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

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

JOHN REGIER AKA JOHN DOUGLAS  
REGIER; JSR INVESTMENTS, LLC; GARY  
REGIER; TERESA REGIER; DANIEL A.  
SMITH; OCCUPANTS OF THE PROPERTY;

Defendants.

Case No.: 16CV14403

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE CLACKAMAS COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 4/5/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment

Creditor:

JPMORGAN CHASE BANK, N.A.  
c/o Brady Godbout  
Attorney for Plaintiff

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

1 With the adjudicated amount due of \$275,781.18, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from 4/9/2018 to 6/12/2018 in the amount of \$4,624.06, and continuing with  
3 a per diem of \$68.00, currently totaling \$280,405.24.

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

9 *See attached Exhibit 1*

10 and commonly known as: 370 W Exeter St, Gladstone, OR 97027.

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

16 **DATED:** 20<sup>th</sup> day of June, 2018.

17 **Court Administrator relies on the information**  
18 **provided by the person seeking issuance of**  
19 **this writ of execution and is not liable for any**  
20 **errors or omissions in the information**

21 *Judicial Clerk*  
22 Title  
23 By: *Wendy [Signature]*  
24 

25 **COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT.**  
26 **IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT,**  
27 **PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING**  
28 **ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST**  
**THIS WRIT BY FILING A CLAIM OF EXEMPTION.**

1 Dated: 6/8/2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 *Brady Godbout*

- 
- 4 \_ John Thomas OSB No. 024691
  - 5 \_ Robert Hakari OSB No. 114082
  - 6 \_ Andreanna Smith OSB No. 131336
  - 7  Brady Godbout OSB No. 132708
  - 8 \_ Samuel Burton OSB No. 136522
  - 9 \_ Bryan Kidder OSB No. 140459
  - 10 \_ Jeremy Clifford OSB No. 142987
  - 11 \_ Michael Scott OSB No. 973947

12 920 SW 3rd Ave, 1st Floor

13 Portland, OR 97204

14 Phone: (971) 201-3200

15 Fax: (971) 201-3202

16 rhakari@mccarthyholthus.com

17 Of Attorneys for Plaintiff

## Exhibit 1

LYING AND BEING LOCATED IN THE CITY OF GLADSTONE, COUNTY OF CLACKAMAS STATE OF OREGON; ALL THAT CERTAIN PARCEL OR TRACT OF LAND KNOWN AS: A TRACT OF LAND, BEING A PART OF LOTS 13 AND 14, BLOCK 6, WEST GLADSTONE, LOTS 1 TO 8, INCLUSIVE, IN THE CITY OF GLADSTONE, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF LOT 12, BLOCK 6 WHICH IS NORTH 63 DEGREES 44'00" EAST 52.00 FEET FROM A ONE-HALF INCH IRON PIPE AT THE MOST SOUTHERLY CORNER OF SAID BLOCK 6, AND BEING THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO FRED C. WICKENS DESCRIBED IN DEED RECORDED AS FEE NO. 82023799, DEED RECORDS OF CLACKAMAS COUNTY; THENCE NORTH 63 DEGREES44'00" EAST ALONG THE SOUTHEASTERLY LINE OF LOTS 12 AND 13, 51.70 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 26 DEGREES16'00" WEST 54.81 FEET; THENCE NORTH 63 DEGREES44'00" EAST 8.17 FEET; THENCE NORTH 26 DEGREES16'00" WEST 45.39 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 13; THENCE NORTH 63 DEGREES44'00" EAST ALONG THE NORTHWESTERLY LONE OF LOTS 13 AND 14, 58.19 FEET TO THE MOST NORTHERLY CORNER OF A TRACT OF LAND CONVEYED TO FRED C. WICKENS BY DEED RECORDED AS FEE NO. 82023800, DEED RECORDS OF CLACKAMAS COUNTY; THENCE SOUTH 26 DEGREES16'00" EAST ALONG THE NORTHEASTERLY LINE OF THE WICKEN TRACT, 100.00 FEET TO THE MOST EASTERLY CORNER OF FEE NO. 82023800; THENCE SOUTH 63 DEGREES44'00" WEST ALONG THE SOUTHEASTERLY LINE OF LOTS 14 AND 13, 66.36 FEET TO THE TRUE POINT OF BEGINNING.

