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

U.S. BANK NATIONAL ASSOCIATION,  
  
Plaintiff,  
  
vs.  
  
LARRY MARK GUNTER AKA MARK  
GUNTER; UNITED STATES OF AMERICA,  
OREGON DEPARTMENT OF REVENUE,  
OCCUPANTS OF THE PROPERTY,  
  
Defendants.

Case No.: 20CV09445  
  
WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE WASCO COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 21, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION  
c/o Michael Scott  
Attorney for Plaintiff

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

With the adjudicated amount due of \$193,177.09, plus prejudgment interest in the amount of \$1,603.10 and post judgment interest at the statutory rate of 9.0% per annum from June 22, 2022 to 7/13/2022 in the amount of \$1,000.29, and continuing with a per diem of \$19.13, currently totaling \$195,780.48.

**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on

1 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
2 about April 3, 2006, the date of the Deed of Trust, and also the interest that the Defendant had  
3 thereafter, in the real property described as follows:

4 LOT F, BLOCK 33, FORT DALLES MILITARY RESERVATION TO  
5 DALLES CITY, IN CITY OF THE DALLES, COUNTY OF WASCO AND  
6 STATE OF OREGON;

7 and commonly known as: 1414 Garrison St, The Dalles, OR 97058.

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

13 DATED: 17<sup>th</sup> day of July, 2022

14 Title

15 By:



16 Dated: July 13, 2022 and submitted by:

17 McCarthy & Holthus, LLP

18 s/Grace Chu

19 \_\_\_\_\_  
20 \_ John Thomas OSB No. 024691  
21 \_ Michael Scott OSB No. 973947  
22 \_ Grace Chu OSB No. 220848  
23 920 SW 3rd Ave, 1st Floor  
24 Portland, OR 97204  
25 Phone: (971) 201-3200  
26 Fax: (971) 201-3202  
27 mscott@mccarthyholthus.com  
28 Of Attorneys for Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION,  
Plaintiff,

Case No.: 20CV09445

vs.

GENERAL JUDGMENT OF  
FORECLOSURE

LARRY MARK GUNTER AKA MARK  
GUNTER; UNITED STATES OF  
AMERICA; OREGON DEPARTMENT OF  
REVENUE; OCCUPANTS OF THE  
PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants LARRY MARK GUNTER AKA MARK GUNTER; UNITED STATES OF AMERICA; OREGON DEPARTMENT OF REVENUE; and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted 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 Wasco County, Oregon, and is commonly known as 1414 Garrison St, The Dalles, OR 97058 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
2 5877/78484.

3 b. Plaintiff is entitled to enforce the note dated April 3, 2006 and made, delivered, and executed  
4 by LARRY MARK GUNTER AKA MARK GUNTER to U.S. Bank National Association  
5 ND in the amount of \$123,250.00 (the “Note”). The Note was transferred to Plaintiff by  
6 delivery of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant LARRY MARK GUNTER  
8 AKA MARK GUNTER on or about April 3, 2006 (the “Deed of Trust”). The Deed of Trust  
9 was recorded on April 7, 2006 as Instrument No. 2006-002047 in the official records of  
10 Wasco County, Oregon. The Deed of Trust is a valid and perfected lien against all of the  
11 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any  
12 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
13 Sheriff’s Deed.

14 d. The Borrower failed to make the payment that was due for July 7, 2013 and has not cured the  
15 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
16 comprised of the following amounts (the “Amount Due”):

17	a) Unpaid principal balance:	\$109,800.61
18	b) Prejudgment interest as of	\$64,423.38
19	3/31/2022 and continuing until the	
	entry of judgment at the current per	
	diem of \$19.55	
20	c) Additional amounts due under the	\$22,145.94
	terms of the loan:	
21	d) Credit for payments, escrow	(-\$3,277.84)
	balance, advances or other amounts	
	due	
22	e) Prevailing party fee (ORS 20.190	\$85.00
23	(1)(a)):	
24	<b>Total:</b>	<b>\$193,177.09</b>

25 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
26 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
27 per annum.

- 1 e. The interest of the Defendants and any successor in interest in the Subject Property is  
2 foreclosed and terminated excepting only any statutory right of redemption as provided by  
3 Oregon law.
- 4 f. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the  
5 Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a  
6 28 U.S.C. § 2410(c) one-year redemption right in this case.
- 7 g. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- 8 h. All right, title and interest in the Subject Property that Defendant LARRY MARK GUNTER  
9 AKA MARK GUNTER had as of the date of the Deed of Trust or thereafter acquired is  
10 hereby ordered to be sold by the Wasco 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 i. 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 j. 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 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
27 entitled to any further or other judgment, including a judgment for the deficiency.

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

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

6 1) Defendant United States of America may claim a junior interest in Subject Property  
7 by virtue of a tax lien recorded on July 11, 2016 as Instrument No.: 2016-002444 in  
8 the official records of Wasco County, Oregon.

9 2) Defendant United States of America may claim a junior interest in Subject Property  
10 by virtue of a tax lien recorded on December 5, 2016 as Instrument No.: 2016-004529  
11 in the official records of Wasco County, Oregon.

12 3) Defendant Oregon Department of Revenue may claim a junior interest in Subject  
13 Property by virtue of a distraint tax warrant recorded on March 27, 2017 as  
14 Instrument No.: 2017-001071 in the official records of Wasco County, Oregon.

15 4) Defendant Oregon Department of Revenue may claim a junior interest in Subject  
16 Property by virtue of a distraint tax warrant recorded on July 11, 2017 as Instrument  
17 No.: 2017-002693 in the official records of Wasco County, Oregon.

18 5) Defendant Oregon Department of Revenue may claim a junior interest in Subject  
19 Property by virtue of a distraint tax warrant recorded on November 28, 2017 as  
20 Instrument No.: 2017-004671 in the official records of Wasco County, Oregon.

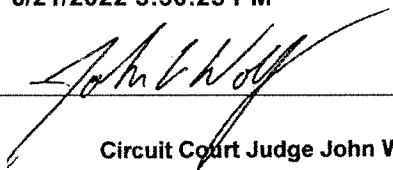
21 6) Defendant Oregon Department of Revenue may claim a junior interest in Subject  
22 Property by virtue of a distraint tax warrant recorded on December 11, 2017 as  
23 Instrument No.: 2017-004839 in the official records of Wasco County, Oregon.

24 7) Defendant Oregon Department of Revenue may claim a junior interest in Subject  
25 Property by virtue of a distraint tax warrant recorded on January 2, 2018 as  
26 Instrument No.: 2018-000013 in the official records of Wasco County, Oregon.

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8) Defendant United States of America may claim a junior interest in Subject Property by virtue of a tax lien recorded on December 11, 2017 as Instrument No.: 2017-004831 in the official records of Wasco County, Oregon.

6/21/2022 3:30:25 PM

  
\_\_\_\_\_  
Circuit Court Judge John Wolf

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

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

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.

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

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

No objection has been served on me.

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.

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

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

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

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Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

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 (4) of this rule.

Other: \_\_\_\_\_

Dated June 16, 2022 and submitted by:

**McCarthy & Holthus, LLP**

s/ Michael Scott

\_\_\_\_\_  
John Thomas OSB No. 024691  
X Michael Scott OSB No. 973947  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
mscott@mccarthyholthus.com  
Of Attorneys for Plaintiff



# **EXHIBIT “ 1 ”**

Lot F, Block 33, FORT DALLES MILITARY RESERVATION to Dalles City, in the City of The Dalles,  
County of Wasco and State of Oregon