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

OREGON HOUSING AND COMMUNITY  
SERVICES DEPARTMENT, STATE OF  
OREGON, Assignee of Banner Bank;

Plaintiff,

v.

DOE 1 and DOE 2, being the occupants of or  
parties in possession or claiming any right to  
possession of the Real Property commonly known  
as 567 E. Reeder Drive, Hermiston, OR 97838;  
DOE 3 and DOE 4, being the unknown heirs and  
devisees of Darrel D. Moncrief and also all other  
persons or parties unknown claiming any right,  
title, lien, or interest in the property described in  
the Complaint herein; TERESA MONCRIEF;  
VICKIE MONCRIEF ATKINSON; STATE OF  
OREGON, DEPARTMENT OF HUMAN  
SERVICES, OFFICE OF PAYMENT  
ACCURACY AND RECOVERY,  
OVERPAYMENT RECOVERY UNIT; STATE  
OF OREGON, DEPARTMENT OF HUMAN  
SERVICES, ESTATE ADMINISTRATION  
UNIT; and STATE OF OREGON,  
DEPARTMENT OF REVENUE, PROPERTY  
TAX DIVISION, DEFERRAL UNIT;

Defendants.

Case No. 17CV05538

WRIT OF EXECUTION  
(SPECIFIC REAL PROPERTY)

1 TO THE SHERIFF OF UMATILLA COUNTY:

2 WHEREAS, on May 9, 2017, in the above-entitled court, a General Judgment was  
3 entered in the above matter, a true copy of which is attached to this Writ as Exhibit 1, in which  
4 Plaintiff is Judgment Creditor and Defendants are Judgment Debtors,

5 AND WHEREAS the General Judgment requires the Sheriff to sell the specific real  
6 property described below,

7 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
8 commanded to sell, in the manner prescribed by law for the sale of real property upon execution,  
9 subject to redemption, all of the interest which the Defendants had on May 9, 2017, or thereafter  
10 and may now have in the real property described below to satisfy the Judgment and the costs of  
11 this Writ, making due return after you receive this Writ pursuant to ORS 18.872. The property  
12 which is to be sold is as follows:

13 Lot 11, Block 2, in HERMISTON PARK PLAT NO. 2 an ADDITION in  
14 the City of Hermiston, County of Umatilla and State of Oregon.

15 and commonly known as 567 E. Reeder Drive, Hermiston, Oregon 97838.

16 The amounts owing on the money awards in the Judgment as of May 9, 2017, were as  
17 follows:

- 18 a. The principal amount of \$53,122.51, plus accrued interest to May 5, 2017, of  
19 \$2,004.10, plus accruing interest at the rate of 4.95% per annum (\$7.20 per diem) from May 5,  
20 2017, until date of entry of judgment (May 9, 2017) of \$28.80, plus accrued late charges of  
21 \$144.56, plus NSF check processing fees of \$60.00, plus property preservation/inspection  
22 expenses of \$150.00, plus accruing fees, expenses and advances; plus
- 23 b. Plaintiff's reasonable pre-judgment attorney fees of \$6,713.50; plus
- 24 c. Plaintiff's costs and disbursements of \$3,578.02; plus
- 25 d. Plaintiff's post-judgment collection fees and costs of \$4,277.50; plus
- 26 e. Interest on the sum of the amounts in subparagraphs a. through d., above, at

1 the rate of 9% per annum from the date of entry of judgment (May 9, 2017) until paid.

2 The total amount owing on the money award as of May 10, 2017, is \$70,096.27.

3 The per diem rate is \$17.28 per day from May 10, 2017, until paid.

4 The mailing address for the judgment creditor is: c/o Nancy K. Cary, at Hershner Hunter,  
5 LLP, P.O. Box 1475, Eugene, OR 97440.



7 dated: May 11<sup>th</sup>, 2017

8 *[Signature]*  
9 \_\_\_\_\_  
10 Court clerk

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

OREGON HOUSING AND COMMUNITY  
SERVICES DEPARTMENT, STATE OF  
OREGON, Assignee of Banner Bank;

Plaintiff,

v.

DOE 1 and DOE 2, being the occupants of or  
parties in possession or claiming any right to  
possession of the Real Property commonly known  
as 567 E. Reeder Drive, Hermiston, OR 97838;  
DOE 3 and DOE 4, being the unknown heirs and  
devisees of Darrel D. Moncrief and also all other  
persons or parties unknown claiming any right,  
title, lien, or interest in the property described in  
the Complaint herein; TERESA MONCRIEF;  
VICKIE MONCRIEF ATKINSON; STATE OF  
OREGON, DEPARTMENT OF HUMAN  
SERVICES, OFFICE OF PAYMENT  
ACCURACY AND RECOVERY,  
OVERPAYMENT RECOVERY UNIT; STATE  
OF OREGON, DEPARTMENT OF HUMAN  
SERVICES, ESTATE ADMINISTRATION  
UNIT; and STATE OF OREGON,  
DEPARTMENT OF REVENUE, PROPERTY  
TAX DIVISION, DEFERRAL UNIT;

Defendants.

