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IN THE CIRCUIT COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF JACKSON

JPMORGAN CHASE BANK, N.A.

Case No. 16CV42782

Plaintiff,

WRIT OF EXECUTION

vs.

JOHN JAMES LINDSLEY; UNKNOWN  
HEIRS OF BETTY J. KELLER  
LINDSLEY; UNKNOWN HEIRS OF  
MARK E. LINDSLEY; ASSOCIATES  
FINANCIAL SERVICES COMPANY,  
INC.; STATE OF OREGON; CREDIT  
BUREAU OF JOSEPHINE COUNTY,  
INC.; PARTIES IN POSSESSION

Defendants.

TO: JACKSON COUNTY SHERIFF

WHEREAS, on January 26, 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 October 15, 2004, the date

1- WRIT OF EXECUTION  
S&S No. 15-117636

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 of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the  
2 real property described in the judgment:

3 THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE  
4 SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 SOUTH, RANGE 2 WEST OF  
5 THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHERLY  
6 OF THE SAMS VALLEY STATE HIGHWAY NO. 234, EXCEPTING THEREFROM THE  
7 FOLLOWING:

8 BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF THE SAMS  
9 VALLEY STATE HIGHWAY NO. 234 AND THE EAST LINE OF THE WEST HALF OF  
10 THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, IN  
11 SAID TOWNSHIP AND RANGE; THENCE NORTH ALONG THE EAST LINE OF THE  
12 WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A  
13 DISTANCE OF 441.0 FEET, MORE OR LESS, TO THE NORTHEAST CORNER THEREOF;  
14 THENCE WEST ON THE NORTH LINE THEREOF, A DISTANCE OF 338.46 FEET;  
15 THENCE SOUTH, PARALLEL TO THE EAST LINE OF SAID WEST HALF OF THE  
16 SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 613.0  
17 FEET TO INTERSECT THE NORTHWESTERLY LINE OF SAID HIGHWAY; THENCE  
18 NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE 383.0 FEET, MORE OR  
19 LESS, TO THE POINT OF BEGINNING.

20 and commonly known as 4494 Highway 234, White City, OR 97503 to satisfy the sum of  
21 \$129,645.73, as of February 12, 2019, together with additional post judgment interest of 9.00%  
22 from that date (\$29.22 per day), and costs of this execution, making due return within 60 days  
23 after you receive this writ.

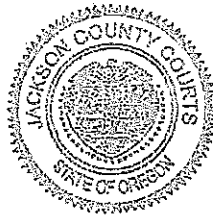
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1 JPMorgan Chase Bank, N.A. is the Judgment Creditor, and its address for purpose of this  
2 writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,  
3 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the  
4 Judgment Creditor.  
5  
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8

Signed: 2/14/2019 01:50 PM



*Andrea Culbertson*

Andrea Culbertson - Court Clerk

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

15 By: \_\_\_\_\_

James A. Craft #090146 [jcraft@logs.com]  
16  Kelly D. Sutherland #87357 [ksutherland@logs.com]  
17  Gadi Shahak #180865 [gshahak@logs.com]  
18  Holger Uhl #950143 [huhl@logs.com]\*  
19 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
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25 3- WRIT OF EXECUTION  
26 S&S No. 15-117636

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

JPMORGAN CHASE BANK, N.A.,  
Plaintiff,

Case No. 16CV42782

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE AS TO  
DEFENDANTS:

- 1) State of Oregon - Stipulated
- 2) John James Lindsley - Defaulted
- 3) Unknown Heirs of Betty J. Keller  
Lindsley - Defaulted
- 4) Unknown Heirs of Mark E.  
Lindsley - Defaulted
- 5) Associates Financial Services  
Company, Inc. - Defaulted
- 6) Credit Bureau of Josephine  
County, Inc. - Defaulted

vs.

