

\_ Verified Correct Copy of Original 8/8/2023. \_

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

FINANCIAL ASSET SECURITIES CORP.,  
HOME LOAN MORTGAGE TRUST 1999-A,  
ASSET-BACKED CERTIFICATES, SERIES  
1999-A, U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE,  
SUCCESSOR IN INTEREST TO  
WACHOVIA BANK, NATIONAL  
ASSOCIATION F/K/A FIRST UNION  
NATIONAL BANK, AS TRUSTEE,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF MARY DUNGAN AKA MARY  
VIRGINIA DUNGAN AKA MARY V.  
DUNGAN; THE UNKNOWN HEIRS AND  
DEVISEES OF RAY DUNGAN II AKA RAY  
ELSWORTH DUNGAN II AKA RAYMOND  
DUNGAN II AKA RAYMOND ELSWORTH  
DUNGAN II; TRINITY DUNGAN; JASON  
DUNGAN; AMY DUNGAN; RAY DUNGAN  
III; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 23CV02747

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE UMATILLA COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 26, 2023. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 FINANCIAL ASSET SECURITIES CORP., HOME LOAN MORTGAGE TRUST  
2 1999-A, ASSET-BACKED CERTIFICATES, SERIES 1999-A, U.S. BANK NATIONAL  
3 ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO WACHOVIA BANK,  
4 NATIONAL ASSOCIATION F/K/A FIRST UNION NATIONAL BANK, AS TRUSTEE  
5 c/o Grace Chu  
6 Attorney for Plaintiff

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McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

With the adjudicated amount due of \$27,389.73, plus pre judgment interest at the per diem of \$2.65 from 6/9/2023 to 6/26/2023 in the amount of \$44.98, plus post judgment interest at the statutory rate of 9.0% per annum from 6/9/2023 to 6/26/2023 in the amount of \$290.88, and continuing with a per diem of \$6.76, currently totaling \$27,725.60.

**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about March 26, 1999, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows:

LOT 5, BLOCK 87, WARDWELL'S ADDITION TO THE TOWN, NOW CITY OF UMATILLA, UMATILLA COUNTY, OREGON. ALSO, THE WESTERLY 10 FEET OF VACATED "J" STREET LYING ADJACENT TO SAID LOT 5 BY ORDINANCE NO. 557, RECORDED JUNE 23, 1989 IN REEL 180, PAGE 1603, UMATILLA COUNTY MICROFILM RECORDS.

APN 127170, and commonly known as: 931 7th Street, Umatilla, OR 97882.

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

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DATED: 8<sup>th</sup> day of Aug, 2023

Title

By: Sammy Hulse  
Court clerk



Dated: August 8, 2023 and submitted by:

McCarthy & Holthus, LLP

s/Grace Chu

\_\_\_\_\_  
John Thomas OSB No. 024691  
Grace Chu OSB No. 220848  
Michael Scott OSB No. 973947  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
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

FINANCIAL ASSET SECURITIES CORP.,  
HOME LOAN MORTGAGE TRUST 1999-  
A, ASSET-BACKED CERTIFICATES,  
SERIES 1999-A, U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE,  
SUCCESSOR IN INTEREST TO  
WACHOVIA BANK, NATIONAL  
ASSOCIATION F/K/A FIRST UNION  
NATIONAL BANK, AS TRUSTEE,

Case No.: 23CV02747

GENERAL JUDGMENT OF  
FORECLOSURE

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF MARY DUNGAN AKA MARY  
VIRGINIA DUNGAN AKA MARY V.  
DUNGAN; THE UNKNOWN HEIRS AND  
DEVISEES OF RAY DUNGAN II AKA  
RAY ELSWORTH DUNGAN II AKA  
RAYMOND DUNGAN II AKA  
RAYMOND ELSWORTH DUNGAN II;  
TRINITY DUNGAN; JASON DUNGAN;  
AMY DUNGAN; RAY DUNGAN III;  
OCCUPANTS OF THE PROPERTY,

Defendants.

1.

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

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF MARY DUNGAN AKA  
MARY VIRGINIA DUNGAN AKA MARY V. DUNGAN; THE UNKNOWN HEIRS AND  
DEVISEES OF RAY DUNGAN II AKA RAY ELSWORTH DUNGAN II AKA  
RAYMOND DUNGAN II AKA RAYMOND ELSWORTH DUNGAN II; TRINITY  
DUNGAN; JASON DUNGAN; AMY DUNGAN; RAY DUNGAN III; 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

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ORS 125.005, minors, or in the military service of the United States;

2.

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

a. The real property to which this judgment relates is located and situated in Umatilla County, Oregon, and is commonly known as 931 7th Street, Umatilla, OR 97882 (the "Subject Property"), legally described as:

LOT 5, BLOCK 87, WARDWELL'S ADDITION TO THE TOWN, NOW CITY OF UMATILLA, UMATILLA COUNTY, OREGON.

