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MAY 13 2022

COLUMBIA COUNTY  
SHERIFF'S OFFICE

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

UMPQUA BANK, Assignee of Mortgage  
Electronic Registration Systems, Inc. (MERS);

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 725 Howard Drive, Clatskanie, OR 97016;  
DOE 3 and DOE 4, being the unknown heirs and  
devisees of Tomi Babbitt and also all other  
persons or parties unknown claiming any right,  
title, lien, or interest in the property described in  
the Complaint herein; and MARK BABBITT;

Defendants.

Case No. 19CV14167

WRIT OF EXECUTION  
(SPECIFIC REAL PROPERTY)

TO THE SHERIFF OF COLUMBIA COUNTY:

WHEREAS, on April 22, 2022, in the above-entitled court, a General Judgment of  
Foreclosure was entered in the above matter, a true copy of which is attached to this Writ as  
**Exhibit 1**, in which Plaintiff is Judgment Creditor and Defendants are Judgment Debtors,

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

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby

1 commanded to sell, in the manner prescribed by law for the sale of real property upon execution,  
2 subject to redemption, all of the interest which the Defendants had on April 22, 2022, or  
3 thereafter and may now have in the real property described below to satisfy the Judgment and the  
4 costs of this Writ, making due return after you receive this Writ pursuant to ORS 18.872. The  
5 property which is to be sold is as follows:

6 Lot 4, Block 5, CROWN VIEW, in the City of Clatskanie, Columbia  
7 County, State of Oregon.

8 and commonly known as 725 Howard Drive, Clatskanie, OR 97016.

9 The amounts owing on the money awards in the Judgment as of April 22, 2022, were as  
10 follows:

11 a. The principal amount of \$144,749.48, plus accrued interest to March 31,  
12 2022, of \$19,972.04, plus accrued late charges of \$1,046.16, plus accruing interest at the rate of  
13 4.00% per annum per the terms of the Note from April 1, 2022, until date of entry of judgment  
14 (April 22, 2022), of \$333.06, plus recoverable balance of \$20,482.40, plus pro rata MIP/PMI of  
15 \$91.31, plus escrow advance of \$16,250.64, plus accruing late charges, fees, expenses, and  
16 advances; plus

17 b. Plaintiff's reasonable pre-judgment attorney fees of \$30,033.00; plus

18 c. Plaintiff's costs and disbursements of \$2,786.80; plus

19 d. Plaintiff's anticipated post-judgment attorney's fees and costs in the sum of  
20 \$3,230.50; plus

21 e. Interest on the sum of the amounts in subparagraphs a. through d., above, at  
22 the rate of 9% per annum from the date of entry of judgment (April 22, 2022) until paid.

23 The total amount owing on the money award as of April 27, 2022, is \$239,270.04.

24 The per diem rate is \$58.998 per day from April 27, 2022, until paid.

25 /////

26 /////

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

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6 4-29-2022

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

UMPQUA BANK, Assignee of Mortgage  
Electronic Registration Systems, Inc. (MERS);

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 725 Howard Drive, Clatskanie, OR 97016;  
DOE 3 and DOE 4, being the unknown heirs and  
devises of Tomi Babbitt and also all other  
persons or parties unknown claiming any right,  
title, lien, or interest in the property described in  
the Complaint herein; and MARK BABBITT;

Defendants.

Case No. 19CV14167

GENERAL JUDGMENT  
OF FORECLOSURE

It appearing that Defendants were served with Summons and Complaint herein in the  
manner prescribed by law and all Defendants except Defendant Mark Babbitt, have failed to file  
an appearance within the time allowed by law; and it further appearing that Defendants Doe 1,  
Doe 2 were dismissed by previous Order of this Court; and it further appearing that Defendants  
Doe 3 and Doe 4 were defaulted by previous Order of this Court; and this matter having come  
before the Court upon the Plaintiff's Motion for Summary Judgment as to Defendant Mark  
Babbitt, and the Court having reviewed Plaintiff's motion and supporting documents and any

