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

MTGLQ INVESTORS, LP,

Plaintiff,

vs.

JAMES C. CURRY AKA JAMES C.
CURRY SR AKA JAMIE CURRY, an
individual; NANCY D. CURRY, an
individual; CAVALRY SPV I, L; AND C, AS
ASSIGNEE OF HSBC BANK NEVADA,
N.A., a limited liability company;
SOUTHERN OREGON CREDIT, a
corporation; CREDIT SERVICES OF
OREGON INC dba KENCY 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: 16CV40408

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON:

1.

WHEREAS, on June 20, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

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 upon (subject to redemption, if applicable), all of the interest which the Defendants JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY; NANCY D. CURRY; CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC BANK NEVADA, N.A.; SOUTHERN OREGON CREDIT; CREDIT SERVICES OF OREGON INC dba KENCY CREDIT SERVICE; and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN ("Defendants") had on June 13, 2006, the date of the foreclosed Deed of Trust which was recorded on July 27, 2006, as Instrument No. 2006-014992 in the official records of the Josephine County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

Unpaid Principal Balance:	\$87,962.11
Pre-Judgment Interest from February 1, 2015 to April 28, 2017, the date set forth in the Judgment at 5.25%, per annum, (\$12.65 per diem):	\$10,732.02
Lender's Fees and Costs:	\$5,613.26
Attorney's Fees and Costs:	\$4,467.00
Total Judgment Entered:	\$108,774.39

1 **Additional Pre-Judgment Interest:**

2 Accrued Interest from April 29, 2017,
3 the day after the date set forth in the
4 Judgment through June 20, 2017, the
5 date of entry of the Judgment, at 5.25%,
6 per annum (\$12.65 per diem): \$657.80

7
8 ***Total Judgment Entered Including***
9 ***Additional Pre-Judgment***

10 ***Interest:*** \$109,432.19

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$109,432.19 at
13 the legal rate of interest of 9% per annum, \$26.98 per diem, from June 21, 2017 to the date the real
14 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
15 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

16 4.

17 The real property subject to this writ of execution is commonly known as 1710 SW Bridge
18 St, Grants Pass, Oregon 97526 ("Property") and described in Exhibit "1" attached hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 MTGLQ Investors, LP
22 c/o Rushmore Loan Management Services
23 15480 Laguna Canyon Road, Suite 100
24 Irvine, CA 92618-2132

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

MTGLQ Investors, LP

c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

2112 Business Center Drive

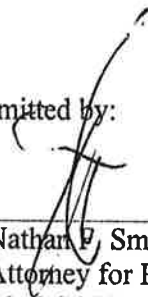
Irvine, CA 92612

949-252-9400

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

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

Submitted by:


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

Dated:

7/21/17


Court Clerk



Exhibit "1"

Exhibit "1"

EXHIBIT "1"

BEGINNING AT A POINT ON THE NORTH LINE OF BRIDGE STREET, WHICH POINT IS 150 FEET EAST AND 30 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUATER OF THE SOUTHWEST QUATER OF SECTION 18, TOWNSHIP 36 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 200 FEET; THENCE EAST 75 FEET; THENCE SOUTH 200 FEET TO THE NORTH LINE OF BRIDGE STREET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING IN THE CITY OF GRANTS PASS, JOSEPHINE COUNTY, OREGON. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUATER OF THE SOUTHWEST QUATER OF SECTION 18, TOWNSHIP 36 SOUTH, RANGE 5 WEST OF THE WILLMANETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 00 DEGREES 05 MINUTES 31 SECONDS WEST 230.00 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 05 SECONDS EAST 150.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 43 MINUTES 05 SECONDS EAST 75.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 31 SECONDS EAST 8.10 FEET TO A CHAIN LINK FENCE; THENCE NORTH 89 DEGREES 48 MINUTES 16 SECONDS WEST, 75.00 FEET ALONG SAID FENCE LINE; THENCE NORTH 00 DEGREES 05 MINUTES 31 SECONDS WEST, 8.22 FEET TO THE TRUE POINT OF BEGINNING.

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

MTGLQ INVESTORS, LP,

Plaintiff,

vs.

JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY, an individual; NANCY D. CURRY, an individual; CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC BANK NEVADA, N.A., a limited liability company; SOUTHERN OREGON CREDIT, a corporation; CREDIT SERVICES OF OREGON INC dba KENCY 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: 16CV40408

GENERAL JUDGMENT OF FORECLOSURE AGAINST:

- 1) JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY;
- 2) NANCY D. CURRY;
- 3) CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC BANK NEVADA, N.A.;
- 4) SOUTHERN OREGON CREDIT;
- 5) CREDIT SERVICES OF OREGON INC DBA KENCY CREDIT SERVICE; AND
- 5) ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, MTGLQ INVESTORS, LP ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY; NANCY D. CURRY; CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC BANK NEVADA, N.A.; SOUTHERN OREGON CREDIT; CREDIT SERVICES OF OREGON INC dba

