

ORIGINAL
RETURN FOR FILING WITH
CUSTER COUNTY COURT CLERK

IN THE DISTRICT COURT OF CUSTER COUNTY
STATE OF OKLAHOMA

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK AS SUCCESSOR
IN INTEREST TO JPMORGAN CHASE BANK,
N.A., AS TRUSTEE FOR CENTEX HOME
EQUITY LOAN TRUST 2005-D,

Plaintiff,

v.

Case No. CJ-2018-65

ARICA JO METHENY AKA ARICA
METHENY AKA ARICA J. METHENY;
BRUCE ALAN METHENY AKA BRUCE
METHENY AKA BRUCE A. METHENY; JOHN
DOE, OCCUPANT; PORTFOLIO RECOVERY
ASSOCIATES, LLC; DISCOVER BANK; AND
LVNV FUNDING, LLC

Defendant(s).

SPECIAL EXECUTION AND ORDER OF SALE
WITH APPRAISEMENT

THE STATE OF OKLAHOMA, TO THE SHERIFF OF CUSTER COUNTY, GREETINGS:

WHEREAS, on Nov 19, 2018, in the above-entitled cause, the Plaintiff recovered a judgment in rem against the Defendant(s), Arica Jo Metheny and Bruce Alan Metheny, in the sum of \$59,558.38 with interest thereon from January 14, 2018, at the rate of 8.5% per annum, until paid, plus late charges and the further sum of a reasonable attorney's fee, \$300.00 for title search, and those sums advanced for taxes, insurance, property preservation and costs of this action; and recovered a further judgment decreeing the mortgage set up and sued upon by the Plaintiff therein to be a valid and subsisting first lien upon the real estate, hereinafter described for the amount of said judgment, including interest, attorney's fee and costs, and foreclosing said mortgage and ordering that if redemption be not made from said judgment forthwith, upon praecipe filed therefore, a special execution and order of sale issued from the office of the Court Clerk directed to the Sheriff of Custer County, Oklahoma, commanding said Sheriff to sell said real estate, with the sale being published as directed by the Plaintiff in the same manner as sales of real estate taken under general execution, with appraisement, and directing the manner of the distribution of the proceeds arising from said sale; and

WHEREAS, said judgment in favor of the Plaintiff remains wholly unpaid, and there is now due and owing thereon the full amount thereof, with interest, costs and attorney's fee as hereinabove set out.

NOW, THEREFORE, this is to command you that you forthwith advertise as directed by Plaintiff and sell the lands hereinabove referred to, situated in Custer County, State of Oklahoma, and described as follows, to-wit:

THE WEST 70.24 FEET OF THE NORTH 165 FEET OF BLOCK SIX (6), ARCADIA GARDEN A SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP TWELVE (12) NORTH, RANGE SEVENTEEN (17) WEST OF THE INDIAN BASE AND MERIDIAN, CUSTER COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPERTY ADDRESS: 1622 W. Modelle Avenue, Clinton, OK 73601

with appraisalment, and, in accordance with said judgment and from the proceeds thereof, pay:

- First. The costs of said sale and the cost of said action;
- Second. The judgment awarded the Plaintiff, The Bank Of New York Mellon F/K/A The Bank Of New York As Successor In Interest To JPMorgan Chase Bank, N.A., As Trustee For Centex Home Equity Loan Trust 2005-D, including interest and attorney's fees, as set forth herein;
- Finally and the residue, if any, to be paid into Court to await the further order of the Court or a Judge thereof.

You will make due return of this Writ, with your proceedings endorsed thereon, within sixty (60) days from the date hereof.

WITNESS MY HAND AND OFFICIAL SEAL, this 19 day of Nov 2018.

Staci Hunt
COURT CLERK

BY: *Dianne Green*
DEPUTY



SHAPIRO & CEJDA, LLC
770 NE 63rd St
Oklahoma City, OK 73105-6431
(405)848-1819
Attorneys for Plaintiff
File No. 18-133395

