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

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

CASE NO.: 18CV31773
WRIT OF EXECUTION

Plaintiff,
vs.

ALL UNKNOWN HEIRS AND DEWISEES
OF HAMES L. CHAPLIN, a deceased
individual; BRIAN L. CHAPLIN, as potential
heir of JAMES L. CHAPLIN, a deceased
individual; KELLY P. CHAPLIN, as potential
heir of JAMES L. CHAPLIN, a deceased
individual; Ben Carson, solely in his capacity
as Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; INTERNAL
REVENUE SERVICE; and ALL OTHER
UNKNOWN PARTIES CLAIMING ANY
RIGHT, TITLE, LIEN OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 4071 Sams Valley Road, Gold
Hill, OR 97525,

Defendants.

STATE OF OREGON)
) ss.
County of Jackson)
TO THE SHERIFF OF JACKSON COUNTY OREGON:

WRIT OF EXECUTION -I-

Zieve, Brodnax & Steele, LLP
Jeffrey A. Myers, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
jmyers@zbslaw.com

1 WHEREAS, on February 6, 2019, by consideration of the Jackson County Circuit Court,
2 there was entered a General Judgment of Foreclosure as to Defendants; a true copy of the
3 General Judgment of Foreclosure is attached hereto and made a part hereof.

4 Judgment Creditor: NATIONSTAR MORTGAGE LLC D/B/A CHAMPION
5 MORTGAGE COMPANY
6 c/o Zieve Brodnax & Steele, LLP
7 Judgment Creditor Address: 121 SW Salmon St., 11th Floor
8 Portland, OR 97204

9 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are commanded to
10 sell the real property as by said Second Corrected General Judgment of Foreclosure according to
11 law (subject to redemption) all of the interest that the borrower had on the 13th day of July 2010,
12 the date of the Mortgage, and also all of the interest that borrower had thereafter, in the real
13 property described in the Judgment:

14 BEGINNING ON A POINT ON THE NORTH LINE OF SECTION 32 IN TOWNSHIP 35
15 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON,
16 WHICH BEARS SOUTH 89° 56' WEST 1,988.5 FEET FROM THE NORTHEAST CORNER
17 OF SAID SECTION 32; THENCE SOUTH 0° 20' EAST PARALLEL TO THE EAST LINE OF
18 THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1,320 FEET;
19 THENCE SOUTH 89° 56' WEST 660 FEET, MORE OR LESS, TO THE WEST LINE OF
20 SAID WEST HALF OF THE NORTHEAST QUARTER; THENCE NORTH 0° 20' WEST
21 ALONG THE WEST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER A
22 DISTANCE OF 1,320 FEET TO THE NORTH LINE OF SAID SECTION 32; THENCE
23 NORTH 89° 56' EAST ALONG SAID LINE A DISTANCE OF 660 FEET, MORE OR LESS,
24 TO THE POINT OF BEGINNING.

25 EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON
26 (BY AND THROUGH ITS STATE HIGHWAY COMMISSION) BY DEED RECORDED IN
27 VOLUME 216 PAGE 559 AND VOLUME 217 PAGE 142 OF THE DEED RECORDS OF
28 JACKSON COUNTY, OREGON.

APN: 352W32 1000

The street address of the real property to be levied upon is 4071 Sams Valley Road, Gold
Hill, OR 97525.

WRIT OF EXECUTION -2-

Zieve, Brodnax & Steele, LLP
Jeffrey A. Myers, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
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714-848-7920
jmyers@zbslaw.com

1 The above referenced property shall be sold to satisfy the following sums: The principal
2 balance in the amount of \$251,249.45; plus prevailing party fee in the amount of \$300.00; plus
3 reasonable attorney fees and costs in the amount of \$15,053.24; plus prejudgment interest from
4 November 1, 2018 through February 6, 2019 in the amount of \$4,868.64 (\$49.68 x 98 days); plus
5 post-judgment interest accruing after February 7 through February 15, 2019, at the rate of 9.0%
6 per annum, of \$535.52 (\$66.94 per diem x 8 days) for a total of \$272,006.85 with interest to
7 continue to accrue at the rate of 9.0% per annum (\$66.94 per diem) until the date of sale; Thus,