ALSO, THE WESTERLY 10 FEET OF VACATED "J" STREET LYING ADJACENT TO SAID LOT 5 BY ORDINANCE NO. 557, RECORDED JUNE 23, 1989 IN REEL 180, PAGE 1603, UMATILLA COUNTY MICROFILM RECORDS.

and having APN/Parcel No. 127170.

b. Plaintiff is entitled to enforce the note dated March 26, 1999 and made, delivered, and executed by RAY DUNGAN II AKA RAY ELSWORTH DUNGAN II AKA RAYMOND DUNGAN II AKA RAYMOND ELSWORTH DUNGAN II and MARY DUNGAN AKA MARY VIRGINIA DUNGAN AKA MARY V. DUNGAN to Norwest Mortgage, Inc. Db a Directors Acceptance in the amount of \$24,500.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.

c. A deed of trust was made, executed, and delivered by Defendants RAY DUNGAN II AKA RAY ELSWORTH DUNGAN II AKA RAYMOND DUNGAN II AKA RAYMOND ELSWORTH DUNGAN II and MARY DUNGAN AKA MARY VIRGINIA DUNGAN AKA MARY V. DUNGAN on or about March 26, 1999 (the "Deed of Trust"). The Deed of Trust was recorded on March 31, 1999 as Instrument No. 1999-3480156 in the official records of Umatilla County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to

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any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

d. The Borrower failed to make the payment that was due for October 1, 2021 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$18,844.43
  - b) Prejudgment interest accruing from (9/1/2021) through (6/9/2023) and continuing until the entry of judgment at the current Note rate of 5.125%: \$1,711.69
  - c) Additional amounts due under the terms of the loan: \$1,714.73
  - d) Attorney fees and costs: \$5,033.88
  - e) Prevailing party fee (ORS 20.190 (1)(b)(A)): \$85.00
- Total: \$27,389.73**

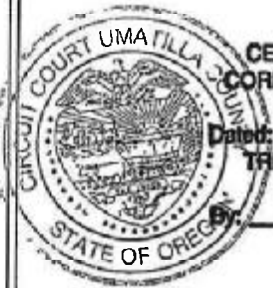
Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the date of entry of this judgment through the sale of the Subject Property at the rate of 9.00% per annum.

- 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 Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- g. All right, title and interest in the Subject Property that Defendants Mary Dungan , Ray Dungan II 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           1) First, to the costs of sale not incurred by Plaintiff;
- 2           2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
- 3           entry of judgment through the date of the sale, post-judgment property taxes,
- 4           insurance, and other sums reasonably incurred and allowed under the Deed of Trust to
- 5           protect Plaintiff's interest in the Property, and any incurred costs of sale;
- 6           3) Third, the surplus, if any, to the Defendants in the priority as their interest may
- 7           appear, described *infra*, or to the clerk of the court to be distributed by the Court to
- 8           such party or parties as they may establish their right thereto.
- 9    h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
- 10   18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
- 11   the date of 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 the Property, and any incurred costs of sale.
- 14   i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
- 15   Property from and after the date of the sale and is entitled to such remedies as are available at
- 16   law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
- 17   writ of assistance if any Defendant, other party, or other person shall refuse to surrender
- 18   possession to the purchaser immediately upon the purchaser's demand for possession.
- 19   j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
- 20   entitled to any further or other judgment, including a judgment for the deficiency.
- 21   k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
- 22   if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
- 23   terminated.
- 24   l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
- 25   Deed of Trust are as follows:
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- (a) Defendant THE UNKNOWN HEIRS AND DEVISEES OF MARY DUNGAN AKA MARY VIRGINIA DUNGAN AKA MARY V. DUNGAN may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.
- (b) Defendant THE UNKNOWN HEIRS AND DEVISEES OF RAY DUNGAN II AKA RAY ELSWORTH DUNGAN II AKA RAYMOND DUNGAN II AKA RAYMOND ELSWORTH DUNGAN II may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.
- (c) Defendant TRINITY DUNGAN may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.
- (d) Defendant JASON DUNGAN may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.
- (e) Defendant AMY DUNGAN may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.
- (f) Defendant RAY DUNGAN III may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL

Dated: 8/08 2023

By: Tammy Hulse  
TRIAL COURT ADMINISTRATOR

8/26/2023 8:45:52 AM

Gregory L. Baxter

Senior Judge Gregory L. Baxter

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



1 On \_\_\_\_\_, 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:

2  Served on:

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

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

6  Mailed to:

7 THE UNKNOWN HEIRS AND DEVISEES OF MARY DUNGAN AKA MARY  
8 VIRGINIA DUNGAN AKA MARY V. DUNGAN  
9 931 7th Street  
Umatilla, OR 97882

10 THE UNKNOWN HEIRS AND DEVISEES OF RAY DUNGAN II AKA RAY  
ELSWORTH DUNGAN II AKA RAYMOND DUNGAN II AKA RAYMOND  
11 ELSWORTH DUNGAN II 931 7th Street  
Umatilla, OR 97882

12 TRINITY DUNGAN  
13 931 7th Street  
Umatilla, OR 97882

14 JASON DUNGAN  
15 931 7th Street  
Umatilla, OR 97882

16 AMY DUNGAN  
17 931 7th Street  
Umatilla, OR 97882

18 RAY DUNGAN III  
19 931 7th Street  
Umatilla, OR 97882

20 OCCUPANTS OF THE PROPERTY  
21 931 7th Street  
Umatilla, OR 97882

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

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

25  Each opposing party affected by this order or judgment has stipulated to the order or  
26 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: June 20, 2023 and submitted by:

**McCarthy & Holthus, LLP**

s/Grace Chu

— John Thomas OSB No. 024691

— Grace Chu OSB No. 220848

— Michael Scott OSB No. 973947

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Portland, OR 97204

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Of Attorneys for Plaintiff