

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

CARRINGTON MORTGAGE SERVICES,
LLC,

Plaintiff,

v.

THE ESTATE OF KENNETH R. ELWARD;
THE UNKNOWN HEIRS, ASSIGNS AND
DEVISEES OF KENNETH R. ELWARD;
MARY KATHERINE PERINE; SARA
NOLAN; TAZIE ELWARD; KEITH
MARTIN ELWARD; MICHAELA ELWARD
AKA SHAYLA ELWARD; SECRETARY OF
HOUSING AND URBAN DEVELOPMENT;
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN 595 SE
13TH STREET IRRIGON, OREGON 97844,

Defendant.

Case No. 22CV37958

WRIT OF EXECUTION



TO THE MORROW COUNTY SHERIFF:

On November 2, 2023, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the MORROW County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: CARRINGTON MORTGAGE SERVICES, LLC c/o Aldridge Pite, LLP, 1050 SW 6th Avenue, Suite 1100, Portland, OR 97204.

The real property to be sold at public auction is commonly known as 595 SE 13TH

Page 1 – WRIT OF EXECUTION

1 STREET, IRRIGON, OREGON 97844 ("Subject Property"), and legally described as:

2 LOTS 1, 2 AND 3, BLOCK 1, HONEYWILD ESTATES, IN THE CITY OF IRRIGON,
3 COUNTY OF MORROW AND STATE OF OREGON.

4 The total amount due and owing on the Judgment as of December 13, 2023;

5 Judgment:	Principal	\$193,927.27
6 Pre-Judgment:	Interest (5.61%, \$31.23/day)	\$2,935.62 (8/1/23 through 11/2/23)
7	Attorney Fees	\$4,785.00
8	Costs	\$4,533.78
9	Prevailing Party Fee	\$325.00
10 Post-Judgment:	Interest (9.00%, \$51.02/day)	\$2,092.19 (11/3/23 through 12/13/23)
11	Attorney Fees	\$445.00
12	Costs	\$0.00

13 **TOTAL: \$209,043.86**

14 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
15 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
16 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
17 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
18 holder of the certificate of sale.

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1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.
4

5 12/18/23 By: Angeline Williams
6 Clerk

7 Presented by:

8 ALDRIDGE PITE, LLP

9 By: [Signature]
10 Michael J. Page OSB #194328
11 *Of Attorneys for Plaintiff*
12 (858) 750-7600
13 (503) 222-2260 (facsimile)
14 orecourtnotices@aldridgepite.com
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5 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
6 **FOR THE COUNTY OF MORROW**

7 CARRINGTON MORTGAGE SERVICES,
8 LLC,

9 Plaintiff,

10 v.

11 THE ESTATE OF KENNETH R. ELWARD;
12 THE UNKNOWN HEIRS, ASSIGNS AND
13 DEVISEES OF KENNETH R. ELWARD;
14 MARY KATHERINE PERINE; SARA
15 NOLAN; TAZIE ELWARD; KEITH
16 MARTIN ELWARD; MICHAELA ELWARD
17 AKA SHAYLA ELWARD; SECRETARY OF
18 HOUSING AND URBAN DEVELOPMENT;
19 AND ALL OTHER PERSONS OR PARTIES
20 UNKNOWN CLAIMING ANY RIGHT,
21 TITLE, LIEN, OR INTEREST IN THE REAL
22 PROPERTY COMMONLY KNOWN 595 SE
23 13TH STREET IRRIGON, OREGON 97844,

24 Defendants.

Case No. 22CV37958

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY STIPULATION AND
DEFAULT**

ORCP Rule 69

THIS IS A JUDGMENT OF FORECLOSURE
AND DOES NOT CONSTITUTE A MONEY
AWARD AGAINST ANY DEFENDANT

18 Based upon the Court's Order of Default against defendants The Estate of Kenneth R.
19 Elward; The Unknown Heirs, Assigns and Devisees of Kenneth R. Elward; Mary Katherine
20 Perine; Sara Nolan; Tazie Elward; Keith Martin Elward; Michaela Elward AKA Shayla Elward;
21 and All Other Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The
22 Real Property Commonly Known as 595 SE 13th Street Irrigon, Oregon 97844, the stipulation of
23 Secretary of Housing and Urban Development ("Stipulating Defendant") the records on file
24 herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by
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26 Page 1 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

Aldridge Pite
Aldridge Pite, LLP
1050 SW 6th Ave, Suite 1100
Portland, OR 97204
(858) 750-7600

