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

ONEWEST BANK, FSB,

Plaintiff,

vs.

DALE R MCALPINE; MARGO L
MCALPINE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No.: 12CV0691

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JOSEPHINE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 9/23/2013, with an appellate and supplemental judgment entered on 3/3/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

ONEWEST BANK, FSB,
c/o Jeremy Clifford
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

1 With the adjudicated amount due of \$339,076.44, plus post judgment interest at \$46.52 per diem,
2 from 9/23/2013 to 6/6/2018 in the amount of \$79,874.84, plus Supplemental Judgment of
3 \$19,100.90, plus post-supplemental judgment interest at the rate of 9% from 3/3/2017 through
4 6/6/2018 in the amount of \$2,166.51, continuing at \$4.71 per diem, currently totaling
5 \$440,218.69.

6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about 2/21/2007, the date of the Deed of Trust, and also the interest that the Defendant had
10 thereafter, in the real property described as follows:

11 *See attached Exhibit 1*

12 and commonly known as: 249 Ewe Creek Rd, Grants Pass, OR 97526.

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

18
19 *Sandra M. Jensen*
20 Court Clerk
June 7, 2018
21
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1 Dated: June 4, 2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 _ John Thomas OSB No. 024691

5 _ Andreanna Smith OSB No. 131336

6 _ Brady Godbout OSB No. 132708

7 _ Bryan Kidder OSB No. 140459

8 x Jeremy Clifford OSB No. 142987

9 _ Michael Scott OSB No. 973947

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 jclifford@mccarthyholthus.com

15 Of Attorneys for Plaintiff

Exhibit 1

PARCEL 2 OF PARTITION PLAT NO. 2004-028, LOCATED IN THE
SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 36 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN,
JOSEPHINE COUNTY, OREGON.

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STATE COURT JOSEPHINE

BY 

CIRCUIT COURT OF OREGON FOR JOSEPHINE COUNTY

ONEWEST BANK, FSB,

Plaintiff,

v.

DALE R. MCALPINE, MARGO L.
MCALPINE, AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

NO. 12CV0691

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE
(PLAINTIFF)

(Clerk's Action Required)

THIS MATTER having come on for hearing this day before the undersigned Judge of the above entitled court upon the motion of the plaintiff for judgment and foreclosure herein, the plaintiff, ONEWEST BANK, FSB, appearing and being represented by CRAIG PETERSON, Attorney of Robinson Tait, defendants Dale R. Alpine and Margo L. Alpine appearing and being represented by Rich Billin, the court finds that the allegations contained in the plaintiff's Complaint are true, that there are no material issues of fact, that the plaintiff is entitled to judgment as a matter of law, and that the judgment should be entered in favor of the plaintiff forthwith as more particularly hereafter set forth. Therefore,

IT IS HEREBY ORDERED AND ADJUDGED THAT:

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 1
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12CV0091
JGGM
Judgment - General Creates Lien
1849064



Law Offices
ROBINSON TAIT, P.S.

710 Second Avenue, Suite 710
Seattle WA 98104
(206) 878-9640

1
2 1. Plaintiff, ONEWEST BANK, FSB be awarded judgment against defendants, Dale R.
3 McAlpine and Margo L. McAlpine in the sum of \$283,003.16, together with interest at a variable rate as
4 provided in the Note from May 1, 2011 through August 12, 2013 in the amount of \$38,717.27 with
5 additional interest at the variable rate as provided in the Note to the date of sale; plus reasonable
6 attorneys' fees in the amount of \$2,725.00, plus other recoverable amounts of \$12,496.08 which includes
7 the amounts itemized in the declaration of the lender in support of motion for judgment plus allowable
8 costs of \$2,134.93 as itemized in the bill of disbursements and an additional amount for post-judgment
9 sheriff's fees. Said judgment to bear interest until paid at the statutory rate; and.
10

11 2. Plaintiff's Deed of Trust on real property in Josephine County, Oregon, legally
12 described as follows:
13

14 PARCEL 2 OF PARTITION PLAT NO. 2004-028, LOCATED IN THE
15 SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6,
16 TOWNSHIP 36 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN,
JOSEPHINE COUNTY, OREGON.

