

**RECEIVED**  
APR 17 2024  
COLUMBIA COUNTY  
SHERIFF'S OFFICE

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

TOWD POINT MORTGAGE TRUST 2020-3,  
U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE,

Case No.: 23CV38003

Plaintiff,

WRIT OF EXECUTION IN  
FORECLOSURE

vs.

UNKNOWN HEIRS AND DEVISEES OF  
MARY SUSAN CAVINEE; UNKNOWN  
HEIRS AND DEVISEES OF JERRY  
MCCALL; WILLIAM CAVINEE AKA BILL  
CAVINEE; ANGELA BONTRAGER;  
ARMINDA DOWDY AKA MINDY  
DOWDY; OCCUPANTS OF THE  
PROPERTY,

Defendants.

**TO THE COLUMBIA COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on March 27, 2024. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

TOWD POINT MORTGAGE TRUST 2020-3, U.S. BANK NATIONAL  
ASSOCIATION, AS INDENTURE TRUSTEE  
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 \$285,603.70, plus pre judgment interest at the current Note rate of 8.75000% from March 16, 2024 through March 26, 2024 in the amount of \$590.40, plus

1 post judgment interest at the statutory rate of 9.0% per annum from March 27, 2024 through  
2 April 1, 2024 in the amount of \$352.11, and continuing with a per diem of \$70.42, currently  
3 totaling \$286,546.21.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about April 2, 2008, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described as follows:

9 BEGINNING AT A POINT WHICH IS SOUTH 86°45' EAST 93.36 FEET  
10 FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4  
11 NORTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, COLUMBIA  
12 COUNTY, OREGON; SAID POINT BEING AT THE INTERSECTION OF  
13 THE EASTERLY RIGHT OF WAY LINE OF THE NEHALEM HIGHWAY  
14 AND THE SOUTH LINE OF SAID SECTION 12; THENCE SOUTH 86°45'  
15 EAST ALONG SAID SECTION LINE A DISTANCE OF 301.19 FEET;  
16 THENCE NORTH 17°38' EAST A DISTANCE OF 292.73 FEET; THENCE  
17 NORTH 86°47' WEST A DISTANCE OF 308.79 FEET TO THE EASTERLY  
18 RIGHT OF WAY LINE OF SAID NEHALEM HIGHWAY; THENCE ALONG  
19 SAID EASTERLY RIGHT OF WAY LINE SOUTH 16°19' WEST A  
20 DISTANCE OF 95.30 FEET; THENCE SOUTH 16°08' WEST A DISTANCE  
21 OF 195.47 FEET TO THE POINT OF BEGINNING.

22 and commonly known as: 58070 TIMBER RD, VERNONIA, OR 97064-9643.

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



CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL DOCUMENT  
TRIAL COURT ADMINISTRATOR  
COLUMBIA COUNTY, OREGON

BY KH  
DATED 4/10/24

4/1/2024 3:40:49 PM

28 4/1/2024

*Cathleen B. Callahan*  
**Circuit Court Judge Cathleen B. Callahan**

1 Dated: March 27, 2024 and submitted by:

2 McCarthy & Holthus, LLP

3 s/Grace Chu

4            John Thomas OSB No. 024691

5            Grace Chu OSB No. 220848

6            Michael Scott OSB No. 973947

7 920 SW 3rd Ave, 1st Floor

8 Portland, OR 97204

9 Phone: (971) 201-3200

10 Fax: (971) 201-3202

11 gchu@mccarthyholthus.com

12 Of Attorneys for Plaintiff

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COLUMBIA COUNTY  
SHERIFF'S OFFICE

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

TOWD POINT MORTGAGE TRUST 2020-  
3, U.S. BANK NATIONAL  
ASSOCIATION, AS INDENTURE  
TRUSTEE,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF  
MARY SUSAN CAVINEE; UNKNOWN  
HEIRS AND DEVISEES OF JERRY  
MCCALL; WILLIAM CAVINEE AKA  
BILL CAVINEE; ANGELA BONTRAGER;  
ARMINDA DOWDY AKA MINDY  
DOWDY; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 23CV38003

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

Defendants UNKNOWN HEIRS AND DEVISEES OF MARY SUSAN CAVINEE;  
UNKNOWN HEIRS AND DEVISEES OF JERRY MCCALL; WILLIAM CAVINEE AKA  
BILL CAVINEE; ANGELA BONTRAGER; ARMINDA DOWDY AKA MINDY  
DOWDY; 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,

1 respondents as defined in ORS 125.005, minors, or in the military service of the United  
2 States;

3 2.

