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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

Case No. 17CV00104

Plaintiff,

WRIT OF EXECUTION

vs.

EDITH B. STOVALL; SCOTT E. STOVALL; WASHINGTON FEDERAL, FKA WASHINGTON FEDERAL SAVINGS; PARTIES IN POSSESSION

Defendants.

TO: POLK COUNTY SHERIFF

WHEREAS, on November 29, 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 April 13, 2000, 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:

1- WRIT OF EXECUTION
S&S No. 15-116573

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 DESCRIBED IN THE DEED OF TRUST AS:
2 BEGINNING AT THE NORTHWEST CORNER OF OUT LOT NO. 21 IN THE CITY OF
3 MONMOUTH IN POLK COUNTY, OREGON AS THE SAME APPEARS AND IS
4 DESIGNATED ON THE RECORDED PLAT OF SAID TOWN AND RUNNING THENCE
5 EAST 64 FEET; THENCE SOUTH 165 FEET; THENCE WEST 65 FEET; THENCE NORTH
6 165 FEET TO THE PLACE OF BEGINNING.

7 AND MORE ACCURATELY DESCRIBED AS:
8 BEGINNING AT THE NORTHWEST CORNER OF OUT LOT NO. 21 IN THE CITY OF
9 MONMOUTH IN POLK COUNTY, OREGON AS THE SAME APPEARS AND IS
10 DESIGNATED ON THE RECORDED PLAT OF SAID TOWN AND RUNNING THENCE
11 EAST 65 FEET; THENCE SOUTH 165 FEET; THENCE WEST 65 FEET; THENCE NORTH
12 165 FEET TO THE PLACE OF BEGINNING.

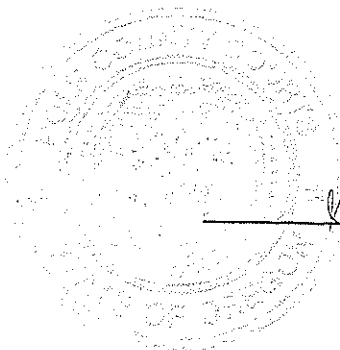
13 and commonly known as 597 Main Street W, Monmouth, OR 97361 to satisfy the sum of
14 \$129,927.14, as of January 1, 2019, together with additional post judgment interest of 9.00% from
15 that date (\$31.79 per day), and costs of this execution, making due return within 60 days after you
16 receive this writ.

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26 2- WRIT OF EXECUTION
S&S No. 15-116573

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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.
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Signed: 1/4/2019 10:40 AM

Debra M. Dupras

JSSI Debra M. Dupras

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10
11
12 Submitted by:
13 Attorneys for Plaintiff,
14 SHAPIRO & SUTHERLAND, LLC

15 By: 

16 James A. Craft #090146 [jcraft@logs.com]
17 Kelly D. Sutherland #87357 [ksutherland@logs.com]
18 Gadi Shahak #180865 [gshahak@logs.com]
19 Holger Uhl #950143 [huhl@logs.com]*
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26 3- WRIT OF EXECUTION
27 S&S No. 15-116573

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

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff

vs.

EDITH B. STOVALL; SCOTT E. STOVALL;
WASHINGTON FEDERAL, FKA
WASHINGTON FEDERAL SAVINGS; PARTIES
IN POSSESSION,

Defendants.

Case No. 17CV00104

GENERAL JUDGMENT OF
FORECLOSURE

Default having been entered against Defendant(s), Edith B. Stovall and Scott E. Stovall.
A Limited Judgment of Dismissal was entered as to Defendant, Parties in Possession, by the
Court on April 10, 2017. A Limited Judgment of Dismissal was entered as to Defendant,
Washington Federal fka Washington Federal Savings, by the Court on May 3, 2018:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in Polk
County, Oregon is commonly known as 597 Main Street W, Monmouth, OR 97361 and is
legally described as follows:

Described in the Deed of Trust as:
1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 15-116573

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1 Beginning at the Northwest corner of Out Lot No. 21 in the City of Monmouth in Polk
2 County, Oregon as the same appears and is designated on the recorded Plat of said
3 town and running thence East 64 feet; thence South 165 feet; thence West 65 feet;
4 thence North 165 feet to the place of beginning.

