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

FREEDOM MORTGAGE CORPORATION,

Case No.: 19CV41088

Plaintiff,

vs.

WRIT OF EXECUTION IN  
FORECLOSURE

THE ESTATE OF ANTONE MICHAEL  
DIETZ; THE UNKNOWN HEIRS,  
ASSIGNEES, AND DEVISEES OF ANTONE  
MICHAEL DIETZ; SAMI BABAIHDHAN;  
SAVANNAH DIETZ; and ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 4555 BASALT  
ST, THE DALLES, OREGON 97058,

Defendants.

**TO THE WASCO COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on August 1, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

FREEDOM MORTGAGE CORPORATION  
c/o Grace Chu  
Attorney for Plaintiff

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

1 With the adjudicated amount due of \$103,733.76, plus pre judgment interest at the per diem of  
2 \$257.05 from 7/27/2022 to 8/1/2022 in the amount of \$1,285.25, plus post judgment interest at  
3 the statutory rate of 9.0% per annum from 8/1/2022 to 8/31/2022 in the amount of \$750.96, and  
4 continuing with a per diem of \$25.90, currently totaling \$105,769.97.

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 March 21, 2013, the date of the Deed of Trust, and also the interest that the Defendant had  
9 thereafter, in the real property described as follows:

10 Lot 1, Block B, "TERRACE TRAILER HOMES" situated in Section 17, Township 2  
11 North, Range 13 East of the Willamette Meridian; Wasco County, Oregon;  
12 TOGETHER WITH the following described tract:  
13 Beginning at a 5/8' iron rod with yellow plastic cap stamped "Wyeast Surveys PLS 2393"  
14 set at the Southeast corner of Lot 1, Block B, TERRACE TRAILER HOMES"; thence  
15 South, a distance of 101.42 feet; thence North 72°21'14" West, a distance of 186.29 feet;  
16 thence North 12°36'38" East, a distance of 182.77 feet; thence South 68°46'00" East, a  
17 distance of 48.61 feet; thence South 12°59'00" West, a distance of 89.40 feet; thence  
18 South 75°41'00" East, a distance of 116.00 feet to the point of the beginning

19 and commonly known as: 4555 Basalt St, The Dalles, OR 97058.

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

25 DATED: <sup>4th</sup> 25 day of August, 2022



26 Title JSS III  
27 By: Donna Bae

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Dated: August 24, 2022 and submitted by:

McCarthy & Holthus, LLP

s/Grace Chu

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\_ John Thomas OSB No. 024691  
\_ 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  
gchu@mccarthyholthus.com  
Of Attorneys for Plaintiff

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

FREEDOM MORTGAGE CORPORATION,

Case No.: 19CV41088

Plaintiff,

vs.

GENERAL JUDGMENT OF  
FORECLOSURE

THE ESTATE OF ANTONE MICHAEL  
DIETZ; THE UNKNOWN HEIRS,  
ASSIGNEES, AND DEVISEES OF  
ANTONE MICHAEL DIETZ; SAMI  
BABAIDHAN; SAVANNAH DIETZ; AND  
ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE  
REAL PROPERTY COMMONLY KNOWN  
AS 4555 BASALT ST, THE DALLES,  
OREGON 97058,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants THE ESTATE OF ANTONE MICHAEL DIETZ; THE UNKNOWN HEIRS, ASSIGNEES, AND DEVISEES OF ANTONE MICHAEL DIETZ; SAMI BABAIDHAN; SAVANNAH DIETZ; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 4555 BASALT ST, THE DALLES, OREGON 97058 ("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;

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 4555 Basalt St, The Dalles, OR 97058 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 1325.
- b. Plaintiff is entitled to enforce the note dated March 21, 2013 and made, delivered, and executed by Antone Michael Dietz to UNIVERSAL AMERICAN MORTGAGE COMPANY, LLC in the amount of \$88,726.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendant Antone Michael Dietz on or about March 21, 2013 (the "Deed of Trust"). The Deed of Trust was recorded on March 29, 2013 as Instrument No. 2013-001185 in the official records of Wasco County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for March 1, 2019 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$77,116.38
- b) Prejudgment interest accruing from 2/1/2019 through 7/27/2022 and continuing until the entry of judgment at the current Note rate of 4.00%. Per Mensum of 257.05 10,749.81
- c) Additional amounts due under the terms of the loan: \$15,475.21
- d) Attorney fees and costs: \$307.36

1 e) Prevailing party fee (ORS 20.190 (1)(b)(A)): \$85.00

2  
3 **Total: \$103,733.76**

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

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

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

11 g. All right, title and interest in the Subject Property that Defendant Antone Michael Dietz had  
12 as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
13 Wasco County Sheriff's Office in accordance with the process for sale upon execution, and  
14 the proceeds of sale shall be applied:

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

21 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
22 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
23 the date of entry of judgment through the date of the sale and any incurred costs of sale.

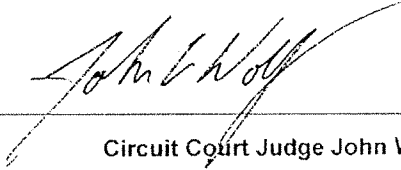
24 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
25 Property from and after the date of the sale and is entitled to such remedies as are available at  
26 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  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

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

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

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12 \_\_\_\_\_  
13 Circuit Court Judge John Wolf

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

15 On \_\_\_\_\_, a copy of the Motion For Entry Of Judgment, Declaration Of  
16 Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of  
17 Foreclosure was:

18  Served on:

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

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

21  Mailed to:

22 Sami Babaidhan  
23 3359 Leroy Circle  
24 Clinton, WA 98236

25 The Estate Of Antone Michael Dietz  
26 4555 Basalt St  
27 The Dalles, OR 97058

28 Savannah Dietz  
4555 Basalt St  
The Dalles, OR 97058

The Unknown Heirs, Assignees, And devisees Of Antone Michael Dietz  
4555 Basalt St  
The Dalles, OR 97058

1 And All Other Persons Or Parties Unknown Claiming Any Right, Title, Lien, Or Interest  
2 In The Real Property Commonly Known As 4555 Basalt St, The Dalles, Oregon 97058  
3 4555 Basalt St, The Dalles, OR 97058  
4 not less than 7 days prior to submission to the court with a notice of the time period to  
5 object.

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

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

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

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

14  No objection has been served on me.

15  I received objections that I could not resolve with the opposing party despite  
16 reasonable efforts to do so. I have filed a copy of the objections I received and  
17 indicated which objections remain unresolved.

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

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

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

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



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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: July 28, 2022 and submitted by:

**McCarthy & Holthus, LLP**

s/Grace Chu

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

# EXHIBIT 1



Lot 1, Block B, "TERRACE TRAILER HOMES" situated in Section 17, Township 2 North, Range 13 East of the Willamette Meridian; Wasco County, Oregon; TOGETHER WITH the following described tract:  
Beginning at a 5/8" iron rod with yellow plastic cap stamped "Wycast Surveys PLS 2393" set at the Southeast corner of Lot 1, Block B, TERRACE TRAILER HOMES"; thence South, a distance of 101.42 feet; thence North 72° 21'14" West, a distance of 186.29 feet; thence North 12° 36'38" East, a distance of 182.77 feet; thence South 68° 46'00" East, a distance of 48.61 feet; thence South 12° 59'00" West, a distance of 89.40 feet; thence South 75° 41'00" East, a distance of 116.00 feet to the point of beginning

