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4 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**  
5 **FOR THE COUNTY OF UMATILLA**

6 CMG MORTGAGE, INC.,

7 Plaintiff,

8 v.

9 THE ESTATE OF JAY KIMBALL; THE  
10 UNKNOWN HEIRS, ASSIGNS AND  
11 DEVISEES OF JAY KIMBALL; RANDALL  
12 JAY KIMBALL; PATTI ANN KIMBALL;  
13 AND ALL OTHER PERSONS OR PARTIES  
14 UNKNOWN CLAIMING ANY RIGHT,  
15 TITLE, LIEN, OR INTEREST IN THE REAL  
16 PROPERTY COMMONLY KNOWN AS  
17 32778 DIAGONAL RD, HERMISTON, OR  
18 97838,

19 Defendant.

Case No. 24CV38703

**WRIT OF EXECUTION**

20 TO THE UMATILLA COUNTY SHERIFF:

21 On June 12, 2025, a General Judgment of Foreclosure and Declaration of Amount Due by  
22 Default was entered by the Umatilla County Circuit Court, foreclosing Plaintiff's Deed of Trust  
23 and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due  
24 to Plaintiff.

25 The mailing address for the judgment creditor is: CMG Mortgage, Inc. c/o Aldridge Pite,  
26 LLP, 1915 NE Stucki Avenue, Suite 400, Hillsboro, OR 97006.

The real property to be sold at public auction is commonly known as 32778 Diagonal Rd,  
Hermiston, OR 97838 ("Subject Property"), and legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The total amount due and owing on the Judgment as of June 26, 2025;

|   |                            |                               |                                        |
|---|----------------------------|-------------------------------|----------------------------------------|
| 1 | Judgment:                  | Principal                     | \$256,872.95                           |
| 2 | Pre-Judgment:              | Interest (5.99%, \$35.76/day) | \$357.60 (6/3/2025 through 6/12/2025)  |
| 3 |                            | Attorney Fees                 | \$3,970.00                             |
| 4 |                            | Costs                         | \$2,963.39                             |
| 5 |                            | Prevailing Party Fee          | \$325.00                               |
| 6 | Post-Judgment:             | Interest (9.00%, \$65.31/day) | \$914.42 (6/13/2025 through 6/26/2025) |
| 7 |                            | Attorney Fees                 | \$405.00                               |
| 8 |                            | Costs                         | \$0.00                                 |
| 9 | <b>TOTAL: \$265,808.36</b> |                               |                                        |

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

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



June 27, 2025

*Amy West*

Amy West  
Court Clerk

22 Presented by:  
23 ALDRIDGE PITE, LLP

24 By:   
25 Michael J. Page, OSB #194328  
26 Of Attorneys for Plaintiff  
(858) 750-7600  
(619) 590-1385 (Facsimile)  
orecourtnotices@aldridgepite.com

Page 2 – WRIT OF EXECUTION

**EXHIBIT A – LEGAL DESCRIPTION**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 29, EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON AND BEING DESCRIBED AS COMMENCING AT THE CENTER OF SAID SECTION 32; THENCE SOUTH 44°43' EAST (WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THE HERMISTON COLUMBIA RIVER HIGHWAY), A DISTANCE OF 30 FEET, MORE OR LESS, TO THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY; THENCE SOUTH 45°17' WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 1,080.08 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 06°38'45" EAST, A DISTANCE OF 519.22 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE SOUTH 89°53'53" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 583.67 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY; THENCE NORTH 45°23' EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 685.10 FEET; THENCE NORTH 45°17" EAST AND CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY, A DISTANCE OF 50.56 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO MERVIN R. DUFFY, ETUX, BY DEED RECORDED IN MICROFILM REEL 50, PAGE 99, OFFICE OF UMATILLA COUNTY RECORDS;

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO MARK HENDERSON, ETUX, BY DEED RECORDED IN MICROFILM REEL 55, PAGE 744 AND CORRECTED IN MICROFILM REEL 62, PAGE 407, OFFICE OF UMATILLA COUNTY RECORDS;

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE HIGHWAY AND ROAD RIGHT-OF-WAYS.

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

CMG MORTGAGE, INC.,

Plaintiff,

v.

THE ESTATE OF JAY KIMBALL; THE  
UNKNOWN HEIRS, ASSIGNS AND  
DEVISEES OF JAY KIMBALL; RANDALL  
JAY KIMBALL; PATTI ANN KIMBALL;  
AND ALL OTHER PERSONS OR PARTIES  
UNKNOWN CLAIMING ANY RIGHT,  
TITLE, LIEN, OR INTEREST IN THE REAL  
PROPERTY COMMONLY KNOWN AS  
32778 DIAGONAL RD, HERMISTON, OR  
97838,

Defendants.

Case No. 24CV38703

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

ORCP Rule 69

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

Based upon the Court's Order of Default against defendants THE ESTATE OF JAY KIMBALL; THE UNKNOWN HEIRS, ASSIGNS AND DEVISEES OF JAY KIMBALL; RANDALL JAY KIMBALL; PATTI ANN KIMBALL; AND ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 32778 DIAGONAL RD, HERMISTON, OR 97838, the records on file herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by Default by Plaintiff CMG MORTGAGE, INC. ("Plaintiff"),

**IT IS HEREBY ADJUDGED:**

1. Plaintiff's security interest in the real property located at 32778 Diagonal Rd, Hermiston, OR 97838 ("Subject Property"), as evidenced by the Deed of Trust recorded August

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 15, 2022 in the official records of Umatilla County as instrument number 2022-7450720 ("Deed  
2 of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
3 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
4 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

5 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF  
6

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

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

14 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
15 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
16 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
17 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
18 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
19 by sale of the Subject Property as directed under this Judgment;

20 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
21 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
22 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
23 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
24 amount to be satisfied by sale of the Subject Property as directed under this Judgment;  
25  
26 Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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

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

13           8.       Plaintiff or any other party to this action may become a purchaser at the  
14 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
15 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any  
16 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
17 subject property if Defendants or any other party or person refuses to surrender possession;  
18

19                   DECLARATION OF AMOUNT DUE BY DEFAULT

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

22           1.       The total amount of the unpaid principal balance, interest, and other amounts  
23 owed is \$256,872.95.

24           2.       Simple interest at the variable rate currently at 5.99% (\$35.76 *per diem*) after June  
25 2, 2205, through the date of judgment.

26 Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT



- 1 4. ☒ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
2 otherwise.  
3 5. ☐ This is a proposed judgment that includes an award of punitive damages and notice  
4 has been served on the Director of the Crime Victims' Assistance Section as required by  
5 subsection (5) of this rule.  
6 6. ☐ Other: \_\_\_\_\_

7 Presented By:  
8 ALDRIDGE PITE, LLP

9  Date: June 11, 2025

10 Michael J. Page, OSB #194328  
11 *Of Attorneys for Plaintiff*  
12 (858) 750-7600  
13 (619) 590-1385 (Facsimile)  
14 orecourtnotices@aldridgepite.com  
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Page 5 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

Aldridge Pite, LLP  
1915 NE Stucki Avenue, Suite 400,  
Hillsboro, OR 97006  
(858) 750-7600

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