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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Case No. 15CV09573

Plaintiff,

WRIT OF EXECUTION

vs.

MARK A. HIEBERT; AMBER D. HIEBERT; PARTIES IN POSSESSION

Defendants.

TO: MARION COUNTY SHERIFF

WHEREAS, on June 11, 2015, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Money Award 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 June 3, 2010, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

PARCEL 1 OF PARTITION PLAT 1995-045, RECORDED MAY 03, 1995, IN BOOK OF PARTITION PLATS AND IN REEL 1235, PAGE 471, DEED RECORDS, IN THE CITY OF

1- WRIT OF EXECUTION
S&S No. 14-114761

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 SALEM, COUNTY OF MARION AND STATE OF OREGON.

2 TOGETHER WITH 25 FOOT ACCESS EASEMENT, AS DELINEATED ON SAID
3 PARTITION PLAT.

4 and commonly known as 6478 Sunnyside Road SE, Salem, OR 97306 to satisfy the sum of
5 \$360,218.29, as of August 22, 2018, together with additional post judgment interest of 9.00%
6 from that date (\$68.96 per day), and costs of this execution, making due return within 60 days
7 after you receive this writ.

8 JPMorgan Chase Bank, National Association is the Judgment Creditor, and its address for
9 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite
10 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
11 Judgment Creditor.
12

13 Signed: 8/31/2018 01:59 PM

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17 **Jamie Nightingale, Court Clerk**



18 Submitted by:
19 Attorneys for Plaintiff,
20 SHAPIRO & SUTHERLAND, LLC

21 By: 

22 **AUG 21 2018**

23 James A. Craft #090146 [jcraft@logs.com]
24 Kelly D. Sutherland #87357 [ksutherland@logs.com]
25 Cara J. Richter #094855 [crichter@logs.com]
26 Holger Uhl #950143 [huhl@logs.com]*
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28 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
7632 SW Durham Road, Suite 350, Tigard, OR 97224*
(360)260-2253; Fax (360)260-2285

2- WRIT OF EXECUTION
S&S No. 14-114761

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

MARK A. HIEBERT; AMBER D. HIEBERT;
PARTIES IN POSSESSION,

Defendants.

Case No. 15CV09573

GENERAL JUDGMENT OF
FORECLOSURE

Defaults having been entered against Defendants, Mark A. Hiebert, Amber D. Hiebert
and Parties in Possession:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Marion County, Oregon is commonly known as 6478 Sunnyside Road SE, Salem, OR 97306 and is legally described as follows:

//

1 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 14-114761

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Telephone (360)260-2253 (800)970-5647
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1 Parcel 1 of Partition Plat 1995-045, recorded May 03, 1995, in Book of Partition Plats
2 and in Reel 1235, Page 471, Deed Records, in the City of Salem, County of Marion
3 and State of Oregon.

4 Together with 25 foot access easement, as delineated on said Partition Plat.

- 5 2. The Deed of Trust executed and delivered by Defendant, Mark A Hiebert and Amber D
6 Hiebert ("Borrower") on or about June 3, 2010 and recorded on June 7, 2010 as Reel 3182,
7 Page 370 in the official records of Marion County, Oregon, is a valid and perfected lien
8 against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 9 3. The Plaintiff is the holder of the original note dated June 3, 2010 and made by Mark A.
10 Hiebert and Amber D. Hiebert in the amount of \$256,545.00. A copy of the Note was
11 attached to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial
12 interest in the Deed of Trust (together the "Loan").
- 13 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
14 interest in the Property is foreclosed and terminated excepting only any statutory right of
15 redemption as provided by Oregon law.
- 16 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
17 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
18 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
19 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
20 interests and priorities.
- 21 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
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1 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
2 thereafter acquired in the subject Property, is hereby ordered to be sold by the Marion
3 County Sheriff's Office in accordance with the process for sale upon execution, and the
4 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
5 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
6 as their interest may appear or to the clerk of the court to be distributed to such party of
7 parties as may establish their right thereto.
8

9 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.

10 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
11 from and after the date of the sale and is entitled to such remedies as are available at law or
12 in equity to secure possession.
13

14 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
15 any person holding possession under or through such Defendant(s) shall refuse to surrender
16 possession to the purchaser immediately on the purchaser's demand for possession.