8 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
9 THE DATE OF SUBMISSION (February 15, 2019) IS AS FOLLOWS:

10 Base Judgment/Interest/Fees: \$251,249.45

11 Prevailing Party Fee: \$300.00

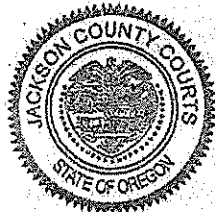
12 Attorney Fees and Costs: \$15,053.24

13 Pre-Judgment Interest from
14 11/01/18 – 1/28/19 at 9.896%
(\$49.68 per diem) \$4,868.64

15 Post-Judgment Interest from
16 2/7/18 – 02/15/19 at 9.0%
(\$66.94 per diem) \$535.52

17 Total due as of February 15, 2019: \$272,006.85, with interest to continue to accrue at
18 9.0% (\$66.94 per diem) until the date of sale.

19 The proceeds of sale shall be applied, delivered, and distributed according to ORS
20 18.950.



Signed: 2/19/2019 02:11 PM

21 By: Andrea Culbertson
22 Andrea Culbertson - Court Clerk

23 Submitted by:
24
25

26 WRIT OF EXECUTION -3-

27 Zieve, Brodnax & Steele, LLP
28 Jeffrey A. Myers, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
714-848-7920
jmyers@zbslaw.com

1 /s/ Jeffrey A. Myers

2 Jeffrey A. Myers, OSB No. 094561

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WRIT OF EXECUTION -4-

Zieve, Brodnax & Steele, LLP
Jeffrey A. Myers, Esq.
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JACKSON

NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY,

Plaintiff,

vs.

ALL UNKNOWN HEIRS AND DEVISEES
OF JAMES L. CHAPLIN, a deceased
individual; BRIAN L. CHAPLIN, as potential
heir of JAMES L. CHAPLIN, a deceased
individual; KELLY P. CHAPLIN, as potential
heir of JAMES L. CHAPLIN, a deceased
individual; Ben Carson, solely in his capacity
as Secretary for UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; INTERNAL
REVENUE SERVICE; and ALL OTHER
UNKNOWN PARTIES CLAIMING ANY
RIGHT, TITLE, LIEN OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 4071 Sams Valley Road, Gold
Hill, OR 97525,

Defendants.

CASE NO. 18CV31773

**GENERAL JUDGMENT OF
FORECLOSURE BY DEFAULT
(WITHOUT MONEY AWARD -
JUDGMENT DOES NOT
CREATE A LIEN)**

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1 Based upon the Motion for a General Judgment of Foreclosure filed by plaintiff,
2 Nationstar Mortgage LLC d/b/a Champion Mortgage Company ("Plaintiff") and against
3 defendants All Unknown Heirs And devisees Of James L. Chaplin ("Heirs"), Brian L. Chaplin, as
4 potential heir of James L. Chaplin ("Brian"), Kelly P. Chaplin, as potential heir of James L. Chaplin
5 ("Kelly"), Ben Carson, solely in his capacity as Secretary for United States Department of Housing
6 and Urban Development ("HUD"), and Internal Revenue Service ("IRS", together with Heirs,
7 Brian, Kelly, and HUD, collectively "Defendants"), and that Plaintiff has filed a Statement for
8 Attorney Fees, Costs, and Disbursements,

9 **IT IS HEREBY ORDERED AND ADJUDGED:**

10 **1.**

11 Plaintiff is awarded judgment against Defendants and all persons claiming through or
12 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
13 interest, lien or claim in the real property described above and every portion thereof excepting
14 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

15 All Other Persons Parties, or Occupants Unknown claiming any legal or equitable right,
16 title, estate, lien, or interest in the real property ("AOP") will be dismissed from this action.