1 responses and replies thereto, and having heard oral argument, and there being no just reason for  
2 delay in the entry of the general judgment; now, therefore,

3 JUDGMENT is hereby entered in favor of Plaintiff and against Defendants Doe 3, Doe 4  
4 and Mark Babbitt, jointly and severally, as follows:

5 IT IS ADJUDGED:

6 1. That the debt owing to Plaintiff under the Promissory Note and Trust Deed  
7 executed by Tomi Babbitt, deceased, is an amount equal to the sum of the following (“Debt  
8 Amount”):

9 a. The principal amount of \$144,749.48, plus accrued interest to March 31,  
10 2022, of \$19,972.04, plus accrued late charges of \$1,046.16, plus accruing interest at the rate of  
11 4.00% per annum per the terms of the Note from April 1, 2022, until date of entry of judgment,  
12 plus recoverable balance of \$20,482.40, plus pro rata MIP/PMI of \$91.31, plus escrow advance  
13 of \$16,250.64, plus accruing late charges, fees, expenses, and advances; plus

14 b. Plaintiff’s reasonable pre-judgment attorney fees of \$30,033.00; plus

15 c. Plaintiff’s costs and disbursements of \$2,786.80; plus

16 d. Plaintiff’s anticipated post-judgment attorney’s fees and costs in the sum of  
17 \$3,230.50; plus

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

20 2. The lien of the Trust Deed executed in favor of Plaintiff, recorded in the official  
21 records of Columbia County, Oregon, on March 3, 2017, as Recording No. 2017-002008, is a  
22 valid and subsisting lien against all of the Real Property located at 725 Howard Drive,  
23 Clatskanie, OR 97016, and described as:

24 Lot 4, Block 5, CROWN VIEW, in the City of Clatskanie, Columbia  
25 County, State of Oregon.

26 3. The lien of the aforesaid Trust Deed is superior to any interest, lien or claim of

1 Defendants, or any of them, in the Real Property and secures the Debt Amount.

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

4 5. Any proceeds of the sale prayed for in the preceding paragraph shall be applied first  
5 toward satisfaction of the Debt Amount and any supplemental judgment, and any surplus to the  
6 party or parties who may have established their right to the surplus.

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

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

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

18  
19 4/22/2022 7:05:17 AM

20  
21 

22 **Circuit Court Judge Michael T. Clarke**

23  
24 SUBMITTED BY:  
25 Nancy K. Cary, OSB 902254  
26 ncary@hershnerhunter.com  
HERSHNER HUNTER, LLP  
Of Attorneys for Plaintiff

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**CERTIFICATE OF READINESS (UTCRC 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 UTCRC 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 UTCRC 5.100(4).

DATED: April 12, 2022.

HERSHNER HUNTER, LLP

By /s/Nancy K. Cary  
Nancy K. Cary, OSB 902254  
[ncary@hershnerhunter.com](mailto:ncary@hershnerhunter.com)  
Of Attorneys for Plaintiff

1 **CERTIFICATE OF SERVICE (UTCRC 21.100)**

2  
3 I hereby certify that on March 22, 2022, a true copy of the foregoing **GENERAL**  
4 **JUDGMENT OF FORECLOSURE:**

5 ***Was served by the eFiling system at the following party's email address as recorded on***  
6 ***the date of service in the eFiling system:***

7 \* Of Attorneys for \*

8 ***Was not electronically served on the following party by the eFiling system:***

9 Mark Babbitt  
10 725 Howard Drive  
11 Clatskanie, OR 97016  
12 mbabbitt4713@yahoo.com

First Class Mail  
 Facsimile Transmission  
 Email Pursuant to ORCP 9G  
 Hand Delivery

13 Defendant / Pro Se

14 Dated: March 22, 2022.

15 HERSHNER HUNTER, LLP

16  
17 By /s/Nancy K. Cary  
18 Nancy K. Cary, OSB 902254  
19 ncary@hershnerhunter.com  
20 of Attorneys for Plaintiff  
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