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FOR THE COUNTY OF CLACKAMAS

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

JOHN REGIER AKA JOHN DOUGLAS  
REGIER; JSR INVESTMENTS, LLC;  
GARY REGIER; TERESA REGIER;  
DANIEL A. SMITH; OCCUPANTS OF  
THE PROPERTY;

Defendants.

Case No.: 16CV14403

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 Clackamas County, Oregon, and is commonly known as 370 W Exeter St, Gladstone, OR 97027 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00540873.
- b. Plaintiff is entitled to enforce the note dated November 21, 2007 and made, delivered, and executed by John Regier ("Borrower") to Washington Mutual Bank in the amount of \$214,400.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

1 c. A deed of trust was made, executed, and delivered by Borrower on or about November 21,  
2 2007 (the "Deed of Trust"). The Deed of Trust was recorded on December 3, 2007 as  
3 Instrument No. 2007-101028 in the official records of Clackamas County, Oregon. The  
4 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
5 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
6 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

7 d. Borrower failed to make the payment that was due for July 21, 2014 and has not cured the  
8 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
9 comprised of the following amounts (the "Amount Due"):

- |    |                                       |                     |
|----|---------------------------------------|---------------------|
| 10 | a) Unpaid principal balance:          | \$214,328.00        |
| 11 | b) Prejudgment interest accruing from | \$38,294.98         |
| 12 | 6/21/2014 through 1/4/2018 and        |                     |
| 13 | continuing until the entry of         |                     |
|    | judgment at the rate of 5.4%:         |                     |
| 14 | c) Additional amounts due under the   | \$17,868.96         |
|    | terms of the loan:                    |                     |
| 15 | d) Attorney fees and costs:           | \$5,204.24          |
| 16 | e) Prevailing party fee (ORS 20.190   | \$85.00             |
| 17 | (1)(a)):                              |                     |
| 18 | <b>Total:</b>                         | <b>\$275,781.18</b> |

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

22 e. The interest of the Defendants and any successor in interest in the Subject Property is  
23 foreclosed and terminated excepting only any statutory right of redemption as provided by  
24 Oregon law.

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

26 g. All right, title and interest in the Subject Property that Borrower had as of the date of the  
27 Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County  
28

1 Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of  
2 sale shall be applied:

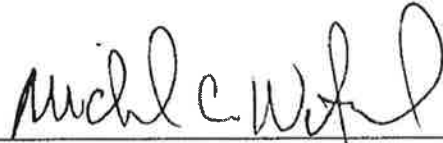
- 3 1) First, to the costs of sale not incurred by Plaintiff;
  - 4 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
5 entry of judgment through the date of the sale and any incurred costs of sale;
  - 6 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
7 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
8 such party or parties as they may establish their right thereto.
- 9 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
10 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
11 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 12 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
13 Property from and after the date of the sale and is entitled to such remedies as are available at  
14 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
15 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
16 possession to the purchaser immediately upon the purchaser's demand for possession.
- 17 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
18 entitled to any further or other judgment, including a judgment for the deficiency.
- 19 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
20 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
21 terminated.
- 22 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
23 Deed of Trust are as follows:
- 24 a) Defendant JSR INVESTMENTS, LLC may claim an interest in Subject Property by  
25 virtue of a Warranty Deed recorded 04/21/2008 as Instrument No. 2008-028674.
  - 26 b) Defendant GARY REGIER AND TERESA REGIER may claim a junior interest in  
27 Subject Property by virtue of a deed of trust recorded 10/25/2010 as Instrument No.

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2010-067165 in the official records of Clackamas County, Oregon, securing a promissory note in the amount of \$30,000.00.

c) Defendant DANIEL A. SMITH may claim an interest in Subject Property by virtue of a judgment entered on 11/04/2014 in the Circuit Court of Clackamas County, Case No. CV14080162, in the amount of \$125,349.33.

Signed: 4/4/2018 04:25 PM



Circuit Court Judge Michael C. Wetzel

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

On

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

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

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

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

No objection has been served on me.

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.

After conferring about objections, \_\_\_\_\_ agreed to independently file any remaining objection.

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

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

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

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 by subsection (4) of this rule.



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[ ] Other: \_\_\_\_\_

**McCarthy & Holthus, LLP**

s/ Robert B. Hakari 1/4/18

\_\_\_\_\_  
- John Thomas OSB No. 024691  
x 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

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