17 **2.**

18 Writ of execution upon this General Judgment of Foreclosure shall issue.

19 **3.**

20 The Deed of Trust executed by James L. Chaplin ("Deceased Borrower") and recorded
21 on July 13, 2010, in the Jackson County Recorder's Office as instrument number 2010-022079,
22 is a valid mortgage lien for the amount of Plaintiff's judgment set forth in paragraph 1 against all
23 the real property, located in Jackson County, Oregon commonly referred to as 4071 Sams Valley
24 Road, Gold Hill, OR 97525, with a legal description as follows:

25 BEGINNING ON A POINT ON THE NORTH LINE OF SECTION 32 IN TOWNSHIP
26 35 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY,
27 OREGON, WHICH BEARS SOUTH 89° 56' WEST 1,988.5 FEET FROM THE

1 NORTHEAST CORNER OF SAID SECTION 32;
2 THENCE SOUTH 0° 20' EAST PARALLEL TO THE EAST LINE OF THE WEST
3 HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1,320 FEET; THENCE
4 SOUTH 89° 56' WEST 660 FEET, MORE OR LESS, TO THE WEST LINE OF SAID
5 WEST HALF OF THE NORTHEAST QUARTER;
6 THENCE NORTH 0° 20' WEST ALONG THE WEST LINE OF SAID WEST HALF
7 OF THE NORTHEAST QUARTER A DISTANCE OF 1,320 FEET TO THE NORTH
8 LINE OF SAID SECTION 32; THENCE NORTH 89° 56' EAST ALONG SAID LINE A
9 DISTANCE OF 660 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
10 EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF
11 OREGON (BY AND THROUGH ITS STATE HIGHWAY COMMISSION) BY DEED
12 RECORDED IN VOLUME 216 PAGE 559 AND VOLUME 217 PAGE 142 OF THE
13 DEED RECORDS OF JACKSON COUNTY, OREGON.

14 APN: 352W32 1000.

15 4.

16 Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real
17 property, and all other interest in the property gained by him thereafter, or so much interest as
18 may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Jackson
19 County, Oregon in the manner provided by law and in accordance with the practice of this Court.

20 5.

21 The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction
22 of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus
23 shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as
24 may establish their right thereto.

25 6.

26 Defendants and all persons claiming through or under Defendants, as purchasers,
27 encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real

1 property described above and every portion thereof excepting only any satisfactory right of
2 redemption as Defendants may have.

3 7.

4 Plaintiff or any other party to this suit or third party purchase may become the purchaser
5 at the sale of the real property. The purchaser is entitled to exclusive possession of the real
6 property from and after the date of sale and is entitled to such remedies as are available at law to
7 secure possession, including writ of assistance, if the Defendants and any other party or person
8 shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for
9 possession.

10 **SECURED DEBT**

- 11 1. Judgment Creditor: Nationstar Mortgage LLC d/b/a Champion
12 Mortgage Company
13 c/o Zieve, Brodnax, & Steele, LLP
14 One World Trade Center
15 121 Southwest Salmon St., 11th Floor
16 Portland, OR 97204
17 714-848-7920
- 18 2. Judgment Creditor's Attorney: Scott D. Crawford
19 Jeffrey A. Myers
20 Zieve, Brodnax, & Steele, LLP
21 One World Trade Center
22 121 Southwest Salmon St., 11th Floor
23 Portland, OR 97204
24 714-848-7920
- 25 3. Person or public body entitled to any portion of money award herein: None

26 4. Total Amount of Secured Debt:

LENDERS' PRINCIPAL AND INTEREST	
Principal Balance	\$ 141,728.01
Accrued interest on the principal balance through 10/31/18	\$ 88,617.84
Accrued fees on the principal balance through 10/31/18	\$ 20,903.60
Additional pre-judgment interest to accrue from 11/1/18 to the date this judgment is entered, at the note rate of 9.896% (per diem \$49.68)	

