

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

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES OF HELEN
F. HESTERLEE AKA HELEN HESTERLEE AKA
HELEN FRANCES HESTERLEE; LORI F. KREITZER
AKA LORI KREITZER; KATHERINE D. MCQUOWN
AKA KATHERINE MCQUOWN; UNITED STATES
OF AMERICA; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 24CV14122

WRIT OF EXECUTION IN
FORECLOSURE

TO THE UMATILLA COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 11, 2024.

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

PHH MORTGAGE CORPORATION
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 \$127,854.27, plus pre judgment interest at the per diem of
\$26.50 from 8/14/2024 to 9/11/2024 in the amount of \$742.00, plus post judgment interest at the
statutory rate of 9.0% per annum from 9/11/2024 to 9/24/2024 in the amount of \$378.31, and
continuing with a per diem of \$31.53, currently totaling \$128,974.58.

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 August 18, 2021, the date of the Deed of Trust, and also the interest that the Defendant had
5 thereafter, in the real property described as follows:

6 LOTS 1 AND 2, BLOCK 2, MT. HEBRON ADDITION TO CITY OF
7 PENDLETON, UMATILLA COUNTY, OREGON; EXCEPTING
8 THEREFROM WEST 32.34 FEET OF LOT 2.

8 and commonly known as: 15 NE MOUNT HEBRON DR, PENDLETON, OR 97801.

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
15 

16 **Tammy Hulse, Court Clerk**

17 9/23/2024 7:46:21 AM



18 Dated: September 20, 2024 and submitted by:

19 McCarthy & Holthus, LLP
20
21
22

23 s/Grace Chu

24 Grace Chu OSB No. 220848
25 920 SW 3rd Ave, 1st Floor
26 Portland, OR 97204
27 Phone: (971) 201-3200
28 Fax: (971) 201-3202
 gchu@mccarthyholthus.com
 Of Attorneys for Plaintiff

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

PHH MORTGAGE CORPORATION,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES
OF HELEN F. HESTERLEE AKA HELEN
HESTERLEE AKA HELEN FRANCES
HESTERLEE; LORI F. KREITZER AKA
LORI KREITZER; KATHERINE D.
MCQUOWN AKA KATHERINE
MCQUOWN; UNITED STATES OF
AMERICA; OCCUPANTS OF THE
PROPERTY,

Defendants.

Case No.: 24CV14122

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF HELEN F. HESTERLEE AKA HELEN HESTERLEE AKA HELEN FRANCES HESTERLEE; LORI F. KREITZER AKA LORI KREITZER; KATHERINE D. MCQUOWN AKA KATHERINE MCQUOWN; 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;

1 b. Defendant UNITED STATES OF AMERICA, by its signature below, does not have any
2 interest in the Property;

3 c. Defaulted Defendants and Defendant UNITED STATES OF AMERICA are collectively
4 referred to as "Defendants",

5 2.

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

7 a. The real property to which this judgment relates is located and situated in Umatilla County,
8 Oregon, and is commonly known as 15 NE MOUNT HEBRON DR, PENDLETON, OR
9 97801 (the "Subject Property"), legally described as:

10 LOTS 1 AND 2, BLOCK 2, MT. HEBRON ADDITION TO CITY OF PENDLETON,
11 UMATILLA COUNTY, OREGON;

12 EXCEPTING THEREFROM WEST 32.34 FEET OF LOT 2.

13 , and having APN/Parcel No. 102554.

14 b. Plaintiff is entitled to enforce the note dated August 18, 2021 and made, delivered, and
15 executed by Helen F Hesterlee to PHH MORTGAGE CORPORATION DBA LIBERTY
16 REVERSE MORTGAGE in the amount of \$232,500.00 (the "Note"). The Note was
17 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

18 c. A deed of trust was made, executed, and delivered by Defendant HELEN F HESTERLEE on
19 or about August 18, 2021 (the "Deed of Trust"). The Deed of Trust was recorded on
20 September 2, 2021 as Instrument No. 2021-7280067 in the official records of Umatilla
21 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
22 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
23 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

24 d. The Borrower failed to make the payment that was due for August 14, 2023 and has not
25 cured the default. The amount of debt secured by the Deed of Trust that is now due and
26 owing is comprised of the following amounts (the "Amount Due"):

1	a) Unpaid principal balance:	\$98,614.01
2	b) Accrued Interest (Good Through	\$14,434.57
3	7/31/2024)	
4	a) Intra Month Per Diem Total (As of	\$341.49
5	8/14/2024) After 8/14/2024 the	
6	interest will accrue at the	
7	Per Diem of \$26.50	
8	b) Additional amounts due under the	\$8,802.31
9	terms of the loan:	
10	c) Attorney fees and costs:	\$5,576.89
11	d) Prevailing party fee (ORS 20.190	\$85.00
12	(1)(b)(A)):	
13	Total:	\$127,854.27