4 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 5 a. The real property to which this judgment relates is located and situated in Columbia County,  
6 Oregon, and is commonly known as 58070 TIMBER RD, VERNONIA, OR 97064-9643 (the  
7 “Subject Property”), legally described as:

8 BEGINNING AT A POINT WHICH IS SOUTH 86°45' EAST 93.36 FEET  
9 FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4  
10 NORTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, COLUMBIA  
11 COUNTY, OREGON; SAID POINT BEING AT THE INTERSECTION OF  
12 THE EASTERLY RIGHT OF WAY LINE OF THE NEHALEM HIGHWAY  
13 AND THE SOUTH LINE OF SAID SECTION 12; THENCE SOUTH 86°45'  
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19 DISTANCE OF 95.30 FEET; THENCE SOUTH 16°08' WEST A DISTANCE  
20 OF 195.47 FEET TO THE POINT OF BEGINNING.

21 and having APN/Parcel No. 024312.

- 22 b. That the Deed of Trust recorded on the Subject Property on April 7, 2008 as Instrument No.  
23 2008-003420 in the official records of Columbia County, Oregon, be reformed so that the  
24 correct legal description, as stated above in paragraph a, takes the place of the incomplete  
25 legal description as stated in the Deed of Trust.
- 26 c. That the reformed Deed of Trust is a valid lien against the Subject Property and is senior to  
27 that of any and all other person(s), including, without limitation, all of the other Defendants.

1 d. Plaintiff is entitled to enforce the note dated April 2, 2008 and made, delivered, and executed  
2 by MARY SUSAN CAVINEE and JERRY MCCALL to Wells Fargo Financial Oregon,  
3 Incorporated in the amount of \$263,693.70 (the "Note"). The Note was transferred to  
4 Plaintiff by delivery of possession and by indorsement set forth on the Note.

5 e. A deed of trust was made, executed, and delivered by Defendants MARY SUSAN  
6 CAVINEE and JERRY MCCALL on or about April 2, 2008 (the "Deed of Trust"). The  
7 Deed of Trust was recorded on April 7, 2008 as Instrument No. 2008-003420 in the official  
8 records of Columbia County, Oregon. The Deed of Trust is a valid and perfected lien against  
9 all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to  
10 any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a  
11 Sheriff's Deed.

12 f. The Borrower failed to make the payment that was due for November 7, 2022 and has not  
13 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
14 owing is comprised of the following amounts (the "Amount Due"):

15	a) Unpaid principal balance:	\$242,907.47
16	b) Prejudgment interest accruing from	\$30,523.68
17	10/7/2022 through 3/15/2024 and	
18	continuing until the entry of	
	judgment at the current Note rate of	
	8.75000%:	
19	c) Additional amounts due under the	\$7,995.26
20	terms of the loan:	
21	d) Attorney fees and costs:	\$4,092.29
22	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)(A)):	
23	<b>Total:</b>	<b>\$285,603.70</b>

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

1 g. 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 h. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

5 i. All right, title and interest in the Subject Property that Defendants MARY SUSAN  
6 CAVINEE and JERRY MCCALL had as of the date of the Deed of Trust or thereafter  
7 acquired is hereby ordered to be sold by the Columbia County Sheriff's Office in accordance  
8 with the 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, post-judgment property taxes,  
12 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to  
13 protect Plaintiff's interest in the Property, and any incurred costs of sale;

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

17 j. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
18 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
19 the date of entry of judgment through the date of the sale, post-judgment property taxes,  
20 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to  
21 protect Plaintiff's interest the Property, and any incurred costs of sale.

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

- 1 l. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
2 entitled to any further or other judgment, including a judgment for the deficiency.  
3 m. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
5 terminated.

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11 3/18/2024

  
12 **Circuit Court Judge Cathleen B. Callahan**

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

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

17  Served on:

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

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

20  Mailed to:

21 Unknown Heirs and Devisees of Mary Susan Cavinee  
22 58070 Timber Rd  
23 Vernonia, OR 97064-9643

24 Unknown Heirs and Devisees of Jerry McCall  
25 58070 Timber Rd  
26 Vernonia, OR 97064-9643

27 William Cavinee  
28 1632 J St  
Springfield, OR 97477

Angela Bontrager  
1107 Ruth Ave  
Vernonia, OR 97064



1 Arminda Dowdy  
2 741 Rockwood Dr  
3 Saint Helens, OR 97051

3 Occupants of the Property  
4 58070 Timber Rd  
5 Vernonia, OR 97064-9643

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

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

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

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

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

15  No objection has been served on me.

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

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

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

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

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

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

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

1 Dated: March 18, 2024 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/Grace Chu

4 John Thomas OSB No. 024691

5 Grace Chu OSB No. 220848

6 Michael Scott OSB No. 973947

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12 Of Attorneys for Plaintiff

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