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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR THE COUNTY OF DESCHUTES

6 HSBC BANK USA, NATIONAL
7 ASSOCIATION, as Trustee of the First
8 NLC Trust 2005-4, Mortgage Backed
9 Certificates Series 2005-4, its successors in
10 interest and/or assigns,

Plaintiff,

11 v.

12 MICHAEL S. BAILEY, aka Michael
13 Stewart Bailey; MICHELLE L. BAILEY,
14 aka Michelle Lee Bailey; OREGON
15 AFFORDABLE HOUSING
16 CORPORATION; and OCCUPANTS OF
17 THE PREMISES,

Defendants.

No. 13CV0540

WRIT OF EXECUTION ON REAL
PROPERTY

18 TO THE SHERIFF OF DESCHUTES COUNTY, OREGON:

19 On December 1, 2015, the Circuit Court of the State of Oregon for Deschutes County
20 entered a Limited Judgment against Oregon Affordable Housing Assistance Corporation and

21 the Occupants of the Premises (“Defaulting Defendants”) and on December 21, 2017,

22 entered a Corrected Stipulated General Judgment of Foreclosure (collectively, the

23 “Judgments”) against defendants Michael S. Bailey and Michelle L. Bailey, aka Michelle
24 Lee Bailey (“Bailey Defendants”).¹ The Judgments are in favor of HSBC Bank USA,

25 National Association, as Trustee for the Holders of The First NLC Trust 2005-4, Mortgage

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¹ The Court had previously entered a Stipulated Judgment of Foreclosure on
October 12, 2017.

STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600, Portland, OR 97204
Main (503) 224-3380 Fax (503) 220-2480

1 Backed Certificates, Series 2005-04, through their loan servicing agent Select Portfolio
2 Servicing, Inc. (“**Plaintiff**”) and provide as follows:

3 1. That Plaintiff is awarded judgment against the Bailey Defendants on the Note
4 in the principal sum of \$296,300.19, plus accrued and unpaid interest through and including
5 May 16, 2017 in the sum of \$79,790.09, plus interest from May 16, 2017 until entry of
6 judgment at a rate of 5% per annum (or \$40.59 per diem), plus an escrow/impound advance
7 in the sum of \$20,508.04, plus a recoverable balance of \$3,994.41, for a total amount due as
8 of May 16, 2017 in the amount of 400,592.73, plus Plaintiff’s attorneys’ fees and costs
9 incurred herein, plus post-judgment interest at the statutory rate of nine percent per annum
10 until paid.

11 2. That the deed of trust dated November 23, 2005, granted by the Bailey
12 Defendants and recorded in the real property records of Deschutes County, Oregon on
13 November 29, 2005, as Instrument No. 2005-81936 (“**Deed of Trust**”), and assigned to
14 Plaintiff by way of an assignment of Deed of Trust dated November 21, 2008 and recorded in
15 the real property records of Deschutes County, Oregon as Instrument No. 2008-46442
16 (“**Assignment**”) is a valid first lien on the real property in Deschutes County, Oregon that is
17 the subject of this action described as: Lot 7, Brier Ridge, Deschutes County, Oregon, more
18 commonly described as 3184 Northeast Delmas Street, Bend, Oregon 97701 (the
19 “**Property**”), and is superior to the interest of all Defendants for the amount of the judgment
20 awarded in paragraph 1 above.

21 3. That Plaintiff’s Deed of Trust be foreclosed on the Property and sold by the
22 Sheriff of Deschutes County, Oregon, in the manner provided by law for the sale of real
23 property on execution.

24 4. That any party to this action be allowed to bid at the foreclosure sale; that the
25 purchaser at the foreclosure sale be placed in immediate possession of the Property; that if
26 possession thereof is refused the purchaser, that a Writ of Assistance issue forthwith out of

1 this Court to place the purchaser in immediate possession; that the Sheriff give to the
2 purchaser of the Real Property a Certificate of Sale and, after the time allowed by law for
3 redemption, unless the Real Property be redeemed, a Sheriff's Deed;

4 5. That the proceeds of sale be applied as follows:

- 5 a. In payment of the costs and expenses of the sale;
- 6 b. In satisfaction of the judgment awarded in paragraph 1 above; and
- 7 c. The balance, if any, to be paid to the Clerk of the Court to be disbursed
8 in the manner provided by law;

9 6. That Defendants and all persons claiming by, through or under them as
10 purchasers, encumbrancers, or otherwise are forever foreclosed of all interest, lien or claim in
11 the real property and every portion thereof, excepting only any statutory right of redemption
12 as Borrower may have therein.

