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CIRCUIT COURT CASE 03

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

HMC ASSETS, LLC SOLELY IN ITS  
CAPACITY AS SEPARATE TRUSTEE OF  
CAM XVIII TRUST,

Plaintiff,

vs.

ANGELA CAISSE aka ANGELA STONE  
CAISSE aka ANGELA S. CAISSE, an  
individual; WILLIAM CAISSE aka  
WILLIAM D. CAISSE, an individual; TD  
BANK USA, NA, a corporation; RAY  
KLEIN INC. DBA PROFESSIONAL  
CREDIT SERVICE, a corporation; and all  
other persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the Property.

Defendants.

**CASE NUMBER: 15CV33518**

**WRIT OF EXECUTION IN FORECLOSURE**

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on April 13, 2017, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby

1 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to  
2 redemption, if applicable), all of the interest which the Defendants ANGELA CAISSE aka  
3 ANGELA STONE CAISSE aka ANGELA S. CAISSE, WILLIAM CAISSE aka WILLIAM D.  
4 CAISSE, TD BANK USA, NA, AND RAY KLEIN INC. DBA PROFESSIONAL CREDIT  
5 SERVICE ("Defendants") had on July 1, 2009, the date of the foreclosed Deed of Trust which was  
6 recorded on July 8, 2009, as Instrument No. 2009-039209 in the official records of the Lane County  
7 Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property  
8 described in the Judgment to satisfy the Judgment as follows:

9  
10 **Lender's Principal Judgment:**

11 Unpaid Principal Balance:	\$185,515.36
12 Pre-Judgment Interest from September 1, 2012 to April 14, 2017, the date set forth in the Judgment at 5.250%, per annum, (\$27.05 per diem):	\$44,991.36
13 Lender's Fees and Costs:	\$23,605.94
14 Attorney's Fees and Costs:	\$2,635.00

15 ***Total Judgment Entered:*** **\$256,747.66**

16 **Additional Pre-Judgment Interest:**

17 Accrued Interest from April 15, 2017, the day after the date set forth in the 18 Judgment through April 10, 2017, the 19 date of entry of the Judgment, at 5.25%, per annum (\$27.05 per diem):	\$0.00
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20  
21 ***Total Judgment Entered Including  
Additional Pre-Judgment***

22 ***Interest:*** **\$256,747.66**

23 3.

24 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$256,747.66** at  
25 the legal rate of interest of 9% per annum, \$63.30 per diem, from April 14, 2017 to the date the real  
26 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of  
27 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

28 4.

1 The real property subject to this writ of execution is commonly known as 4145 AVALON  
2 STREET, EUGENE, OR 97402 ("Property") and described in Exhibit "1" attached hereto.

3 5.

4 The Judgment Creditor's name and address is:

5 HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XVIII Trust  
6 c/o BSI Financial Services  
7 7500 Old Georgetown Road, Suite 1300  
8 Bethesda, Maryland 20814

9 The Judgment Creditor's name and address for the purpose of this Writ is:

10 HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XVIII Trust  
11 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)  
12 2112 Business Center Drive  
13 Irvine, CA 92612  
14 949-252-9400

15 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and  
16 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy  
17 the Judgment, interest, fees, and costs.

18 MAKE RETURN HEREOF within 60 days after you receive this Writ.

19 JUL 18 2017

By: *Angie Jones*  
*Court Clerk*

20  
21 Submitted by:



22  
23 Dated: *6/23/17*

24 Nathan F. Smith, OSB #120112  
25 Attorney for Plaintiff  
26 MALCOLM ♦ CISNEROS, A Law Corporation  
27 2112 Business Center Drive, Second Floor  
28 Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: nathan@mclaw.org

# EXHIBIT 1

Lot 12, Block 1, ECHO HOLLOW PARK, as platted and recorded in Book 16, Page 1, Lane County Plat Records, in Lane County, Oregon.

