

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

OREGON HOUSING & COMMUNITY SERVICE,

Plaintiff,

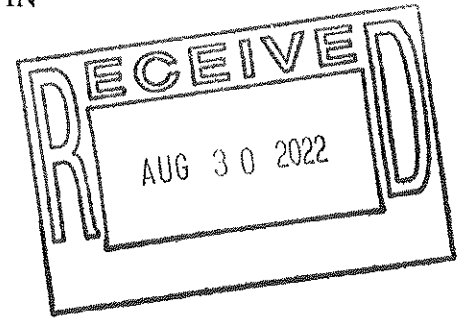
vs.

RICHARD R WORDEN, NICOLE M WORDEN; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV48758

WRIT OF EXECUTION IN FORECLOSURE



TO THE UNION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 10, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

OREGON HOUSING & COMMUNITY SERVICE
c/o Grace Chu
Attorney for Plaintiff

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

With the adjudicated amount due of \$191,957.69, plus prejudgment interest in the amount of \$534.96 and post judgment interest at the statutory rate of 9.0% per annum from June 10, 2022 to 7/18/2022 in the amount of \$1,798.62, and continuing with a per diem of \$47.33, currently totaling \$194,291.27.

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 August 13, 2008, 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 EIGHT (8) OF BLOCK NINE (9) OF CHAPLIN'S ADDITION TO LA
5 GRANDE, UNION COUNTY, OREGON, ACCORDING TO THE RECORDED
PLAT OF SAID ADDITION.

6 and commonly known as: 1101 C Ave., La Grande, OR 97850.

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

12 DATED: 15th day of July, 2022.

13
14 Title

15 By: Isaac Adams



17 Dated: July 14, 2022 and submitted by:

18 McCarthy & Holthus, LLP

19 s/Grace Chu

20 _ John Thomas OSB No. 024691

21 _ Michael Scott OSB No. 973947

22 _ Grace Chu OSB No. 220848

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

gchu@mccarthyholthus.com

Of Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

OREGON HOUSING & COMMUNITY
SERVICE,

Plaintiff,

vs.

RICHARD R WORDEN; NICOLE M
WORDEN; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 19CV48758

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants RICHARD R WORDEN; NICOLE M WORDEN; 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 Union County, Oregon, and is commonly known as 1101 C Ave., La Grande, OR 97850 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 03S3808CC-601.

COPY

1 b. Plaintiff is entitled to enforce the note dated August 13, 2008 and made, delivered, and
2 executed by RICHARD R WORDEN and NICOLE M WORDEN to U.S. Bank N.A. in the
3 amount of \$174,793.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
4 possession and by indorsement set forth on the Note.

5 c. A deed of trust was made, executed, and delivered by Defendant RICHARD R WORDEN
6 and NICOLE M WORDEN on or about August 13, 2008 (the "Deed of Trust"). The Deed of
7 Trust was recorded on August 18, 2008 as Instrument No. 20083710 in the official records of
8 Union County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
9 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
10 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
11 Sheriff's Deed.

12 d. The Borrower failed to make the payment that was due for May 1, 2018 and has not cured
13 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
14 comprised of the following amounts (the "Amount Due"):

15	a) Unpaid principal balance:	\$144,657.90
16	b) Deferred principal balance:	\$0.00
17	c) Prejudgment interest accruing from 5/16/2022 and continuing until the entry of judgment at the current Note rate of 5.625%:	\$33,383.90
18		
19	d) Additional amounts due under the terms of the loan:	\$14,240.21
20		
21	e) Credits	(\$409.32)
22	f) Prevailing party fee (ORS 20.190 (1)(a)):	\$85.00
23		
24	Total:	\$191,957.69

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. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.

5 g. All right, title and interest in the Subject Property that Defendants RICHARD R WORDEN
6 and NICOLE M WORDEN had as of the date of the Deed of Trust or thereafter acquired is
7 hereby ordered to be sold by the Union County Sheriff's Office in accordance with the
8 process for sale upon execution, and the proceeds of sale shall be applied:

9 1) First, to the costs of sale not incurred by Plaintiff;

10 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
11 entry of judgment through the date of the sale and any incurred costs of sale;

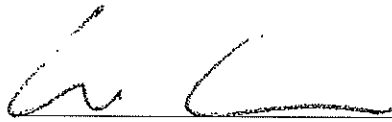
12 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
13 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
14 such party or parties as they may establish their right thereto.

15 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
16 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
17 the date of entry of judgment through the date of the sale and any incurred costs of sale.

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

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

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

5
6
7
8
9
10 

6/9/2022 9:51:56 AM

11 **Wes Williams, Circuit Court Judge**

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

13 On June 8, 2022, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney
14 Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure
was:

15 Served on:

16 not less than 3 days prior to submission to the court.

17 Accompanied by a stipulation that no objection exists as to the judgment or order.

18 Mailed to:

19 Nicole M Worden
20 1101 C Ave.
La Grande, OR 97850

21 Richard R Worden
22 1101 C Ave.
La Grande, OR 97850

23 Occupants of the Property
24 1101 C Ave.
La Grande, OR 97850

25 not less than 7 days prior to submission to the court with a notice of the time period to
26 object.

27 This proposed 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
2 judgment, as shown by each opposing party's signature on the document being
submitted.

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

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

6 No objection has been served on me.

7 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.

8 After conferring about objections, _____ agreed to independently file
any remaining objection.

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

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

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

13 This is a proposed judgment that includes an award of punitive damages and notice
14 has been served on the Director of the Crime Victims' Assistance Section as required
by subsection (4) of this rule.

15 Other: _____

16 Dated: June 8, 2022 and submitted by:

17 **McCarthy & Holthus, LLP**

18 s/Grace Chu

19 _____
_ John Thomas OSB No. 024691

20 _ Michael Scott OSB No. 973947

_ Grace Chu OSB No. 220848

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

jthomas@mccarthyholthus.com

Of Attorneys for Plaintiff