17 which was recorded on February 26, 2007, under Auditor's File No. 2007-003970, records of
18 Josephine County, Oregon, be adjudged and decreed to be a first and paramount lien upon the above
19 described real estate and the whole thereof as security for the payment of the judgment herein set
20 forth, and that said Deed of Trust be foreclosed and the property therein described is hereby ordered
21 sold by the Sheriff of Josephine County in the manner provided for by law, and the proceeds
22 therefrom shall be applied to the payment of the judgment, interest, attorneys' fees and costs, and
23 such other sums as plaintiff has advanced prior to judgment, and that such sums shall constitute a first
24 and specific lien and charge upon said real estate, prior and superior to any right, title, estate, lien or
25 interest of the defendant and of any one claiming by, through or under them; and
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1
2 3. Any and all persons acquiring any right, title, estate, lien or interest in or to the
3 property described above or any part thereof subsequent to February 21, 2007, the date of the Deed of
4 Trust which is foreclosed herein, be forever barred and estopped from claiming or asserting any right,
5 title, lien or interest in or to said property or any part thereof, save and except for the right of
6 redemption as allowed by law; and
7

8 4. Plaintiff be granted the right to become a bidder and purchaser at the sale and the
9 purchaser shall be entitled to exclusive possession of the property upon completion of sale according to
10 law, and to all right, title and interest in any rents and profits generated or arising from the property
11 during the statutory redemption period; and plaintiff is entitled to such remedies as are available at law to
12 secure possession, including writ of assistance, if defendants or any of them or any other party or person
13 shall refuse to surrender possession to the purchaser immediately upon purchaser's demand for
14 possession.
15

16 **MONEY AWARD**

17 Judgment Creditor: ONEWEST BANK, FSB

18 Attorney for Judgment Creditor: Craig Peterson
19 Robinson Tait, P.S.
20 710 Second Ave., Suite 710
21 Seattle, WA 98104

22 Judgment Debtor: Dale R. McAlpine and Margo L. McAlpine
23 249 Ewe Creek Road
Grants Pass, OR 97526

24 Attorney for Judgment Debtor: Richard L. Billin
25 PO Box 279
26 Medford, OR 97501

27 Other Entities entitle to Portion of
28 Judgment, Other than Creditor's Attorney: N/A

1
2 Principal Amount: \$283,003.16
3 Simple Interest on the Principal Amount
4 from May 1, 2011 to August 12, 2013
5 with a per diem of \$46.52 thereafter: \$38,717.27
6 Other Recovery Amounts \$12,496.08
7 Total Costs: \$2,134.93
8 Attorneys' Fee (for determination of
9 Amount owed, establishment of priority,
10 Foreclosure, and summary judgment) : \$2,725.00

11 Post-Judgment: Simple Interest Accrues on the total of the amounts listed above at the rate of
12 \$46.52 per diem and in accordance with the Note from the date of entry of this Judgment.

13 DONE IN COURT this 20 day of Sept, 2013.

14
15 

16 JUDGE

17 THOMAS M. HULL

18 Presented by:

19
20 

21 [] Matt Booth, OSB #082663

22 Email: mbooth@robinsontait.com

23 [] Zachary Bryant, OSB #113409

24 Email: zbryant@robinsontait.com

25 [X] Craig Peterson, OSB #120365

26 Email: cpeterson@robinsontait.com

27 [] Brandon Smith, OSB #124584

28 Email: bsmith@robinsontait.com

Robinson Tait, P.S.

Attorneys for Plaintiff

Tel: (206) 676-9640

Fax: (206) 676-9659

GENERAL JUDGMENT DETERMINING
AMOUNT OWED AND FORECLOSURE - 4
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