1	Post-judgment interest to accrue on the sum of: (1) the judgment amount in section d, and (2) the additional pre-judgment interest accruing from 11/1/18 to the date of judgment. This post-judgment interest shall accrue at the statutory rate of 9.0%, from the date judgment is entered until the date of sale.	
2		
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5	Total Principal and Interest Through 10/31/18 at the rate of 9.896%. (per diem \$49.68)	\$ 251,249.45
6	ATTORNEYS' FEES AND COSTS	
7	Attorney Fees	\$ 3,700.00
8	Prior Attorney Fees	\$ 8,623.12
9	Attorney Costs	\$ 2,730.12
10	Total Attorney Fees and Costs	\$ 15,053.24
11	Prevailing Party Fee	\$ 300.00
12	TOTAL SECURED DEBT (JUDGMENT)	\$ 266,602.69

13 Interest will continue to accrue on the judgment amount at the rate of 9%. Said Judgment is meant to be for the purposes of foreclosure *only*, and is not intended to be a monetary judgment against the Borrower.

Signed: 2/6/2019 07:48 AM



18 **Circuit Court Judge – Judge Timothy C. Gerking**

19
20 **UTCRC 5.100(2) CERTIFICATE OF READINESS**

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

- 22 1. Each party affected by this order of judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 23 2. Each party affected by this order of judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

1 3. I have served a copy of this order of judgment on each party entitled to service and:

2 a. No objection has been served on me.

3 b. I received objections that I could not resolve with a party despite reasonable
4 efforts to do so. I have filed a copy of the objections I have received and
5 indicated which objections remained unresolved.

6 c. After conferring about objections [role and name of objecting party] agreed to
7 independently file any remaining objection.
8

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

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

11 6. Service is not required pursuant to subsection 3 of this rule, or by statute, rule, or
12 otherwise.

13 7. This is a proposed judgment that includes an award of punitive damages and notice as
14 been served on the Director of the Crime Victims' Assistance Section as required by
15 subsection (5) of the rule.
16

17 8. Other: _____

18 Submitted By:

19 /s/ Jeffrey A. Myers 1/15/19

20 Scott D. Crawford, OR No. 086448

21 Jeffrey A. Myers, OSB No. 094561

22 Attorneys for Plaintiff

23 scrawford@zbslaw.com

24 jmyers@zbslaw.com
25
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4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
5 **FOR THE COUNTY OF JACKSON**
6

7 NATIONSTAR MORTGAGE LLC D/B/A
8 CHAMPION MORTGAGE COMPANY,

9 Plaintiff,

vs.

10 ALL UNKNOWN HEIRS AND DEVISEES
11 OF HAMES L. CHAPLIN, a deceased
12 individual; BRIAN L. CHAPLIN, as potential
13 heir of JAMES L. CHAPLIN, a deceased
14 individual; KELLY P. CHAPLIN, as potential
15 heir of JAMES L. CHAPLIN, a deceased
16 individual; Ben Carson, solely in his capacity
17 as Secretary for UNITED STATES
18 DEPARTMENT OF HOUSING AND
19 URBAN DEVELOPMENT; INTERNAL
REVENUE SERVICE; and ALL OTHER
UNKNOWN PARTIES CLAIMING ANY
RIGHT, TITLE, LIEN OR INTEREST IN
THE REAL PROPERTY COMMONLY
KNOWN AS 4071 Sams Valley Road, Gold
Hill, OR 97525,

20 Defendants.
21

CASE NO.: 18CV31773

**PRAECIPE FOR WRIT OF
EXECUTION**

22 **TO THE TRIAL COURT CLERK OF THE ABOVE-ENTITLED COURT:**

23 You are hereby requested and instructed to issue an execution to the Sheriff of Jackson
24 County for execution of the General Judgment of Foreclosure entered February 6, 2019 in the
25 above-entitled cause.

26 PRAECIPE FOR WRIT OF EXECUTION -1-

27 **Zieve, Brodnax & Steele, LLP**
Jeffrey A. Myers, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
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It is hereby certified that the provisions of the Writ of Execution tendered herewith conform to the judgment of record in this cause.

DATED this 15th day of February, 2019

Zieve, Brodnax & Steele, LLP

By: /s/ JEFFREY A. MYERS
Jeffrey A. Myers, OSB No. 094561
Attorneys for Plaintiff
One World Trade Center
121 Southwest Salmon St, 11th Floor
Portland, OR 97204
(503) 946-6558
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