JOHN JAMES LINDSLEY; UNKNOWN HEIRS  
OF BETTY J. KELLER LINDSLEY; UNKNOWN  
HEIRS OF MARK E. LINDSLEY; ASSOCIATES  
FINANCIAL SERVICES COMPANY, INC.;  
STATE OF OREGON; CREDIT BUREAU OF  
JOSEPHINE COUNTY, INC.; PARTIES IN  
POSSESSION,

Defendants.

Defendant, Parties in Possession, having been dismissed and Defendant, State of Oregon,  
having stipulated to entry of judgment and Defendants, John James Lindsley; Unknown Heirs of  
Betty J. Keller Lindsley; Unknown Heirs of Mark E. Lindsley; Associates Financial Services  
Company, Inc.; and Credit Bureau of Josephine County, Inc. having been defaulted:

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 15-117636

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1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@lors.com

1 It is hereby

2 ORDERED AND ADJUDGED:

- 3 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
4 Jackson County, Oregon is commonly known as 4494 Highway 234, White City, OR 97503  
5 and is legally described as follows:  
6

7 That portion of the West half of the Southwest quarter of the Southwest quarter of  
8 Section 24, Township 35 South, Range 2 West of the Willamette Meridian, Jackson  
9 County, Oregon, lying Northerly of the Sams Valley State Highway No. 234,  
excepting therefrom the following:

10 Beginning at the intersection of the Northwesterly line of the Sams Valley State  
11 Highway No. 234 and the East line of the West half of the Southwest quarter of the  
12 Southwest quarter of Section 24, in said Township and Range; thence North along the  
13 East line of the West half of the Southwest quarter of the Southwest quarter, a distance  
14 of 441.0 feet, more or less, to the Northeast corner thereof; thence West on the North  
15 line thereof, a distance of 338.46 feet; thence South, parallel to the East line of said  
16 West half of the Southwest quarter of the Southwest quarter, a distance of 613.0 feet to  
17 intersect the Northwesterly line of said highway; thence Northeasterly, along the  
18 Northwesterly line 383.0 feet, more or less, to the point of beginning.

- 19 2. The Deed of Trust executed and delivered by Defendant, Betty J Keller Lindsley  
20 ("Borrower") on or about October 15, 2004 and recorded on October 25, 2004 as Instrument  
21 No. 2004-062258 in the official records of Jackson County, Oregon, is a valid and perfected  
22 lien against all of the Property for the amount of Plaintiff's judgment as provided herein.  
23 3. The Plaintiff is the holder of the original note dated October 15, 2004 and made by Betty J  
24 Keller Lindsley in the amount of \$130,000.00. A copy of the Note was attached to the  
25 complaint as Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the  
26 Deed of Trust (together the "Loan").

27 //

28 2 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S: No. 15-117636

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1 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
2 interest in the Property is foreclosed and terminated excepting only any statutory right of  
3 redemption as provided by Oregon law.

4 5. Defendant State of Oregon, DOR, holds two valid and subsisting liens against the real  
5 property described in the Complaint by virtue of statutory liens arising from DOR's payment  
6 of real property taxes under the Senior Citizens Property Tax Deferral Program for tax years  
7 2001 through 2012. The Notice of Tax Deferred Properties for the first lien ("DOR Lien 1")  
8 was recorded in the County Clerk Lien Records for Jackson County on July 10, 2001 as  
9 Recording No. 2001-131885. The Notice of Tax Deferred Properties for the second lien  
10 ("DOR Lien 2") was recorded in Jackson County on June 13, 2016 as Recording No. 2016-  
11 017880. The total amount owed on DOR Lien 1 and DOR Lien 2 as of February 28, 2017 is  
12 \$21,976.00, with additional interest accruing at the daily rate of \$2.21 per day thereafter.  
13 The amount owed for ODR Lien 1 is \$20,476. The amount owed for ODR Lien 2 is  
14 \$1,500.00.

15 6. DOR Lien 1 attached to the property and was recorded prior to Plaintiff's Trust Deed. DOR  
16 Lien 1, therefore, is senior in priority to the lien created by Plaintiff's trust deed.