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

HMC ASSETS, LLC SOLELY IN ITS  
CAPACITY AS SEPARATE TRUSTEE OF  
CAM XVIII TRUST,

Plaintiff,

vs.

ANGELA CAISSE aka ANGELA STONE  
CAISSE aka ANGELA S. CAISSE, an  
individual; WILLIAM CAISSE aka  
WILLIAM D. CAISSE, an individual; TD  
BANK USA, NA, a corporation; RAY  
KLEIN INC. DBA PROFESSIONAL  
CREDIT SERVICE, a corporation; and all  
other persons, parties, or occupants unknown  
claiming any legal or equitable right, title,  
estate, lien, or interest in the real property  
described in the complaint herein, adverse to  
Plaintiff's title, or any cloud on Plaintiff's title  
to the Property.

Defendants.

CASE NUMBER: 15CV33518

GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:

- (1) ANGELA CAISSE AKA ANGELA STONE CAISSE AKA ANGELA S. CAISSE
- (2) WILLIAM CAISSE AKA WILLIAM D. CAISSE
- (3) TD BANK USA, NA
- (4) RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE AND

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XVIII

1 Trust ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants ANGELA  
2 CAISSE aka ANGELA STONE CAISSE aka ANGELA S. CAISSE, WILLIAM CAISSE aka  
3 WILLIAM D. CAISSE, TD BANK USA, NA, and RAY KLEIN INC. DBA PROFESSIONAL  
4 CREDIT SERVICE ("Defendants") were duly served with the Summons and Complaint as required  
5 by law; that Defendants failed to appear, that an order of default has been entered against them on  
6 Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing  
7 Plaintiff's deed of trust against the property commonly known as 4145 AVALON STREET,  
8 EUGENE, OREGON 97402 ("Property") and extinguishing any and all interest of the Defendants in  
9 the Property.

10 2.

11 The Court being fully advised; it is hereby  
12 ORDERED AND ADJUDGED that:

13 3.

14 Plaintiff is the holder of that certain promissory note ("Note"), dated July 2, 2009, in the  
15 amount of \$194,596.00, and executed by WILLIAM CAISSE aka WILLIAM D. CAISSE and  
16 ANGELA CAISSE aka ANGELA STONE CAISSE aka ANGELA S. CAISSE.

17 4.

18 The Note is secured by that certain deed of trust ("Deed of Trust") dated July 2, 2009 and  
19 executed by WILLIAM CAISSE aka WILLIAM D. CAISSE and ANGELA CAISSE aka ANGELA  
20 STONE CAISSE aka ANGELA S. CAISSE. The Deed of Trust was recorded on July 8, 2009 under  
21 the recording number 2009-039209 of the Official Records of Lane County, Oregon, against the  
22 Property, which is legally described in Exhibit "1" attached hereto. ("Property") and constitutes a  
23 valid lien against the Property.

24 5.

25 Defendants WILLIAM CAISSE aka WILLIAM D. CAISSE and ANGELA CAISSE aka  
26 ANGELA STONE CAISSE aka ANGELA S. CAISSE failed to comply with the terms of the Note  
27 and Deed of Trust by failing to make the payments required by the terms of the Note and Deed of  
28 Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing

1 under the Note and Deed of Trust immediately due and payable.

2 6.

3 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any  
4 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby  
5 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants  
6 may be entitled under Oregon law.

7 7.

8 A judgment of foreclosure in the amount of \$256,747.66 shall be granted in favor of Plaintiff,  
9 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –  
10 Not a Money Award (“Amount Owed”).

11 8.

12 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
13 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be  
14 disbursed to such party or parties as may establish their right thereto.

15 9.

16 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary  
17 costs and expenses incurred to enforcing the Note and Deed of Trust.

18 10.

19 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
20 assessments, municipal charges, and such other items as may constitute liens on the Property,  
21 together with insurance and repairs necessary to prevent the impairment of the Property, together  
22 with interest thereon from the date of payment may also be added to the Amount Owed and paid  
23 from the proceeds from the sale of the Property.

