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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MORROW**

SEATTLE BANK,

Plaintiff,

v.

THE ESTATE OF DAVE W. ZACHRY; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF DAVE W. ZACHRY; SUZANNE HOWES; STEVEN ZACHRY; SCOTT ZACHRY; THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 230 WEST WATER STREET, HEPPNER, OR 97836,

Defendant.

Case No. 20CV21311

WRIT OF EXECUTION

TO THE MORROW COUNTY SHERIFF:

On September 3, 2021, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the Morrow County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: SEATTLE BANK c/o Aldridge Pite, LLP, 1050 SW 6th Ave, Suite 1100, Portland, Oregon 97204.

The real property to be sold at public auction is commonly known as 230 WEST WATER STREET, HEPPNER, OR 97836 ("Subject Property"), and legally described as:

A PORTION OF LOT 1, BLOCK 1, P. LOONEY'S ADDITION, IN THE CITY OF HEPPNER, COUNTY OF MORROW AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS

1 EAST 133.7 FEET FROM AN IRON STAKE LOCATED AT THE SOUTHEAST
2 CORNER OF THE INTERSECTION OF JONES STREET AND WATER STREET IN
3 THE CITY OF HEPPNER; THENCE SOUTH 124.8 FEET; THENCE EAST
4 56.7 FEET; THENCE NORTH 124.8 FEET TO THE SOUTHERLY LINE OF WATER
5 STREET; THENCE WEST TO THE POINT OF BEGINNING.

6 The total amount due and owing on the Judgment as of September 14, 2021;

7	Judgment:	Principal	\$112,475.70
8	Pre-Judgment:	Interest(2.82%,\$8.56/day)	\$102.72 (8/23/2021 through 9/3/2021)
9		Attorney Fees	\$2,940.00
10		Costs	\$3,113.42
11		Prevailing Party Fee	\$325.00
12	Post-Judgment:	Interest(9%,\$29.39/day)	\$323.31 (9/4/2021 through 9/14/2021)
13		Attorney Fees	\$260.00
14		Costs	\$0.00

15 **TOTAL: \$119,540.19**

16 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
17 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
18 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
19 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
20 holder of the certificate of sale.

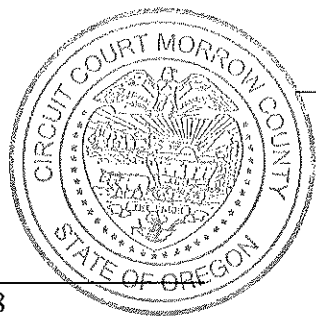
21 *///*

22 *///*

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24 *///*

1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.



Danell McDowell
court clerk

6 Presented by:
7 ALDRIDGE PITE, LLP
8 By: /s/ Michael J. Page
9 Michael J. Page, OSB #194328
10 (503) 345-9459
11 (503) 222-2260 (Facsimile)
12 mpage@aldridgepite.com
13 1050 SW 6th Avenue, Suite 1100
14 Portland, OR 97204

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Dated 9/16/2021
TRIAL COURT ADMINISTRATOR
By Danell McDowell

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MORROW**

SEATTLE BANK,

Plaintiff,

v.

THE ESTATE OF DAVE W. ZACHRY; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF DAVE W. ZACHRY; SUZANNE HOWES; STEVEN ZACHRY; SCOTT ZACHRY; THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 230 WEST WATER STREET, HEPPNER, OR 97836,

Defendants.