Case No. 17CV05538

GENERAL JUDGMENT  
OF FORECLOSURE

1 It appearing that Defendants were served with Summons and Complaint herein in the  
2 manner prescribed by law and have failed to file an appearance within the time allowed by law;  
3 and it further appearing that Defendants Does 1 and 2 were dismissed by previous Order of this  
4 Court; and it further appearing that Defendants Doe 3; Doe 4; Teresa Moncrief; Vickie Moncrief  
5 Atkinson; State of Oregon, Department of Human Services, Office of Payment Accuracy and  
6 Recovery, Overpayment Recovery Unit; State of Oregon, Department of Human Services, Estate  
7 Administration Unit; and State of Oregon, Department of Revenue, Property Tax Division,  
8 Deferral Unit, were defaulted by previous Orders of this Court; and that the Court finds that there  
9 is no just reason for delay in the entry of the general judgment; now, therefore,

10 JUDGMENT is hereby entered in favor of Plaintiff and against Defendants Doe 3; Doe 4;  
11 Teresa Moncrief; Vickie Moncrief Atkinson; State of Oregon, Department of Human Services,  
12 Office of Payment Accuracy and Recovery, Overpayment Recovery Unit; State of Oregon,  
13 Department of Human Services, Estate Administration Unit; and State of Oregon, Department of  
14 Revenue, Property Tax Division, Deferral Unit, jointly and severally, as follows:

15 IT IS ADJUDGED:

16 1. That the debt owing to Plaintiff under the Promissory Note and Trust Deed  
17 executed by Darrel D. Moncrief is an amount equal to the sum of the following ("Debt  
18 Amount"):

19 a. The principal amount of \$53,122.51, plus accrued interest to May 5, 2017, of  
20 \$2,004.10, plus accruing interest at the rate of 4.95% per annum (\$7.20 per diem) per the terms  
21 of the Note from May 5, 2017, until date of entry of judgment, plus accrued late charges of  
22 \$144.56, plus NSF check processing fees of \$60.00, plus property preservation/inspection  
23 expenses of \$150.00, plus accruing fees, expenses and advances; plus

24 b. Plaintiff's reasonable pre-judgment attorney fees of \$6,713.50; plus

25 c. Plaintiff's costs and disbursements of \$3,578.02; plus

26 d. Plaintiff's post-judgment collection fees and costs of \$4,277.50; plus

1 e. Interest on the sum of the amounts in subparagraphs a. through d., above, at  
2 the rate of 9% per annum from the date of judgment until paid.

3 2. The lien of the Trust Deed executed in favor of Plaintiff, recorded in the official  
4 records of Umatilla County, Oregon, on July 13, 2005, Recording No. 2005-4850319, is a valid  
5 and subsisting lien against all of the Real Property located at 567 E. Reeder Drive, Hermiston,  
6 OR 97838, and described as:

7 Lot 11, Block 2, in HERMISTON PARK PLAT NO. 2 an ADDITION in  
8 the City of Hermiston, County of Umatilla and State of Oregon.

9 3. The lien of the aforesaid Trust Deed is superior to any interest, lien or claim of  
10 Defendants, or any of them, in the Real Property and secures the Debt Amount.

11 4. The lien of the Trust Deed is hereby foreclosed, and the Real Property shall be sold  
12 by the sheriff of Umatilla County, Oregon, in the manner prescribed by law.

13 5. Any proceeds received by any receiver appointed herein during the pendency of this  
14 action and the proceeds of the sale prayed for in the preceding paragraph shall be applied first  
15 toward the costs of sale and expenses incurred by any such receiver for the receiver's  
16 compensation and for the necessary care and preservation of the property in the receiver's  
17 possession; then toward satisfaction of the Debt Amount and any supplemental judgment, and  
18 any surplus to the party or parties who may have established their right to the surplus.

19 6. Each Defendant and all persons claiming through or under them either as  
20 purchasers, encumbrancers, or otherwise are forever foreclosed of all interest or claim in the Real  
21 Property except any statutory right of redemption that such Defendants may have in the Real  
22 Property or any statutory right to excess proceeds.

23 7. Plaintiff or any other party may become the purchaser at the sale, and the  
24 purchaser shall be entitled to exclusive possession of the Real Property from the date of sale and  
25 the purchaser shall be entitled to such remedies as are available to secure possession, including  
26 requesting a writ of assistance, if Defendants or any other person shall refuse to surrender

1 possession.

2 The clerk of the court is hereby directed to enter this judgment as a general judgment and  
3 shall note it in the court's register.

Signed: 5/8/2017 03:52 PM



**Christopher R. Brauer, Circuit Court Judge**

10 SUBMITTED BY:  
11 Nancy K. Cary, OSB No. 902254  
12 ncary@hershnerhunter.com  
13 HERSHNER HUNTER, LLP  
14 Of Attorneys for Plaintiff  
15 Trial Attorney



CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL

Dated May 14, 2017

TRIAL COURT ADMINISTRATOR

By [Signature]  
court clerk

**CERTIFICATE OF READINESS (UTCR 5.100)**

The foregoing **GENERAL JUDGMENT OF FORECLOSURE** is ready for judicial signature because:

- 1. Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- 2. Each opposing party affected by this order or judgment has approved the order or judgment, as shown by the 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 all parties entitled to service and:
  - a. No objection has been served on me.
  - b. I received objections that I could not resolve with the opposing 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, Defendant agreed to independently file any remaining objection.
- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.
- 7. 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 UTCR 5.100(4).

DATED: May 5, 2017.

HERSHNER HUNTER, LLP

By /s/Nancy K. Cary  
Nancy K. Cary, OSB 902254  
ncary@hershnerhunter.com  
Of Attorneys for Plaintiff