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

OPERATING ENGINEERS LOCAL UNION  
NO. 3 FEDERAL CREDIT UNION,

Plaintiff,

v.

JESSE C. HEAPES; ESTATE OF TIMOTHY  
W. HEAPES (deceased); ESTATE OF  
CAROLE Y. HEAPES (deceased);  
UNKNOWN HEIRS AND DEVISEES OF  
TIMOTHY W. HEAPES (deceased);  
UNKNOWN HEIRS AND DEVISEES OF  
CAROLE Y. HEAPES (deceased); and JOHN  
DOES 1-5,

Defendants.

Case No. 21CV12134

WRIT OF EXECUTION IN  
FORECLOSURE

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON

WHEREAS on June 8, 2022, in the Circuit Court of the State of Oregon for Josephine  
County, a General Judgment of foreclosure of a deed of trust lien was entered and docketed in  
the above-entitled cause in favor of plaintiff, a certified true copy of which is attached hereto and  
made a part hereof;

NOW, THEREFORE, in the name of the State of Oregon, you are hereby commanded to  
levy on and sell, in the manner prescribed by law for the sale of real property upon execution  
(subject to redemption), all of the interest in which the defendants had on January 10, 2007, the

1 date of the deed of trust, and also all of the interest that the defendants had thereafter, in the real  
2 property in Josephine County, Oregon, legally described as:

3 SITUATED IN THE COUNTY OF JOSEPHINE, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

4 A PARCEL OF LAND IN D.L.C. NO. 40 IN SECTION 19, TOWNSHIP 37 SOUTH, RANGE 5 WEST, OF  
5 THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

6 BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NORTH APPLGATE ROAD  
7 WHICH BEARS SOUTH 23°35'04" WEST 1009.15 FEET FROM THE NORTHEAST CORNER OF SAID  
SECTION 19; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING COURSES AND  
8 DISTANCES: NORTH 80°39'20" WEST 216.30 FEET, SOUTH 7°53' WEST 5.00 FEET AND NORTH  
9 82°07' WEST 200.00 FEET TO AN IRON ROD; THENCE SOUTH 12°58'30" WEST 281.81 FEET, MORE  
OR LESS, TO THE CENTERLINE OF APPLGATE RIVER; THENCE SOUTHEASTERLY ALONG THE  
10 CENTERLINE OF THE APPLGATE RIVER TO A POINT WHICH BEARS SOUTH 12°58'30" WEST  
553.02 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING; THENCE NORTH  
12°58'30" EAST 553.02 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. EXCEPTING  
11 THEREFROM THE WESTERLY 200 FEET WHEN MEASURED ALONG THE SOUTHERLY RIGHT OF WAY  
LINE OF NORTH APPLGATE ROAD.

12 (commonly known as 6789 North Applegate Road, Grants Pass, Oregon 97527)

13 to satisfy the sums of:

- 14 a. On the Fixed Rate Equity Loan, \$53,114.27 plus interest in the amount of \$7.1415 per  
15 day from May 9, 2022 and thereafter until paid; and
- 16 b. On the HELOC Line of Credit Loan, \$33,440.08 plus interest in the amount of \$2.7012  
17 per day from May 9, 2022 and thereafter, until paid; and
- 18 c. Plaintiff's reasonable attorney's fees of \$4,408.75, plaintiff's costs and disbursements of  
19 \$1,389.20, and plaintiff's expenses of \$706.39, plus interest on attorney's fees, costs and  
20 expenses at the rate of 9 percent per annum from entry of this judgment until paid; and
- 21 d. the costs of this writ, making due return within 60 days after you receive this writ.

22 //

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1 The addresses for the judgment creditor are:

2 Operating Engineers Local Union No. 3 Federal Credit Union  
3 PO Box 5073  
4 Livermore, CA 94551

4 AND

5 Operating Engineers Local Union No. 3 Federal Credit Union  
6 c/o Tyson L. Calvert, Esq.  
7 1300 SW 5th Ave, Ste. 3400  
8 Portland, OR 97201

8 JUN 29 2022



9  
10  
11 A handwritten signature in blue ink, appearing to read "Lindsay Hart", written over a horizontal line.