4 And more accurately described as:

5 Beginning at the Northwest corner of Out Lot No. 21 in the City of Monmouth in Polk
6 County, Oregon as the same appears and is designated on the recorded Plat of said
7 town and running thence East 65 feet; thence South 165 feet; thence West 65 feet;
8 thence North 165 feet to the place of beginning.

- 9
- 10 2. The Deed of Trust executed and delivered by Defendant, Edith B Stovall and Scott E Stovall
11 ("Borrower") on or about April 13, 2000 and recorded on April 24, 2000 as Instrument No.
12 2000004420 in the official records of Polk County, Oregon, is a valid and perfected lien
13 against all of the Property for the amount of Plaintiff's judgment as provided herein.
- 14 3. The Plaintiff is the holder of the original note dated April 13, 2000 and made by Edith B
15 Stovall and Scott E Stovall in the amount of \$116,900.00. A copy of the Note was attached
16 to the complaint as Exhibit. Plaintiff is the holder of the Note and the beneficial interest in
17 the Deed of Trust (together the "Loan").
- 18 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
19 interest in the Property is foreclosed and terminated excepting only any statutory right of
20 redemption as provided by Oregon law.
- 21 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
22 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
23 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
24 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
25 interests and priorities.

26 2 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 15-116573

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6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or thereafter acquired in the subject Property, is hereby ordered to be sold by the Polk County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied: first to the costs of sale; second to satisfaction of the amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party of parties as may establish their right thereto.
8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
9. The purchaser at the sale is entitled to exclusive and immediate possession of the 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.
10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or any person holding possession under or through such Defendant(s) shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.
11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$95,613.61	
Prejudgment interest through October 31, 2018 (accruing thereafter until entry of judgment at \$11.13 per diem)			\$13,077.02
Late Charges		\$0.00	
Other Costs and fees (recoverable)		19,929.90	
Property Inspections	\$203.00		

3 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 15-116573

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	Property Preservation	\$7,879.00		
	Escrow Deficiency - Real Estate Taxes for the year 2018	\$2,186.16		
	Escrow Deficiency - Real Estate Taxes for the year 2017	\$2,174.11		
	Escrow Deficiency - Real Estate Taxes for the year 2016	\$2,221.20		
	Previous Escrow Deficiency Real Estate Taxes (cumulative)	\$2,123.64		
	Hazard Insurance	\$3,142.79		
	Escrow Credits	-\$33.44		
		Subtotal		\$115,510.07
	Total plus Prejudgment Interest			\$128,587.09

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

Costs			\$2,517.50
	Title Search Cost	\$493.00	
	Skip Trace Costs	\$50.00	
	Filing Fee	\$531.00	
	Lis Pendens Recording Fee	\$56.00	
	Service Costs	\$1,112.50	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$3,050.00
Total			\$5,567.50

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

4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
S&S No. 15-116573

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

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

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26 5 - GENERAL JUDGMENT OF FORECLOSURE AND
27 SALE
28 S&S No. 15-116573

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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.
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Signed: 11/29/2018 09:38 AM

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11 ~~Circuit Court Judge Norm R. Hill~~
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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.
29 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
30 otherwise. UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

31 6- GENERAL JUDGMENT OF FORECLOSURE AND
32 SALE
33 S&S No. 15-116573

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38 ksutherland@lps.com

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

3 6. Other: _____

4 Submitted by:
Attorneys for Plaintiff.
5 SHAPIRO & SUTHERLAND, LLC

6 By:  _____

11-20-18

7 James A. Craft #090146 [jcraft@logs.com]
8 Kelly D. Sutherland #87357 [ksutherland@logs.com]
9 Gadi Shahak #180865 [gshahak@logs.com]
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26 7 - GENERAL JUDGMENT OF FORECLOSURE AND
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