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

CIS FINANCIAL SERVICES, INC.,

Case No.: 20CV09904

Plaintiff,

vs.

WRIT OF EXECUTION IN  
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES  
OF ALAN J. VAN ARSDELL; ATHENA  
VAN ARSDELL, OCCUPANTS OF THE  
PROPERTY,

Defendants.

**TO THE COLUMBIA COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on March 29, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

CIS FINANCIAL SERVICES, INC.  
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 \$190,353.99, plus pre judgment interest from 3/24/22 to 3/29/22 at the per diem of \$14.35 totaling \$71.75 and post judgment interest at the statutory rate of 9.0% per annum from 3/30/22 through 7/20/22 in the amount of \$5,256.90, and continuing with a per diem of \$46.94, currently totaling \$195,682.64.

**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 18, 2018, the date of the Deed of Trust, and also the interest that the Defendant had  
3 thereafter, in the real property described in **Exhibit 1** and commonly known as: 19362 Beaver  
4 Falls Road, Clatskanie, OR 97016.

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

10  
11 8-1-2022



17 Dated: July 25, 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  
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

## EXHIBIT " 1 "

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD, FORMERLY COLUMBIA RIVER HIGHWAY, THAT IS SOUTH 1°56' WEST 804.6 FEET FROM THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, WHICH POINT IS ALSO THE NORTHEAST CORNER OF TRACT DESCRIBED IN DEED TO REINO W JURVAKAINEN, ET UX, RECORDED IN BOOK 126, PAGE 511, DEED RECORDS OF COLUMBIA COUNTY, OREGON; RUNNING THENCE NORTHWESTERLY, ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD A DISTANCE OF 80.5 FEET, MORE OF LESS, TO THE SOUTHEAST CORNER OF TRACT OF LAND DESCRIBED IN DEED TO JOHN O. DIXON, ET UX, RECORDED IN BOOK 126, PAGE 542 DEED RECORDS OF COLUMBIA COUNTY, OREGON, THENCE SOUTH 74°30' WEST 87.6 FEET TO THE SOUTHWEST CORNER OF SAID DIXON TRACT, THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO THE NORTHWEST CORNER OF SAID REINO W JURVAKAINEN TRACT, THENCE NORTH 58°42' EAST ALONG THE NORTH LINE OF SAID REINO W JURVAKAINEN TRACT A DISTANCE OF 80.0 FEET TO THE POINT OF BEGINNING

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

CIS FINANCIAL SERVICES, INC.,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF ALAN J. VAN ARSDELL, AKA ALAN  
J. VANARSDELL AKA ALAN JAMES  
VANARSDELL; ATHENA VAN  
ARSDELL; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 20CV09904

GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATORY  
RELIEF

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF ALAN J. VAN ARSDELL  
AKA ALAN J. VANARSDELL AKA ALAN JAMES VANARSDELL; ATHENA VAN  
ARSDELL; 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;

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 Columbia County, Oregon, and is commonly known as 19362 Beaver Falls Road, Clatskanie, OR 97016, and having APN/Parcel No. 27736. (the "Subject Property"), legally described as corrected herein and as shown in the attached *Exhibit 1*, and having APN/Parcel No. 27736.
- b. Plaintiff is entitled to enforce the note dated April 18, 2018 and made, delivered, and executed by ALAN J. VAN ARSDELL to R M K Financial Corp. D/B/A Majestic Home Loan, a California Corporation in the amount of \$164,440.00 (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 Defendants ALAN J. VAN ARSDELL on or about April 18, 2018 (the "Deed of Trust"). The Deed of Trust was recorded on April 26, 2018 as Instrument No. 2018-003420 in the official records of Columbia County, Oregon.
- d. The Deed of Trust is declared reformed, substituting the correct legal description of the Property in accordance with *Exhibit 1* attached hereto for that legal description in the original recorded Deed of Trust.
- e. The Deed of Trust, as reformed, is declared to be 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.
- f. The Borrower failed to make the payment that was due for June 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: \$161,147.77
- b) Prejudgment interest accruing from (6/1/2019) through (3/23/2022) and \$15,157.11

1 continuing until the entry of  
2 judgment at the current Note rate of  
3 3.250%:

4	c) Pre-Acceleration Late Charges	\$629.86
5	d) Escrow Balance – Funds owed by 6 borrower:	\$6,212.13
7	o Taxes	
8	\$1,363.19	
9	o Hazard Insurance	
10	\$1,092.00	
11	o Starting Escrow Balance	\$3,756.94
12	e) Property Inspections:	\$730.00
13	f) Jurisdiction Search	\$25.00
14	g) Attorney fees and costs	\$6,367.12
15	h) Prevailing party fee (ORS 20.190 16 (1)(a)):	\$85
17	<b>Total:</b>	<b>\$190,353.99</b>

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

- 21 g. The interest of the Defendants and any successor in interest in the Subject Property is  
22 foreclosed and terminated excepting only any statutory right of redemption as provided by  
23 Oregon law.
- 24 h. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 25 i. All right, title and interest in the Subject Property that Defendant ALAN J. VAN ARSDELL  
26 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by  
27 the Columbia County Sheriff's Office in accordance with the process for sale upon execution,  
28 and the proceeds of sale shall be applied:
- 1) First, to the costs of sale not incurred by Plaintiff;
  - 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
entry of judgment through the date of the sale and any incurred costs of sale;



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

This proposed General Judgment Of Foreclosure and Declaratory Relief 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.

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 March 24, 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



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