11 Court Clerk

26



Certified True Copy Of The Original  
Dated This 9 Day Of June, 2022  
Trial Court Administrator  
By: [Signature]

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

OPERATING ENGINEERS LOCAL UNION NO. 3  
FEDERAL CREDIT UNION,

Plaintiff,

v.

JESSE C. HEAPES; ESTATE OF TIMOTHY W.  
HEAPES (deceased); ESTATE OF CAROLE Y.  
HEAPES (deceased); UNKNOWN HEIRS AND  
DEWISEES OF TIMOTHY W. HEAPES  
(deceased); UNKNOWN HEIRS AND DEWISEES  
OF CAROLE Y. HEAPES (deceased); and JOHN  
DOES 1-5,

Defendants.

Case No. 21CV12134

GENERAL JUDGMENT

(Ex Parte)

Pursuant to Plaintiff's motion, and the Court having previously entered an Order of Default against  
all of the Defendants, NOW, THEREFORE,

**IT IS HEREBY ORDERED AND ADJUDGED:**

1. Plaintiff is awarded judgment against the real property described in the Complaint, as follows:
  - a. On the Fixed Rate Equity Loan, \$53,114.27 plus interest in the amount of \$7.1415 per day from May 9, 2022 and thereafter until paid; and
  - b. On the HELOC Line of Credit Loan, \$33,440.08 plus interest in the amount of \$2.7012 per day from May 9, 2022 and thereafter, until paid; and
  - c. Plaintiff's reasonable attorney's fees of \$4,408.75, plaintiff's costs and disbursements of \$1,389.20, and plaintiff's expenses of \$706.39, plus interest on attorney's fees, costs and expenses at the rate of 9 percent per annum from entry of this judgment until paid;

1           2.       The lien of the Deed of Trust being foreclosed herein, described in the Complaint as  
2 between Timothy Heapes and Carole Y. Heapes, grantors, and Operating Engineers Local Union No. 3  
3 Federal Credit Union, as beneficiary, recorded January 25, 2007 in the official records of Josephine  
4 County, Oregon as No. 2007-001853, constitutes a valid and subsisting lien against all the real property  
5 commonly known as 6789 North Applegate Road, Grants Pass, Oregon 97527, legally described as:

6           SITUATED IN THE COUNTY OF JOSEPHINE, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

7           A PARCEL OF LAND IN D.L.C. NO. 40 IN SECTION 19, TOWNSHIP 37 SOUTH, RANGE 5 WEST, OF  
8 THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON, MORE PARTICULARLY DESCRIBED  
9 AS FOLLOWS:

10           BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF NORTH APPLGATE ROAD  
11 WHICH BEARS SOUTH 23°35'04" WEST 1009.15 FEET FROM THE NORTHEAST CORNER OF SAID  
12 SECTION 19; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING COURSES AND  
13 DISTANCES: NORTH 80°39'20" WEST 216.30 FEET, SOUTH 7°53' WEST 5.00 FEET AND NORTH  
14 82°07' WEST 200.00 FEET TO AN IRON ROD; THENCE SOUTH 12°58'30" WEST 281.81 FEET, MORE  
15 OR LESS, TO THE CENTERLINE OF APPLGATE RIVER; THENCE SOUTHEASTERLY ALONG THE  
16 CENTERLINE OF THE APPLGATE RIVER TO A POINT WHICH BEARS SOUTH 12°58'30" WEST  
17 553.02 FEET, MORE OR LESS, FROM THE TRUE POINT OF BEGINNING; THENCE NORTH  
18 12°58'30" EAST 553.02 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. EXCEPTING  
19 THEREFROM THE WESTERLY 200 FEET WHEN MEASURED ALONG THE SOUTHERLY RIGHT OF WAY  
20 LINE OF NORTH APPLGATE ROAD.