24 11.

25 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,  
26 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and  
27 every portion thereof, excepting only any statutory right of redemption provided by the laws of the  
28 State of Oregon.



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12.

Defendants WILLIAM CAISSE aka WILLIAM D. CAISSE and ANGELA CAISSE aka ANGELA STONE CAISSE aka ANGELA S. CAISSE are not entitled to a homestead exemption in the Property.

13.

Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to obtain possession of the Property.

16.

Under the Note, there is now due and owing to Plaintiff, the following amounts, to be hereinafter described as the Amount Owed.

17.

This suit does not constitute an attempt to collect the debt against Defendants WILLIAM CAISSE aka WILLIAM D. CAISSE and ANGELA CAISSE aka ANGELA STONE CAISSE aka ANGELA S. CAISSE. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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**DECLARATION OF DEBT SECURED BY DEED OF TRUST**

**(Pursuant to Senate Bill 368)**

18.

Under the terms of the Deed of Trust and the Note dated July 1, 2009, in the original principal amount of \$194,596.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

**DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

- 1. **Judgment Creditor:** HMC Assets, LLC solely in its capacity as Separate Trustee of CAM XVIII Trust  
c/o MALCOLM ♦ CISNEROS,  
A Law Corporation  
Address: 2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612
- Judgment Attorney:** Nathan F. Smith  
Address: MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612  
Telephone Number: (949) 252-9400
- 2. **Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. **Judgment Amount:** \$254,112.66
- 4. **Pre-Judgment Interest:** Simple interest to accrue on \$185,515.36 from April 15, 2017 to the date the Judgment is entered into the Court's register at 5.25% per annum, \$27.05 per diem.

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**5. Post-Judgment Interest:**

Simple interest to accrue on \$256,747.66 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

**6. Periodic accrual:**

N/A

**7. Attorney's Fees:**

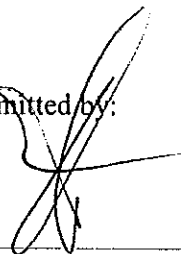
An award of \$2,635.00 in attorney's fees is made.

Signed: 4/10/2017 12:43 PM



Charles D. Carlson, Circuit Court Judge

Submitted by:



Dated: \_\_\_\_\_

4/5/17

\_\_\_\_\_  
Nathan F. Smith, OSB #120112  
Attorney for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: nathan@mclaw.org

# EXHIBIT 1

Lot 12, Block 1, ECHO HOLLOW PARK, as platted and recorded in Book 16, Page 1, Lane County Plat Records, in Lane County, Oregon.

1 **CERTIFICATE OF READINESS**

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

- 3  Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule  
4 or otherwise.
- 5  The relief sought is against an opposing party who has been found in default.
- 6  An order of default is being requested with this proposed judgment.
- 7  Each opposing party affected by this order or judgment has stipulated to the order or  
8 judgment, as shown by each opposing party's signature on the document being  
9 submitted.
- 10  Each opposing party affected by this order or judgment has approved the order or  
11 judgment, as shown by signature on the document being submitted or by written  
12 confirmation of approval sent to me.
- 13  I have served a copy of this order or judgment on all parties entitled to service and:  
14  No objection has been served on me.  
15  I received objections that I could not resolve with the opposing party despite  
16 reasonable efforts to do so. I have filed a copy of the objections I received and  
17 indicated which objections remain unresolved.  
18  After conferring about objections, [role and name of opposing party] agreed  
19 to independently file any remaining objection.
- 20  This is a proposed judgment that includes an award of punitive damages.

21 DATED: April 6, 2017

22 By: s/ Nathan F. Smith

23 Nathan F. Smith, OSB #120112  
24 Attorney for Plaintiff  
25 MALCOLM ♦ CISNEROS, A Law Corporation  
26 2112 Business Center Drive, Second Floor  
27 Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)