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

TOWD POINT MORTGAGE TRUST 2019-3,  
U.S. BANK NATIONAL ASSOCIATION, AS  
INDENTURE TRUSTEE,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF  
VIRGINIA C CARNES AKA VIRGINIA  
CAROL CARNES AKA VIRGINIA  
CARNES; CALVIN PARKS; BANNER  
BANK; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 23CV38553

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE UMATILLA COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on February 28, 2024.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

TOWD POINT MORTGAGE TRUST 2019-3, U.S. BANK NATIONAL  
ASSOCIATION, AS INDENTURE TRUSTEE  
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 \$61,362.37, pre judgment interest from 2/15/24-2/28/2024 in amount of \$110.89, plus post judgment interest at the statutory rate of 9.0% per annum from 2/29/2024 to 3/19/2024 in the amount of \$287.48, and continuing with a per diem of \$15.13 currently totaling \$61,760.74.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
4 about September 16, 2002, the date of the Deed of Trust, and also the interest that the Defendant  
5 had thereafter, in the real property described as follows:

6 LOT 4, BLOCK 6, ORIGINAL TOWN, NOW CITY OF PILOT ROCK,  
7 UMATILLA COUNTY, OREGON

8 and commonly known as: 138 SW 2nd St, Pilot Rock, OR 97868.

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

14 **DATED:** 27 day of March, 2024.

15 \_\_\_\_\_  
16 *Court Clerk*  
17 Title

18 By: \_\_\_\_\_  
19 *Amy West*  
20 *AmyWest*

21 Dated March 26, 2024 and submitted by:

22 McCarthy & Holthus, LLP

23 s/ Michael Scott \_\_\_\_\_

24 Michael Scott OSB No. 973947  
25 920 SW 3rd Ave, 1st Floor  
26 Portland, OR 97204  
27 Phone: (971) 201-3200  
28 Fax: (971) 201-3202  
mscott@mccarthyholthus.com  
Of Attorneys for Plaintiff



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FOR THE COUNTY OF UMATILLA

TOWD POINT MORTGAGE TRUST 2019-  
3, U.S. BANK NATIONAL  
ASSOCIATION, AS INDENTURE  
TRUSTEE,

Plaintiff,

vs.

UNKNOWN HEIRS AND DEVISEES OF  
VIRGINIA C CARNES AKA VIRGINIA  
CAROL CARNES AKA VIRGINIA  
CARNES; CALVIN PARKS; BANNER  
BANK; OCCUPANTS OF THE  
PROPERTY,

Defendants.

Case No.: 23CV38553

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

a. Defendants UNKNOWN HEIRS AND DEVISEES OF VIRGINIA C CARNES AKA VIRGINIA CAROL CARNES AKA VIRGINIA CARNES; CALVIN PARKS; 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;

b. Defendant BANNER BANK was dismissed from this action;

2.

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

1 a. The real property to which this judgment relates is located and situated in Umatilla County,  
2 Oregon, and is commonly known as 138 SW 2nd St, Pilot Rock, OR 97868 (the "Subject  
3 Property"), legally described as:

4 LOT 4, BLOCK 6, ORIGINAL TOWN, NOW CITY OF PILOT ROCK,  
5 UMATILLA COUNTY, OREGON  
6 APN/Parcel No. 104996.

7 b. Plaintiff is entitled to enforce the note dated September 16, 2002 and made, delivered, and  
8 executed by VIRGINIA C CARNES AKA VIRGINIA CAROL CARNES AKA VIRGINIA  
9 CARNES to CitiFinancial Mortgage Company, Inc. in the amount of \$85,552.19 (the  
10 "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement  
11 set forth on the Note.

12 c. A deed of trust was made, executed, and delivered by Defendant VIRGINIA C CARNES  
13 AKA VIRGINIA CAROL CARNES AKA VIRGINIA CARNES on or about September 16,  
14 2002 (the "Deed of Trust"). The Deed of Trust was recorded on September 16, 2002 as  
15 Instrument No. 2002-4200349 in the official records of Umatilla County, Oregon. The Deed  
16 of Trust is a valid and perfected lien against all of the Property for and securing the Amount  
17 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and  
18 shall remain in effect until issuance of a Sheriff's Deed.

19 d. The Borrower failed to make the payment that was due for February 3, 2022 and has not  
20 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
21 owing is comprised of the following amounts (the "Amount Due"):

- 22 a) Unpaid principal balance: \$42,042.11
- 23 b) Prejudgment interest accruing from \$7,833.89  
24 1/3/2022 through 2/14/2024 and  
25 continuing until the entry of  
judgment at the current Note rate of  
10.19000%;
- 26 c) Additional amounts due under the \$6,844.41  
27 terms of the loan:

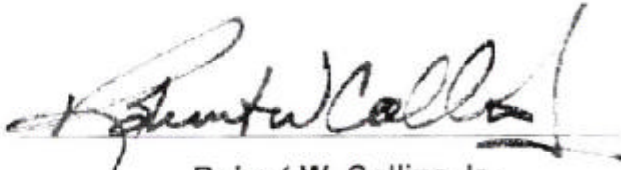
d) Attorney fees and costs:	\$4,556.96
e) Prevailing party fee (ORS 20.190 (1)(b)(A)):	\$85.00
<b>Total:</b>	<b>\$61,362.37</b>

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

- e. The interest of the Defendants and any successor in interest in the Subject Property is foreclosed and terminated excepting only any statutory right of redemption as provided by Oregon law.
- f. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendant VIRGINIA C CARNES AKA VIRGINIA CAROL CARNES AKA VIRGINIA CARNES had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Umatilla County Sheriff's Office in accordance with the process for sale upon execution, 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, post-judgment property taxes, insurance, and other sums reasonably incurred and allowed under the Deed of Trust to protect Plaintiff's interest in the Property, and any incurred costs of sale;
  - 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.
- h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale, post-judgment property taxes,

1 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to  
2 protect Plaintiff's interest the Property, and any incurred costs of sale.  
3 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
4 Property from and after the date of the sale and is entitled to such remedies as are available at  
5 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
6 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
7 possession to the purchaser immediately upon the purchaser's demand for possession.  
8 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
9 entitled to any further or other judgment, including a judgment for the deficiency.  
10 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
11 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
12 terminated.

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17 2/27/2024 3:05:27 PM

  
18 Robert W. Collins Jr.,  
19 Circuit Court Judge

20 CERTIFIED TO BE A TRUE AND  
21 CORRECT COPY OF THE ORIGINAL  
22 Dated 4/27/24  
23 TRIAL COURT ADMINISTRATOR  
24 By Amy West



25 I hereby certify that the requirements of UTCR 5.100 have been satisfied.  
26 This proposed General Judgment Of Foreclosure is ready for judicial signature because:  
27 [ ] Each opposing party affected by this order or judgment has stipulated to the order or  
28 judgment, as shown by each opposing party's signature on the document being  
submitted.

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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 February 21, 2024 and submitted by:

**McCarthy & Holthus, LLP**

s/ Michael Scott

— John Thomas OSB No. 024691  
— Grace Chu OSB No. 220848  
X Michael Scott OSB No. 973947  
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Of Attorneys for Plaintiff