21 and that lien is to be superior to any interest, lien or claim of all of the defendants named herein, or any of  
22 them, in that property;

23           3.       Plaintiff's trust deed lien is foreclosed and it is ordered that the sale of the real property  
24 described above be made by the sheriff of Josephine County, Oregon, in the manner prescribed by law;

25           4.       Defendants, and each of them, and all persons claiming through or under such defendants  
26 either as purchasers, encumbrancers, or otherwise are foreclosed of all interest or claim in the real  
property except any statutory right of redemption as defendants, or any of them, may have in the real  
property;

          5.       Plaintiff or any other party to this action may become the purchaser at the sale of the real  
property, and that purchaser be ordered to be entitled to exclusive possession of the real property from the  
date of sale and shall be entitled to such remedies as are available at law to secure such possession if  
defendants, or any of them, or any other party or person shall refuse to immediately surrender possession  
to the purchaser; and

1           6.       That the Clerk of the Court is ordered to pay funds after the Sheriff's sale of real property  
2 and after entry of judgment to the plaintiff, if plaintiff is the winning bidder.

3  
4                                   **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

5           1. Name and Address of Judgment Creditor

6           Operating Engineers Local Union No. 3 Federal Credit Union  
7           PO Box 5073  
8           Livermore, CA 94551

8           2. Name/Address/Telephone Number of Creditor's Attorney

9           Tyson L. Calvert, OSB #032809  
10          Lindsay Hart, LLP  
11          1300 SW Fifth Avenue, Suite 3400  
12          Portland, OR 97201

12          Telephone (503) 226-7677

13          3. Name/Address of Judgment Debtor:

14          None.

15          4. Name/Address of Judgment Debtor's Attorney:

16          None.

17          5. Other person or public bodies who are entitled to any portion of a payment made on the judgment:

18          None

19          6. Principal Judgment Amounts:

20               a. On the Fixed Rate Equity Loan, \$53,114.27; and

21               b. On the HELOC Line of Credit Loan, \$33,440.08.

22          7. Prejudgment Interest:

23               a. \$7.1415 per day from May 9, 2022 until date of entry of judgment on the Fixed Rate Equity  
24               Loan; and

25               b. \$2.7012 per day from May 9, 2022 until date of entry of judgment on the HELOC Line of  
26               Credit Loan.

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- 8. Post-judgment interest is awarded at:
  - a. \$7.1415 per day from the date of entry of judgment until paid on the Fixed Rate Equity Loan; and
  - b. \$2.7012 per day from date of entry of judgment until paid on the HELOC Line of Credit Loan; and
  - c. At 9 percent per annum on attorney’s fees, costs and expenses.
- 9. Costs and Expenses, Filing and Service Fees: \$2,095.59
- 10. Attorney Fees: \$4,408.75
- 11. Total Judgment as of May 9, 2022: \$93,058.69

6/7/2022 2:38:56 PM



**Circuit Court Judge Robert S. Bain**

Presented by:

By: /s/ Tyson L. Calvert  
 Tyson L. Calvert, OSB #032809  
 Lindsay Hart, LLP  
 1300 SW 5<sup>th</sup> Avenue, Suite 3400  
 Portland, OR 97201  
 tcalvert@lindsayhart.com  
 Phone: 503-226-7677 FAX 503-226-7697  
 Attorneys for Plaintiff

Trial Attorney:  
 Tyson L. Calvert, OSB #032809

1 **CERTIFICATE OF READINESS FOR SUBMISSION**

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

- 3
- 4 1.  Each opposing party affected by this order or judgment has stipulated to the order or
- 5 2.  Each opposing party affected by this order or judgment has approved the order or
- 6 judgment, as shown by signature on the document being submitted or by written
- 7 3.  I have served a copy of this order or judgment on all parties entitled to service and:
- 8 a.  No objection has been served on me.
- 9 b.  I received objections that I could not resolve with the opposing party despite
- 10 reasonable efforts to do so. I have filed a copy of the objections I received and
- 11 indicated which objections remain unresolved.
- 12 c.  After conferring about objections, [role and name of opposing party] agreed to
- 13 4.  The relief sought is against an opposing party who has been found in default.
- 14 5.  An order of default is being requested with this proposed judgment.
- 15 6.  Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
- 16 7.  This is a proposed judgment that includes an award of punitive damages and notice has
- 17 been served on the Director of the Crime Victims' Assistance Section as required by
- 18 subsection (4) of this rule.

19 Dated this 31<sup>st</sup> day of May, 2022.

20 By /s/ Tyson L. Calvert

21 Tyson L. Calvert, OSB #032809

22 tcalvert@lindsayhart.com

23 Attorneys for plaintiff

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