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

U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE, FOR THE CIM  
TRUST 2016-1, MORTGAGE-BACKED  
NOTES, SERIES 2016-1,

Plaintiff,

vs.

ANNA L SURBER; QUICK COLLECT,  
INC.; CREDITS, INCORPORATED;  
ASSET ACCEPTANCE LLC;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV18576

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE UMATILLA COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on November 1, 2019.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the  
Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, FOR THE  
CIM TRUST 2016-1, MORTGAGE-BACKED NOTES, SERIES 2016-1

c/o Jeremy Clifford  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$44,377.57, plus pre judgment interest from  
2 10/30/2019 to 10/31/2019 at the per diem rate of \$5.39 totaling, \$10.78, plus post judgment  
3 interest at the statutory rate of 9.0% per annum from 11/01/2019 to 7/16/2021 in the amount of  
4 \$6,818.78, and continuing with a per diem of \$10.94 currently totaling \$51,207.13.

5 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
6 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
7 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
8 about December 3, 1999, the date of the Deed of Trust, and also the interest that the Defendant  
9 had thereafter, in the real property described as follows:

10 Attached as Exhibit 1

11 APN/Parcel # 133219, and commonly known as (street address): 2030 Cherry St, Umatilla, OR  
12 97882.

13 Sale of the property is to satisfy the sum listed above, plus the costs incurred in  
14 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under  
15 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.  
16 You are to make the return within 60 days after you receive this Writ. Should the sale be  
17 continued, the writ may be automatically extended for 30 days.

Signed: 7/15/2021 10:54 AM



Tammy Hulse, Court Clerk



1 Dated: July 14, 2021, and submitted by:

2 McCarthy & Holthus, LLP

3 s/ Jeremy Clifford

4 \_ John Thomas OSB No. 024691

5 x Jeremy Clifford OSB No. 142987

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

8 Phone: (971) 201-3200

9 Fax: (971) 201-3202

10 jclifford@mccarthyholthus.com

11 Of Attorneys for Plaintiff

# **EXHIBIT “1”**

## **Legal Description**

Lot 1, Block "E", SANDBUR RANCHO ADDITION as platted and recorded in Book 6, Page 23, Umatilla County Plat Records, as located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 5 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon.

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

U.S. BANK NATIONAL ASSOCIATION,  
AS INDENTURE TRUSTEE, FOR THE  
CIM TRUST 2016-1, MORTGAGE-  
BACKED NOTES, SERIES 2016-1,

Plaintiff,

v.

ANNA L SURBER; QUICK COLLECT,  
INC.; CREDITS, INCORPORATED;  
ASSET ACCEPTANCE LLC;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV18576

GENERAL JUDGMENT OF  
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

Defendants ANNA L SURBER; QUICK COLLECT, INC.; CREDITS, INCORPORATED;  
ASSET ACCEPTANCE LLC; OCCUPANTS OF THE PROPERTY ("Defendants") were  
duly served with process and failed to appear; the default has been entered against  
Defendants, and it appearing that Defendants are not incapacitated, protected persons,  
respondents as defined in ORS 125.005, minors, or in the military service of the United  
States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Umatilla County,  
Oregon, and is commonly known as 2030 Cherry St, Umatilla, OR 97882 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
2 133219.

3 b. Plaintiff is entitled to enforce the note dated December 3, 1999 and made, delivered, and  
4 executed by CHARLES R. SURBER and ANNA L SURBER to BENEFICIAL OREGON  
5 INC. D/B/A BENEFICIAL MORTGAGE CO. in the amount of \$50,644.16 (the “Note”).  
6 The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth  
7 on the Note.

8 c. A deed of trust was made, executed, and delivered by Borrowers CHARLES R. SURBER  
9 and ANNA L SURBER on or about December 3, 1999 (the “Deed of Trust”). The Deed of  
10 Trust was recorded on December 8, 1999 as Instrument No. 1999-3620323 in the official  
11 records of Umatilla County, Oregon. The Deed of Trust is a valid and perfected lien against  
12 all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to  
13 any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
14 Sheriff’s Deed.