13 7. That upon sale of the Property, all judgment remedies for collection of any
14 unsatisfied amounts shall expire.

15 For purposes of this Writ, the mailing address for the Plaintiff and judgment creditor
16 is: HSBC Bank USA, National Association, as Trustee of the First NLC Trust 2005-4,
17 Mortgage Backed Certificates Series 2005-4, through their loan servicing agent Select
18 Portfolio Servicing, Inc., c/o Amy Edwards, Stoel Rives LLP, 760 SW 9th Avenue, Suite
19 3000, Portland, Oregon 97205.

20 THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are commanded
21 to levy on and sell the real property belonging to borrower defendant in your County on or
22 after December 11, 2017, specifically that real property commonly known as 3184 Northeast
23 Delmas Street, Bend, Oregon 97701 and legally described above, excepting such as the law
24 exempts, to satisfy the remaining amount of the Judgment awarded above, together with

25 /////

26 /////

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Main (503) 224-3380 Fax (503) 220-2480

1 interest and costs and disbursements that may have accrued, and also the costs of this Writ,
2 and make due return of this Writ within sixty (60) days after receipt of this Writ.

3 Witness my hand and the seal of this Court on this ___ day of _____.

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By: _____

Signed: 1/2/2018 04:41 PM

Trial Court Administrator Jeffrey E. Hall



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1. Principal amount of Judgment: \$ 296,300.19

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2. Unpaid interest at the rate of 5% per annum from June 1, 2011 to May 16, 2017: \$ 79,790.09

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Unpaid interest at the rate of 5% per annum (or \$40.59 per diem) from May 16, 2017 to October 12, 2017: \$6,047.91

11

Escrow advance: \$20,508.04

12

Recoverable balance: \$3,994.41

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Subtotal: \$ 406,640.64

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3. Post-judgment interest at 9% per annum as to \$406,640.64, \$100.27 per diem, from the date of entry of judgment, October 13, 2017, until fully paid. Amount listed is interest until January 1, 2018 \$8,021.40

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4. Costs of this Writ: \$700.00

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TOTAL AMOUNT DUE AS OF January 1, 2018: \$ 415,362.04

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Issued at the request of: Amy Edwards, OSB No. 012492
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
Phone: (503) 224-3380
Facsimile: (503) 220-2480
Email: amy.edwards@stoel.com

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **WRIT OF EXECUTION ON REAL**
3 **PROPERTY** on the following named person(s) on the date indicated below by

- 4 mailing with postage prepaid
5 hand delivery
6 facsimile transmission
7 overnight delivery
8 email

9 to said person(s) a true copy thereof, contained in a sealed envelope if by mail, addressed to
10 said person(s) at his or her last-known address(es) indicated below.

11 Joseph M. Harder
12 Baxter Harder, LLC
13 404 SW Columbia Street, Suite 150
14 Bend, OR 97702
15 Email: joseph@baxterharder.com
16 Attorney for Defendants

17 DATED: December 28, 2017.

18 s/ Amy Edwards
19 AMY EDWARDS, OSB No. 012492
20 amy.edwards@stoel.com
21 Of Attorneys for Plaintiff
22
23
24
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

5

FOR THE COUNTY OF DESCHUTES

6

HSBC BANK USA, NATIONAL ASSOCIATION, as Trustee of the First NLC Trust 2005-4, Mortgage Backed Certificates Series 2005-4, its successors in interest and/or assigns,

No. 13CV0540

CORRECTED GENERAL JUDGMENT OF FORECLOSURE

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Plaintiff,

10

v.

11

MICHAEL S. BAILEY, aka Michael Stewart Bailey; MICHELLE L. BAILEY, aka Michelle Lee Bailey; OREGON AFFORDABLE HOUSING CORPORATION; and OCCUPANTS OF THE PREMISES,

14

Defendants.

15

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This matter came before the Court on the stipulation of Plaintiff HSBC Bank USA,

17

National Association, as Trustee of the First NLC Trust 2005-4, Mortgage Backed

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Certificates Series 2005-4, its successors in interests and/or assigns ("Plaintiff") and

19

Defendants Michael S. Bailey and Michelle L. Bailey ("Defendants"). An order of default

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was entered against the Oregon Affordable Housing Corporation and Occupants of the

21

Premises (the "Defaulting Defendants") on October 5, 2015 and a Limited Judgment was

22

entered against the Defaulting Defendants on December 1, 2015.