1 Stipulation and Default by Plaintiff Carrington Mortgage Services, LLC ("Plaintiff"),

2 **IT IS HEREBY ADJUDGED:**

3 1. Plaintiff's security interest in the real property located at 595 SE 13th Street,
4 Irrigon, Oregon 97844 ("Subject Property"), as evidenced by the Deed of Trust recorded
5 September 30, 2016 in the official records of Morrow County as instrument number 2016-38980
6 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All
7 rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to
8 Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally
9 described as follows:

10 LOTS 1, 2 AND 3, BLOCK 1, HONEYWILD ESTATES, IN THE CITY OF IRRIGON,
11 COUNTY OF MORROW AND STATE OF OREGON.

12 2. Stipulating Defendant has determined that it holds no title or financial interest in
13 the Subject Property and agrees to be bound by this judgment. No monetary judgment, interest,
14 attorneys' fees, expenses, costs, or fees are awarded in this proceeding against Stipulating
15 Defendant.

16 3. The Deed of Trust is foreclosed and upon entry of this Judgment the court
17 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
18 in the manner provided by law;

19 4. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
20 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
21 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
22 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

23 5. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
24 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
25 68(C), which amount may be added to the outstanding obligation due and owing under the Note

26 Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

1 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
2 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
3 by sale of the Subject Property as directed under this Judgment;

4 6. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
5 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
6 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
7 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
8 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

9 7. Plaintiff is owed the prevailing party fee of \$325.00, this amount to be satisfied by
10 sale of the Subject Property as directed under this Judgment.

11 8. The Sheriff shall make a return on the writ of execution to the court administrator
12 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
13 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
14 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
15 parties as may establish their right thereto. The Defendants and all persons claiming through or
16 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
17 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
18 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
19 every part of the Subject Property when the time for redemption has elapsed;

20 9. Plaintiff or any other party to this action may become a purchaser at the
21 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
22 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
23 successor in interest may apply to this Court for a writ of assistance to gain possession of the
24 subject property if Defendants or any other party or person refuses to surrender possession;

DECLARATION OF AMOUNT DUE BY DEFAULT

THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT CONSTITUTE A
MONEY AWARD AGAINST ANY DEFENDANT

- I. The total amount of the unpaid principal balance, interest, and other amounts owed is \$193,927.27.
2. Simple interest at the variable rate currently at 5.610000% (\$31.23 *per diem*) after July 31, 2023, through the date of judgment.
3. Attorney fees of \$4,785.00, plus \$445.00, through the date of sale.
4. Costs of \$4,533.78, plus costs accrued through the date of sale.
5. Prevailing party fee: \$325.00.
6. Post-judgment interest thereafter on the total judgment amount at the contract rate of interest or 9.000% per annum, whichever is greater, through the date of sale.

IT IS SO ADJUDGED

10/30/2023 10:04:22 AM

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Dated 12/18, 2023

TRIAL COURT ADMINISTRATOR

By Angeline Williams
Angeline Williams

Eva J. Temple

Eva J. Temple, Circuit Court Judge



CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- I. ☒ Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. ☐ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order or judgment on all parties entitled to service and:

- 1 a. ☐ No objection has been served on me;
- 2 b. ☐ I received objections that I could not resolve with a party despite reasonable
- 3 efforts to do so. I have filed a copy of the objections I received and indicated
- 4 which objections remain unresolved.
- 5 c. ☐ After conferring about objections, [**role and name of objecting party**]
- 6 agreed to independently file any remaining objection.
- 7 4. ☒ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
- 8 otherwise.
- 9 5. ☐ This is a proposed judgment that includes an award of punitive damages and notice
- 10 has been served on the Director of the Crime Victims' Assistance Section as required by
- 11 subsection (5) of this rule.
- 12 6. ☐ Other: _____

12 Presented By:
ALDRIDGE PITE, LLP

13 

Date: October 25, 2023

14 Michael J. Page, OSB No. 194328
15 *Of Attorneys for Plaintiff*
16 (858) 750-7600
17 (619) 590-1385 (Facsimile)
orecourtnotices@aldridgepite.com

18 Stipulated by:
UNITED STATES ATTORNEY'S OFFICE

20 /s/ Gillian Bunker
Gillian Bunker, OSB #062870
21 *Of Attorneys for Defendant*
22 (503) 727-1064
gillian.bunker@usdoj.gov

Date: October 25, 2023

26 Page 5 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY STIPULATION AND
DEFAULT

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