17 7. Defendant State of Oregon, OJD, holds valid and subsisting liens against the real property  
18 described in the Complaint by virtue of the following:

- 19 1. Judgment in Jackson County Circuit Court, Case No. 072288MI, in favor of the  
20 State of Oregon, against John James Lindsley, entered on July 17, 2007. The  
21 balance due on the judgment is \$546.36.

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2. Judgment in Jackson County Circuit Court, Case No. 081810FE, in favor of the State of Oregon, against John James Lindsley, entered on July 30, 2008. The balance due on the judgment is \$423.04.

3. Judgment in Jackson County Circuit Court, Case No. 102458MI, in favor of the State of Oregon, against John James Lindsley, entered on August 10, 2010. The balance due on the judgment is \$973.74.

4. Judgment in Jackson County Circuit Court, Case No. 13CR02860, in favor of the State of Oregon, against John James Lindsley, entered on August 15, 2013. The balance due on the judgment is \$672.00.

8. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment interests and priorities.

9. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.

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10. 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 Jackson 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 State of Oregon DOR, Lien 1; third to satisfaction of the amounts awarded Plaintiff herein; fourth, to satisfaction of all remaining State of Oregon, DOR and OJD, liens noted above; with the surplus, if any, to the remaining Defendants in the priority as their interest may appear or to the clerk of the court to be distributed to such party or parties as may establish their right thereto.

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

12. 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.

13. 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.

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1 14. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2 Principal	\$85,794.30	
3 Prejudgment interest at variable rates through May 22, 2017 4 (accruing thereafter until entry of judgment at \$14.14 per diem)		\$22,214.75
5 Late Charges	\$0.00	
6 Other Costs and fees (recoverable)	0.00	
7 Subtotal		\$85,794.30
Total plus Prejudgment Interest		\$108,009.05

8  
9 15. Attorney Fees and Costs are awarded to Plaintiff as follows:

10 Costs			\$3,567.92
11 Title Search Cost	\$408.00		
12 Filing Fee	\$531.00		
13 Lis Pendens Recording Fee	\$68.00		
14 Service by Publication	\$1,870.92		
15 Service Costs	\$415.00		
16 Prevailing Party Fee	\$275.00		
17 Attorney fees			\$3,400.00
18 Total			\$6,967.92

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

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1 17. 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 18. No money award of any form, including an award of attorney fees and costs, shall be  
10 awarded to either Plaintiff or Stipulating Defendant as against the other as a result of the  
11 entry of this Stipulation.

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


17 20. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
18 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
19 judgment as to the amounts due shall be terminated.

21 21. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
22 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
23 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
24 18.936.

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

Signed: 1/25/2018 10:59 AM



**Circuit Court Judge Benjamin M. Bloom**

**Certificate of Readiness under UTCR 5 100**

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

- 1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- 2.  Each party affected by this order or 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.
- 3.  I have served a copy of this order or judgment on each party entitled to service and:
  - a.  No objection has been served on me.
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c.  After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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8 - GENERAL JUDGMENT OF FORECLOSURE AND SALE  
S&S No. 15-117636

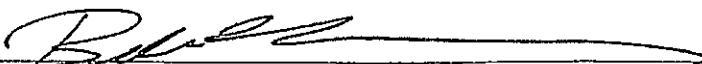
*SHAPIRO & SUTHERLAND, LLC*  
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ksutherland@logs.com

- 1 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.  
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)  
2 5.  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 (5) of  
3 this rule.  
4 6.  Other: \_\_\_\_\_

5 So stipulated and submitted by:  
6 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

7 By: \_\_\_\_\_  
8 Holger Uhl #950143 [huhl@logs.com]  
9 7632 SW Durham Road, Suite 350, Tigard, OR 97224  
(360)260-2253; Fax (360)260-2285

10  
11 So Stipulated:

12   
13 Belle Na, Assistant Attorney General, OSB #176107  
14 belle.na@doj.state.or.us  
15 Attorney for Stipulating Defendant  
16 State of Oregon  
17 1162 Court Street NE  
Salem, OR 97301  
(503)934-4400

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25 9 - GENERAL JUDGMENT OF FORECLOSURE AND  
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