Case No. 20CV21311

GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY DEFAULT

ORCP Rule 69

THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants The Estate of Dave W. Zachry, The Unknown Heirs, Assigns and Devisees of Dave W. Zachry, Suzanne Howes, Steven Zachry, Scott Zachry, The Secretary of Housing and Urban Development, and All Other Persons or Parties Unknown claiming any right, title, lien, or interest in The Real Property commonly known as 230 West Water Street, Heppner, OR 97836, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff Seattle Bank ("Plaintiff"),

IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 230 West Water Street,

1 Heppner, OR 97836 (“Subject Property”), as evidenced by the Deed of Trust recorded March 13,
2 2009 in the official records of Morrow County as instrument number 2009-23586 (“Deed of
3 Trust”), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
4 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff’s lien
5 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

6
7 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
8

9 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
10 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
11 in the manner provided by law;

12 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
13 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
14 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
15 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

16 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
17 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
18 68(C), which amount may be added to the outstanding obligation due and owing under the Note
19 and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant to the Deed of
20 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
21 by sale of the Subject Property as directed under this Judgment;

22 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
23 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
24 under the Note and Deed of Trust and recovered from the proceeds of the sheriff’s sale. Pursuant
25 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This

26 Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP
1050 SW 6th Ave, Suite 1100
Portland, Oregon 97204
(858) 750-7600

1 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

2 6. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by
3 sale of the Subject Property as directed under this Judgment.

4 7. The Sheriff shall make a return on the writ of execution to the court administrator
5 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
6 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
7 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
8 parties as may establish their right thereto. The Defendants and all persons claiming through or
9 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
10 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
11 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
12 every part of the Subject Property when the time for redemption has elapsed;

13 8. Plaintiff or any other party to this action may become a purchaser at the
14 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
15 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
16 successor in interest may apply to this Court for a writ of assistance to gain possession of the
17 subject property if Defendants or any other party or person refuses to surrender possession;

18 DECLARATION OF AMOUNT DUE BY DEFAULT

19 THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A
20 MONEY AWARD AGAINST ANY DEFENDANT

21 1. The total amount of the unpaid principal balance, interest, and other amounts
22 owed is \$112,475.70.

23 2. Simple interest at the variable rate currently at 2.82% (\$8.56 *per diem*) after
24 August 23, 2021, through the date of judgment.

25 3. Attorney fees of \$2,940.00, plus \$260.00 through the date of sale.

- 1 4. Costs of \$3,113.42, plus costs accrued through the date of sale.
2 5. Prevailing party fee: \$325.00.
3 6. Post-judgment interest thereafter on the total amount above, #1-5. at the contract
4 rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

5 **IT IS SO ADJUDGED**

Signed: 9/3/2021 12:07 PM



Eva J. Temple, Circuit Court Judge

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9
10 **CERTIFICATE OF READINESS**

11 This proposed Order or Judgment is ready for judicial signature because:

- 12 1. Each party affected by this order or judgment has stipulated to the order or judgment,
13 as shown by each party's signature on the document being submitted.
- 14 2. Each party affected by this order or judgment has approved the order or judgment, as
15 shown by each party's signature on the document being submitted or by written
16 confirmation of approval sent to me.
- 17 3. I have served a copy of this order or judgment on all parties entitled to service and:
18 a. No objection has been served on me;
19 b. I received objections that I could not resolve with a party despite reasonable
20 efforts to do so. I have filed a copy of the objections I received and indicated
21 which objections remain unresolved.
22 c. After conferring about objections, [**role and name of objecting party**]
23 agreed to independently file any remaining objection.
- 24 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
25 otherwise.

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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 this rule.

6. Other: _____

Presented By:
ALDRIDGE PITE, LLP

/s/ Michael J. Page

Date: August 31, 2021

Michael J. Page, OSB #194328
Of Attorneys for Plaintiff
(858) 750-7600
(503) 222-2260
orecourtnotice@aldridgepite.com




A portion of Lot 1, Block 1, P. LOONEY'S ADDITION, in the City of Heppner, County of Morrow and State of Oregon, more particularly described as follows:

BEGINNING at a point which is East 133.7 feet from an iron stake located at the Southeast corner of the intersection of Jones Street and Water Street in the City of Heppner; thence South 124.8 feet; thence East 56.7 feet; thence North 124.8 feet to the Southerly line of Water Street; thence West to the POINT OF BEGINNING.