1 KENCY CREDIT SERVICE; and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS
2 UNKNOWN (collectively referred to as "Defendants") were duly served with the Summons and
3 Complaint as required by law; that Defendants failed to appear, that the ORDER FOR ENTRY OF
4 DEFAULT AGAINST DEFENDANTS JAMES C. CURRY AKA JAMES C. CURRY SR AKA
5 JAMIE CURRY; NANCY D. CURRY; CAVALRY SPV I, LLC, AS ASSIGNEE OF HSBC BANK
6 NEVADA, N.A.; SOUTHERN OREGON CREDIT; CREDIT SERVICES OF OREGON INC DBA
7 KENCY CREDIT SERVICE; and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS
8 UNKNOWN has been entered against them on Plaintiff's Complaint; and that Plaintiff is entitled to
9 entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly
10 known as 1710 SW Bridge St, Grants Pass, Oregon 97526 ("Property") and extinguishing any and
11 all interest of the Defendants in the Property.

12 2.

13 The Court being fully advised; it is hereby
14 ORDERED AND ADJUDGED that:

15 3.

16 Plaintiff is the holder of that certain promissory note ("Note"), dated June 13, 2006 in the
17 amount of \$174,068.00, and executed by Defendants JAMES C. CURRY AKA JAMES C. CURRY
18 SR AKA JAMIE CURRY and NANCY D. CURRY.

19 4.

20 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about June
21 13, 2006, by Defendants JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY
22 and NANCY D. CURRY. The Deed of Trust was recorded on July 27, 2006 under the recording
23 number 2006-014992 of the Official Records of Josephine County, Oregon, against the Property,
24 which is legally described in Exhibit "1" attached hereto ("Property") and constitutes a valid lien
25 against the Property.

26 5.

27 Defendants JAMES C. CURRY AKA JAMES C. CURRY SR AKA JAMIE CURRY and
28 NANCY D. CURRY failed to comply with the terms of the Note and Deed of Trust by failing to

1 make the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the
2 Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust
3 immediately due and payable.

4 6.

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

9 7.

10 A judgment of foreclosure in the amount of \$108,774.39 shall be granted in favor of Plaintiff,
11 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
12 Not a Money Award (“Amount Owed”).

13 8.

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

17 9.

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

20 10.

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

26 11.

27 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,
28 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and

1 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
2 State of Oregon.

3 12.

4 Defendants are not entitled to a homestead exemption in the Property.

5 13.

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

8 14.

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

14 15.

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

18 16.

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

21 17.

22 This suit does not constitute an attempt to collect the debt against Defendants. Rather, it is a
23 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 June 13, 2006, in the original principal amount of \$83,000.00, 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: | MTGLQ INVESTORS, LP |
| Address: | c/o MALCOLM ♦ CISNEROS
A Law Corporation
2112 Business Center Drive, 2 nd Floor
Irvine, California 92612 |
| Judgment Attorney: | Nathan F. Smith |
| Address: | MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2 nd 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: | \$104,307.39 |
| 4. Pre-Judgment Interest: | Simple interest to accrue on \$87,962.11 from April 29, 2017 to the date the Judgment is entered into the Court's register at @ 5.250% per annum, \$12.65 per diem. |

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5. Post-Judgment Interest:

Simple interest to accrue on \$108,774.39 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 and Costs:

An award of \$5,613.26 in attorney's fees and costs is made.

Signed: 6/20/2017 09:59 AM



Circuit Court Judge Lindi L. Baker

Submitted by:



Dated:

6/16/17

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



Certified True Copy Of The Original
Dated This 12 Day Of Sept, 2017
Trial Court Administrator
By: Jancornich

Exhibit "1"

Exhibit "1"

EXHIBIT "1"

BEGINNING AT A POINT ON THE NORTH LINE OF BRIDGE STREET, WHICH POINT IS 150 FEET EAST AND 30 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUATER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 36 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 200 FEET; THENCE EAST 75 FEET; THENCE SOUTH 200 FEET TO THE NORTH LINE OF BRIDGE STREET; THENCE WEST 75 FEET TO THE POINT OF BEGINNING IN THE CITY OF GRANTS PASS, JOSEPHINE COUNTY, OREGON. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 36 SOUTH, RANGE 5 WEST OF THE WILLMANETTE MERIDIAN, JOSEPHINE COUNTY, OREGON; THENCE NORTH 00 DEGREES 05 MINUTES 31 SECONDS WEST 230.00 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 05 SECONDS EAST 150.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 43 MINUTES 05 SECONDS EAST 75.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 31 SECONDS EAST 8.10 FEET TO A CHAIN LINK FENCE; THENCE NORTH 89 DEGREES 48 MINUTES 16 SECONDS WEST, 75.00 FEET ALONG SAID FENCE LINE; THENCE NORTH 00 DEGREES 05 MINUTES 31 SECONDS WEST, 8.22 FEET TO THE TRUE POINT OF BEGINNING.