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. Defendant UNITED STATES OF AMERICA does not have any interest in the Property, and accordingly, has no right to redeem and/or any such interest is foreclosed and extinguished without any right of redemption.
- g. The Defendant is not entitled to a homestead exception as against Plaintiff's judgment.
- h. All right, title and interest in the Subject Property that Defendant HELEN F HESTERLEE 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;

- 1 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
2 entry of judgment through the date of the sale, post-judgment property taxes,
3 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
4 protect Plaintiff's interest in the Property, and any incurred costs of sale;
- 5 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
6 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
7 such party or parties as they may establish their right thereto.
- 8 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
9 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
10 the date of entry of judgment through the date of the sale, post-judgment property taxes,
11 insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
12 protect Plaintiff's interest the Property, and any incurred costs of sale.
- 13 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
14 Property from and after the date of the sale and is entitled to such remedies as are available at
15 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
16 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
17 possession to the purchaser immediately upon the purchaser's demand for possession.
- 18 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
19 entitled to any further or other judgment, including a judgment for the deficiency.
- 20 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
21 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
22 terminated.
- 23 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
24 Deed of Trust are as follows:
- 25 1. Defendant KATHERINE D. MCQUOWN AKA KATHERINE MCQUOWN may claim
26 a junior interest in the Property by virtue of a Small Estate Affidavit filed on 09/27/2023,
27 as Instrument Number 23PB08669, in the Office of Umatilla County Records.

2. Defendant LORI F. KREITZER AKA LORI KREITZER may claim a junior interest in the Property by virtue of a Small Estate Affidavit filed on 09/27/2023, as Instrument Number 23PB08669, in the Office of Umatilla County Records.
3. Defendant UNITED STATES OF AMERICA may have had a junior interest in the Property by virtue of a Junior Deed Of Trust granted by HELEN F. HESTERLEE AKA HELEN HESTERLEE AKA HELEN FRANCES HESTERLEE in favor of beneficiary SECRETARY OF HOUSING AND URBAN DEVELOPMENT, recorded on 09/02/2021 as Instrument No. 2021-7280068 in the official records of Umatilla County, Oregon; however, Defendant UNITED STATES OF AMERICA does not have any interest in the Property, including any right to redeem.

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Dated: 9/23, 2024

TRIAL COURT ADMINISTRATOR

By: Timmy J. Hulse
Timmy J. Hulse

9/11/2024 9:39:25 AM

Eva J. Temple
Eva J. Temple, Circuit Court Judge

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

On September 10, 2024, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

☐ Served on:

M. Alex DeLorenzo
1000 SW Third Avenue, Suite 600
Portland, OR 97204
Attorney for United States of America

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

☐ Accompanied by a stipulation by Opposing Attorney: M. Alex DeLorenzo and Firm: that no objection exists as to the judgment or order.

1 [] Mailed to:

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

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

5 [] Each opposing party affected by this order or judgment has stipulated to the order or
6 judgment, as shown by each opposing party's signature on the document being
7 submitted.

8 [x] Each opposing party affected by this order or judgment has approved the order or
9 judgment, as shown by signature on the document being submitted or by written
10 confirmation of approval sent to me.

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

12 [] No objection has been served on me.

13 [] I received objections that I could not resolve with the opposing party despite
14 reasonable efforts to do so. I have filed a copy of the objections I received and
15 indicated which objections remain unresolved.

16 [] After conferring about objections, _____ agreed to independently file
17 any remaining objection.

18 [] The relief sought is against an opposing party who has been found in default.

19 [] An order of default is being requested with this proposed judgment.

20 [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
21 otherwise.

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

4 [] Other: _____

5 Dated: September 10, 2024 and submitted by:

6 **McCarthy & Holthus, LLP**

7 /s/ - David M. Swartley

8 — John Thomas OSB No. 024691

9 — Grace Chu OSB No. 220848

10 — Michael Scott OSB No. 973947

11 — x David M. Swartley OSB No. 232327

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16 gchu@mccarthyholthus.com

17 Of Attorneys for Plaintiff

18 **Consent Judgment**

19 /s/ - M. Alex DeLorenzo

20 M. Alex DeLorenzo, OSB No. 203641

21 U. S. Attorney office, District of Oregon

22 1000 SW Third Avenue, Suite 600

23 Portland, OR 97204

24 m.alex.delorenzo-lawley@usdoj.gov

25 Attorney for UNITED STATES OF AMERICA