAT PART OF LOT 40 OF FAIR ACRES SUBDIVISION #1, ACCORDING TO THE
4 OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF
5 KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

6 BEGINNING AT A POINT 383.4 FEET SOUTH OF NORTHWEST CORNER OF SAID LOT
7 40; THENCE SOUTH 90 FEET; THENCE EAST 313 FEET; THENCE NORTH 90 FEET;
8 THENCE WEST 313 FEET TO THE POINT OF BEGINNING.

9 EXCEPTING THEREFROM THE WESTERLY 5 FEET TAKEN FOR THE WIDENING OF
10 KANE STREET AS SET FORTH IN DEED VOLUME 349 AT PAGE 474.

11 and commonly known as 1555 Kane Street, Klamath Falls, OR 97603 to satisfy the sum of
12 \$141,101.27, as of April 11, 2018, together with additional post judgment interest of 9.00% from
13 that date (\$34.72 per day), and costs of this execution, making due return within 60 days after
14 you receive this writ.

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25 2- WRIT OF EXECUTION
26 S&S No. 16-118143

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1 JPMorgan Chase Bank, National Association is the Judgment Creditor, and its address for
2 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite
3 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
4 Judgment Creditor.
5



6
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9
10 Marcela Flores
11 April 18, 2018 Court Clerk

12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: [Signature]

- 16 James A. Craft #090146 [jcraft@logs.com]
 - 17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 - 18 Cara J. Richter #094855 [crichter@logs.com]
 - 19 Holger Uhl #950143 [huhl@logs.com]*
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7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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26 3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF KLAMATH

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

DAVID MOSS; JOHNNIE MARIE EASTLICK;
JULIA MARIE MOSS; STATE OF OREGON;
SYNCHRONY BANK; CAPITAL ONE BANK
(USA), N.A.; SPRINGLEAF FINANCIAL
SERVICES, INC.; MIDLAND FUNDING LLC;
PARTIES IN POSSESSION,

Defendants.

Case No. 16CV28390

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults being granted contemporaneously against Defendant(s), David Moss, Parties in Possession, Julia Marie Moss n/k/a Julie Rockholt, Johnnie Marie Eastlick, State of Oregon, Synchrony Bank, Capital One Bank (USA), N.A., Springleaf Financial Services, Inc. and Midland Funding LLC:

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1 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 16-118143

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ksutherland@logs.com

1 It is hereby

2 ORDERED AND ADJUDGED:

- 3 1. The real property to which this judgment relates (hereafter the "Property") is situated in
4 Klamath County, Oregon is commonly known as 1555 Kane Street, Klamath Falls, OR
5 97603 and is legally described as follows:
6

7 That part of Lot 40 of FAIR ACRES SUBDIVISION #1, according to the official plat
8 thereof on file in the office of the County Clerk of Klamath County, Oregon, described
9 as follows:

10 Beginning at a point 383.4 feet South of Northwest corner of said Lot 40; thence South
11 90 feet; thence East 313 feet; thence North 90 feet; thence West 313 feet to the point
12 of beginning.

13 EXCEPTING THEREFROM the Westerly 5 feet taken for the widening of Kane
14 Street as set forth in Deed Volume 349 at page 474.

- 15 2. The Deed of Trust executed and delivered by Defendant, David Moss, a Married Man
16 ("Borrower") on or about May 17, 2012 and recorded on May 21, 2012 as Instrument No.
17 2012-005484 in the official records of Klamath County, Oregon, is a valid and perfected lien
18 against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 19 3. The Plaintiff is the holder of the original note dated May 17, 2012 and made by David Moss
20 in the amount of \$122,959.00. A copy of the Note was attached to the complaint as Exhibit.
21 Plaintiff is the holder of the Note and the beneficial interest in the Deed of Trust (together
22 the "Loan").
- 23 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
24 interest in the Property is foreclosed and terminated excepting only any statutory right of
25 redemption as provided by Oregon law.

26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 16-118143

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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
6
7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
8
9 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
10 thereafter acquired in the subject Property, is hereby ordered to be sold by the Klamath
11 County Sheriff's Office in accordance with the process for sale upon execution, and the
12 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
13 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
14 as their interest may appear or to the clerk of the court to be distributed to such party of
15 parties as may establish their right thereto.
16
17 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
18
19 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
20 from and after the date of the sale and is entitled to such remedies as are available at law or
21 in equity to secure possession.
22
23 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
24 any person holding possession under or through such Defendant(s) shall refuse to surrender
25 possession to the purchaser immediately on the purchaser's demand for possession.

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27 3 - GENERAL JUDGMENT OF FORECLOSURE AND
28 SALE
S&S No. 16-118143

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$116,276.32	
3	Prejudgment interest at 4.25% through			\$12,766.11
4	December 31, 2017			
5	(accruing thereafter until entry of judgment			
6	at \$13.54 per diem)			
7	Late Charges		\$48.40	
8	Other Costs and fees (recoverable)		5,587.46	
9	Property Tax	\$5,137.11		
10	Hazard Insurance	\$1,451.00		
11	Property Inspections	\$336.00		
12	Mortgage Insurance Premium/PMI	\$685.18		
13	Escrow Credits	\$-685.45		
14	Suspense Balance	(\$1,336.38)		
15		Subtotal		\$121,912.18
16	Total plus Prejudgment Interest			\$134,678.29

93

17 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

18	Costs			\$2,836.00
19	Title Search Cost		\$508.00	
20	Skip Trace Costs		\$150.00	
21	Filing Fee		\$531.00	
22	Lis Pendens Recording Fee		\$47.00	
23	Service Costs		\$1,325.00	
24	Prevailing Party Fee		\$275.00	
25	Attorney fees			\$2,050.00
26	Total			\$4,886.00

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30 4 - GENERAL JUDGMENT OF FORECLOSURE AND
 31 SALE
 32 S&S No. 16-118143

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1 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
2 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

3 14. This Judgment shall not create a personal lien or liability against Borrower except as is
4 customary or necessary to execute on such Judgment and for purposes of redemption. In no
5 event should it be construed as establishing personal liability for any persons whose debt has
6 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
7 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
8 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
9 entitled to any further judgment, including a judgment for deficiency.

10 15. Execution may issue against the subject property for the aggregate amount found due
11 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
12 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
13 ORS 18.936 or other applicable law.

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.

1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
4

Signed: 4/2/2018 09:30 AM

11 
12 Roxanne Osborne
13 Circuit Court Judge Roxanne Osborne
14

15 **Certificate of Readiness under UTCR 5 100**

16 This proposed order or judgment is ready for judicial signature because:

- 17 1. Each party affected by this order or judgment has stipulated to the order or judgment, as
18 shown by each party's signature on the document being submitted.
19 2. Each party affected by this order or judgment has approved the order or judgment, as
20 shown by each party's signature on the document being submitted or by written confirmation of
21 approval sent to me.
22 3. I have served a copy of this order or judgment on each party entitled to service and:
23 a. No objection has been served on me.
24 b. I received objections that I could not resolve with a party despite reasonable efforts to do
25 so. I have filed a copy of the objections I received and indicated which objections remain
26 unresolved.
27 c. After conferring about objections, [role and name of objecting party] agreed to
28 independently file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-118143

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1 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
2 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

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

6 6. Other: _____

7 Submitted by:

8 Attorneys for Plaintiff,
9 SHAPIRO & SUTHERLAND, LLC

10 By: _____ *3-30-18*

11 James A. Craft #090146 [jcraft@logs.com]

12 Kelly D. Sutherland #87357 [ksutherland@logs.com]

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26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
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