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

Banner Bank,
Plaintiff,
v.
Estate of Virginia Carol Carnes, Calvin Parks,
All Other Unknown Heirs or Persons Claiming
an Interest in the Property, and Occupants and
Parties in Possession,
Defendants.

Case No. 23CV09354

WRIT OF EXECUTION OF REAL
PROPERTY
(Foreclosure)

TO: THE SHERIFF OF UMATILLA COUNTY, GREETINGS:

WHEREAS, on May 5, 2023, in the Circuit Court of the State of Oregon, for the County of Umatilla, plaintiff, Banner Bank, recovered judgment against remaining defendants² Estate of Virginia Carol Carnes, Calvin Parks, and All Other Unknown Heirs or Persons Claiming an Interest in the Property on a general judgment and decree of foreclosure of deed of trust, as follows, a copy of which is attached hereto and incorporated herein as Exhibit 1 (the "Judgment"):

ALL CLAIMS FOR RELIEF:

- | | | |
|----|---------------------------|-------------|
| 1. | Principal Amount: | \$12,000.00 |
| 2. | Late Charges: | \$31.49 |
| 3. | Property Inspection Fees: | \$50.00 |

² Defendant Occupants and Parties in Possession were previously dismissed by order of the Court.

- 1 4. Annual Fee: \$100.00
2 5. Title Search Fee: \$200.00
3 6. Pre-Judgment Interest to May 5, 2023: \$1,048.01
4 7. Attorney Fees: \$3,482.76
5 8. Attorney Costs: \$3,984.67
6 9. For interest on the sum of paragraphs 1-8 at the contract rate of 10.24
7 percent per annum (\$5.86 per diem), from the date judgment is entered, until paid in full.

8 NOW THEREFORE, in the name of the State of Oregon, you are commanded to
9 sell, in the manner prescribed by law for the sale of real property, upon execution (subject to
10 redemption) all of the interest which the defendants had on April 24, 2019, the date of the Deed
11 of Trust, and also all of the interest which the defendants had thereafter, in the real property
12 described in the Judgment and particularly as follows and which is commonly known as 138 SW
13 2nd St., Pilot Rock, OR 97868:

14 Lot 4, Block 6, ORIGINAL TOWN, now City of Pilot Rock,
15 Umatilla County, Oregon,

16 to satisfy the sum of \$20,896.93, representing defendants' delinquent obligations as of May 5,
17 2023 and the amounts due at sale, with interest at the contract rate of 10.24 per annum (\$5.86 per
18 diem) from May 5, 2023 until paid in full, and the costs of this Writ, making due return within 60
19 days after you have received this Writ.

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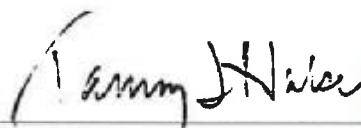
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JUDGMENT CREDITOR INFORMATION:

The mailing address of the judgment creditor is as follows:

Banner Bank
c/o Eleanor A. DuBay
Tomas Bragar DuBay
121 SW Morrison St., Ste. 1850
Portland, OR 97204

5/10/2023 2:01:33 PM



Tammy Hulse, Court Clerk



SUBMITTED BY:

Eleanor A. DuBay, OSB #073755
Tomas Bragar DuBay
(503) 894-9900
edubay@tomasilegal.com
Of Attorneys for Plaintiff

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

Banner Bank,
Plaintiff,
v.
Estate of Virginia Carol Carnes, Calvin Parks,
All Other Unknown Heirs or Persons Claiming
an Interest in the Property, and Occupants and
Parties in Possession,
Defendants.

Case No. 23CV09354
GENERAL JUDGMENT

This matter came before the undersigned Judge of the above-entitled court on plaintiff's Motion for Order of Default and Entry of General Judgment Ex Parte. The court has entered an Order of Default against defendants Estate of Virginia Carol Carnes, Calvin Parks, and All Other Unknown Heirs or Persons Claiming an Interest in the Property, Plaintiff has filed a Limited Judgment of Dismissal as to defendant Occupants and Parties in Possession, and it further appears that plaintiff is entitled to entry of general judgment against defendants;

IT IS ORDERED AND ADJUDGED that plaintiff shall have general judgment against defendants Estate of Virginia Carol Carnes, Calvin Parks, and All Other Unknown Heirs or Persons Claiming an Interest in the Property, as follows:

A. ON ALL CLAIMS FOR RELIEF:

1. Pursuant to ORS 88.010(1)(a), the amount of the debts that are secured by Plaintiff's Trust Deed are declared to be as follows:

- 1 a. Principal of \$12,000.00;
2 b. Late charges of \$31.49;
3 c. Property inspection fees of \$50.00;
4 d. Annual fee of \$100.00;
5 e. Title search fees of \$200.00;
6 f. Accrued interest at the contract rate of 10.24 percent per annum
7 through May 4, 2023, in the amount of \$1,044.65, plus interest thereafter in the per diem amount
8 of \$3.36 until the date judgment is entered;
9 g. Plaintiff's attorney fees in the amount of \$3,482.76 and costs in the
10 amount of \$3,984.67, to be submitted in accordance with ORCP 68C; and
11 h. Post-judgment interest on the sum of paragraphs A.1.a. – A.1.g. at
12 the contract rate of 10.24 percent per annum, from the date judgment is entered, until paid in full.

13 2. Plaintiff's Trust Deed, dated April 24, 2019, and recorded May 1, 2019, as
14 Recorder's No. 2019-6850249, Records of Umatilla County, Oregon, is declared a lien upon the
15 Property, commonly known as 138 SW 2nd St., Pilot Rock, OR 97868 and legally described as
16 follows, for the amount of the judgment declared herein:

17 Lot 4, Block 6, ORIGINAL TOWN, now City of Pilot Rock,
18 Umatilla County, Oregon.

19 3. Plaintiff's Trust Deed upon the Property is foreclosed, and the title, claim,
20 interest, or demand of defendants and each of them in said Property, and every part thereof,
21 except their statutory rights of redemption, is foreclosed;

22 4. The Property, with all of its appurtenances, rights, privileges, and
23 easements shall be sold on execution by the Sheriff for Umatilla County, Oregon, after giving
24 notice as required by law; Plaintiff may be and become a purchaser at said sale; the Sheriff shall
25 give the purchaser thereof a Certificate of Sale and, unless the Property is redeemed before the
26 expiration of the redemption period, a deed; said purchaser shall have immediate possession of

1 the Property, and every part thereof; and said purchaser shall be entitled to such remedies as are
2 available at law to secure such position, including a writ of assistance, if defendants or any other
3 parties or persons shall refuse to immediately surrender possession to the purchaser; and

4 5. The proceeds of the sale shall be applied as follows: first, to pay the costs
5 and expenses of said sale; second, to pay the judgment of Plaintiff; and third, the overplus, if
6 any, be paid to the Registry of the Court subject to further court order.

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Eva J. Temple, Circuit Court Judge



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Dated: 5/10, 2023

TRIAL COURT ADMINISTRATOR

By: Tammy Hulse
Tammy Hulse

SUBMITTED BY:

Eleanor A. DuBay, OSB # 073755
Tomasi Bragar DuBay
(503) 894-9900
edubay@tomasilegal.com
Of Attorneys for Plaintiff