15 d. The Borrower failed to make the payment that was due for March 8, 2018 and has not cured  
16 the default. The amount of debt secured by the Deed of Trust that is now due and owing is  
17 comprised of the following amounts (the “Amount Due”):

18	a) Unpaid principal balance:	\$20,541.65
19	b) Deferred principal balance:	\$10,026.34
20	c) Prejudgment interest accruing from	
21	2/8/2018 through 10/29/2019 and	
22	continuing until the entry of	
	judgment at the current Note rate of	
	14.498%:	\$4,178.41
23	d) Additional amounts due under the	\$7,462.92
24	terms of the loan:	
25	e) Attorney fees and costs:	\$2,083.25
26	f) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
27	<b>Total:</b>	<b>\$44,377.57</b>

1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
2 date of entry of this judgment through the sale of the Subject Property at the rate of 14.498%  
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. The Borrowers not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Borrowers CHARLES R. SURBER  
9 and ANNA L SURBER had as of the date of the Deed of Trust or thereafter acquired is  
10 hereby ordered to be sold by the Umatilla County Sheriff's Office in accordance with the  
11 process for sale upon execution, and the proceeds of sale shall be applied:

- 12 1) First, to the costs of sale not incurred by Plaintiff;
- 13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
14 entry of judgment through the date of the sale and any incurred costs of sale;
- 15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
22 Property from and after the date of the sale and is entitled to such remedies as are available at  
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
25 possession to the purchaser immediately upon the purchaser's demand for possession.  
26



1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
2 entitled to any further or other judgment, including a judgment for the deficiency.

3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
5 terminated.

6 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
7 Deed of Trust are as follows:

8 1) Defendant QUICK COLLECT, INC. may claim a junior interest in Subject Property  
9 by virtue of a judgment entered on or about 5/9/2000 in Case No. SCH000112T in the  
10 circuit court of Umatilla County, Oregon. Said judgment was also disclosed in a Lien  
11 Record Abstract recorded on 05/19/2000 as Instrument No. 2000-3700187, in the  
12 official records of Umatilla County, Oregon.

13 2) Defendant CREDITS, INCORPORATED may claim a junior interest in Subject  
14 Property by virtue of a judgment entered on 02/01/2005 and extended on 01/08/2015  
15 as Case No. SCH050002 in the official records of Umatilla County, Oregon.

16 3) Defendant QUICK COLLECT, INC. may claim a junior interest in Subject Property  
17 by virtue of a judgment entered on or about 05/08/2008 and extended on 12/18/2017  
18 as Case No. SC082061 in the circuit court of Wallowa County, Oregon. Said  
19 judgment was also disclosed in a Lien Record Abstract recorded on 06/10/2008 as  
20 Instrument No 2008-5380269 in the official records of Umatilla County,  
21 Oregon. Defendant ASSET ACCEPTANCE LLC may claim a junior interest in  
22 Subject Property by virtue of a judgment entered on or about 12/19/2008 as Case No.  
23 CV081603 in the circuit court of Umatilla County, Oregon.

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1 4) Defendant ASSET ACCEPTANCE LLC may claim a junior interest in Subject  
2 Property by virtue of a judgment entered on or about 02/25/2009 as Case No.  
3 CV081603 in the circuit court of Umatilla County, Oregon.  
4



5  
6 CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL

7 Dated July 15 2011  
8 TRIAL COURT ADMINISTRATOR  
By Ammy Nelson

Signed: 10/31/2019 08:29 PM

Eva J. Temple, Circuit Court Judge

9  
10  
11 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

12 This proposed Judgment Of Foreclosure is ready for judicial signature because:

13  Each opposing party affected by this order or judgment has stipulated to the order or  
14 judgment, as shown by each opposing party's signature on the document being  
submitted.

15  Each opposing party affected by this order or judgment has approved the order or  
16 judgment, as shown by signature on the document being submitted or by written  
confirmation of approval sent to me.

17  I have served a copy of this order or judgment on all parties entitled to service and:

18  No objection has been served on me.

19  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  
20 indicated which objections remain unresolved.

21  After conferring about objections, \_\_\_\_\_ agreed to independently file  
any remaining objection.

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

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

24  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
25 otherwise.  
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1           [ ] This is a proposed judgment that includes an award of punitive damages and notice  
2           has been served on the Director of the Crime Victims' Assistance Section as required  
3           by subsection (4) of this rule.

4           [ ] Other: \_\_\_\_\_

5 Dated: October 29, 2019, and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 Jeremy Clifford OSB No. 142987

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 jclifford@mccarthyholthus.com

14 Of Attorneys for Plaintiff

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