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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		\$254,694.21	
3	Prejudgment interest at 3.5% through April 30, 2015			\$11,885.76
4	(accruing thereafter until entry of judgment at \$742.86/per mensem)			
5	Late Charges		\$0.00	
6	Other Costs and fees (recoverable)		7,632.82	
	Property Tax	\$7,224.97		
7	Hazard Insurance	\$1,607.45		
	PMI/MIP	\$2,054.37		
8	Property Inspections	\$196.00		
9	Escrow Credits	\$-3,338.46		
10	Suspense Balance	(\$111.51)		
	Subtotal			\$262,327.03
11	Total plus Prejudgment Interest			\$274,212.79

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

14	Costs			\$1,859.00
	Title Search Cost		\$837.00	
15	Filing Fee		\$531.00	
16	Lis Pendens Recording Fee		\$51.00	
	Service Costs		\$165.00	
17	Prevailing Party Fee		\$275.00	
	Attorney fees			\$2,600.00
18	Total			\$4,459.00

19
20 13. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate
21 of 9% per annum pursuant to ORS 82.010.

22 14. In no event should this judgment be construed as establishing personal liability for any
23 persons whose debt has been extinguished in bankruptcy or by an In Rem order granting
24 relief from stay, but only to foreclose the deed of trust mortgage. In the event the proceeds
25

1 of sale are insufficient to pay the amounts due to Plaintiff, no general execution shall be
2 issued and Plaintiff shall not be entitled to any further judgment, including a judgment for
3 deficiency.

4 15. Execution may issue against the subject property for the aggregate amount found due
5 Plaintiff herein as detailed in Paragraphs 11 through 13. (together "Amounts Due").
6 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
7 ORS 18.936 or other applicable law.
8

9 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the court
10 and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment
11 as to the amounts due shall be terminated.
12

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

17 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
18 necessary to enforce this judgment, the writ of execution or for the purchaser at the
19 foreclosure sale to obtain possession.
20

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MONEY AWARD*

4	a. Judgment Creditor:	Plaintiff, JPMorgan Chase Bank, National Association
5	Address for purpose of this judgment only:	c/o Shapiro & Sutherland, LLC 1499 SE Tech Center Place, Suite 255 Vancouver, WA 98683 (360)260-2253
6	Attorney for Judgment Creditor:	Shapiro & Sutherland, LLC 1499 SE Tech Center Place, Suite 255 Vancouver, WA 98683 (360)260-2253
7		
8	b. Judgment Debtor**:	Mark A. Hiebert and Amber D. Hiebert 6478 Sunnyside Road SE, Salem, OR 97306
9	Year of date of birth:	n/a
10	Social Security number:	Last four digits: n/a
11	Driver's license State and Number:	n/a
12	Attorney for Judgment Debtor is:	none
13		
14	c. The name of any person or public body, other than the Judgment Creditor's Attorney, who is entitled to any portion of the judgment:	none
15		
16	d. The amount of the judgment exclusive of amounts included in subsection (e) to (h) is:	\$262,327.03
17	e. Prejudgment interest:	at the rate of 3.5% through April 30, 2015 totaling, \$11,885.76 and thereafter at the rate of \$742.86 per mensem until entry of judgment
18	f. Post-judgment interest:	on all amounts awarded will accrue at the rate of 9.0% per annum pursuant to ORS 82.010 from the date of entry of judgment until the entire amount owing is paid
19		
20	g. monetary obligations that are payable on a periodic basis, any accrued arrearages, required further payments per period and payment dates	
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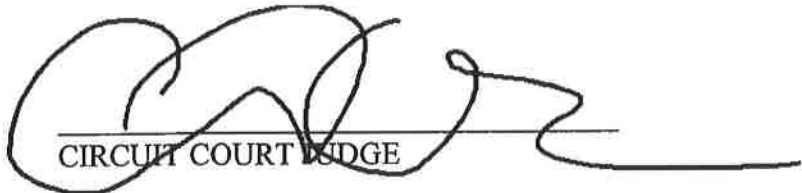
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h.	Costs and disbursements	\$1,859.00
	Attorney fees in the amount of:	\$2,600.00

*This section is provided to comply with ORS 18.042 and/or ORS 88.103 and is not intended to establish personal liability if such personal liability has been extinguished by a Bankruptcy discharge or by an order granting relief from stay In Rem.

**For execution in rem on the subject Property only. Not intended to be a lien on any other property of the Judgment Debtor.

Signed: 6/10/2015 03:23 PM



CIRCUIT COURT JUDGE

Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: 

James A. Craft #090146 [jcraft@logs.com]
 Kelly D. Sutherland #873575 [ksutherland@logs.com]
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7 - GENERAL JUDGMENT OF FORECLOSURE
S&S No. 14-114761

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