23

The Court being fully advised and finding no just reason for delay of entry of a

24

General Judgment, it is hereby ORDERED AND ADJUDGED that judgment is entered as

25

follows:

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1. That Defendants affirmative defenses are dismissed with prejudice.

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

1 2. That amount due and owing on the Note is as follows: the principal sum of
2 \$296,300.19, plus accrued and unpaid interest of \$79,790.09, plus interest from and after
3 May 16, 2017 until paid at a current rate of 5 percent per annum (or \$40.59 per diem), plus
4 escrow advance in the sum of \$20,508.04, plus a recoverable balance of \$3,994.41, plus
5 Plaintiff's attorneys' fees and costs incurred herein, plus post-judgment interest at the
6 statutory rate of nine percent per annum until paid.

7 3. That the deed of trust, dated November 23, 2005, granted by Defendants and
8 recorded in the real property records of Deschutes County, Oregon on November 29, 2005,
9 as Instrument No. 2005-81936 ("Trust Deed"), and assigned to Plaintiff by way of an
10 Assignment of Deed of Trust recorded in the real property records of Deschutes County,
11 Oregon on November 21, 2008 as Instrument No. 2008-46442 ("Assignment"), is a valid first
12 lien on the real property in Deschutes County, Oregon that is the subject of this action
13 described as: Lot 7, Brier Ridge, Deschutes County, Oregon and commonly known as 3184
14 Northeast Delmas Street, Bend, Oregon 97701 (the "Property"), and is superior to the interest
15 of all Defendants for the amount of the judgment awarded in paragraph 1 above;

16 4. That Plaintiff's Trust Deed be foreclosed on the Property and that the Property
17 be sold by the Sheriff of Deschutes County, Oregon, in the manner provided by law for the
18 sale of real property on execution;

19 5. That any party to this action be allowed to bid at a foreclosure sale; that the
20 purchaser at the foreclosure sale be placed in immediate possession of the Property; that if
21 possession thereof is refused the purchaser, that a Writ of Assistance may be issued forthwith
22 out of this Court to place the purchaser in immediate possession; that the Sheriff give to the
23 purchaser of the Real Property a Certificate of Sale and, after the time allowed by law for
24 redemption, unless the Real Property be redeemed; a Sheriff's Deed;

25 6. That the proceeds of sale be applied as follows:

26 a. In payment of the costs and expenses of the sale;

- 1 b. In satisfaction of the judgment awarded in paragraph 3 above; and
2 c. The balance, if any, to be paid to the Clerk of the Court to be disbursed
3 in the manner provided by law;
4 7. That Defendants and all persons claiming by, through, or under them as
5 purchasers, encumbrancers, or otherwise are forever foreclosed of all interest, lien or claim in
6 the real property and every portion thereof, excepting only any statutory right of redemption
7 as Defendants may have therein;
8 8. None of the Defendants are entitled to a homestead exemption as against the
9 Trust Deed;
10 9. That upon sale of the Property, all of Plaintiff's judgment remedies for
11 collection of any unsatisfied amounts shall expire.

12 **DECLARATION OF DEBT AMOUNT SECURED**

- 13 1. Judgment Creditor: HSBC Bank USA, National Association,
14 as Trustee of the First NLC Trust 2005-
15 4, Mortgage Backed Certificates Series
16 2005-4,
17 c/o Select Portfolio Servicing, Inc.
18 3217 S. Decker Lake Drive
19 Salt Lake City, UT 84119
20 Phone: (801) 293-1883
21 Fax: (801) 293-2555
- 22
- 23 2. Judgment Creditor's Attorney: Amy Edwards, OSB No. 012492
24 Crystal S. Chase, OSB No. 093104
25 Stoel Rives LLP
26 760 SW Ninth Avenue, Suite 3000
 Portland, OR 97204
 Phone: (503) 294-9586
 Email: amy.edwards@stoel.com
 crystal.chase@stoel.com
- 27 3. Other persons or public bodies who
28 are entitled to any portion of a
29 payment made on this judgment: None

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STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

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|----|----|--------------------------------|-------------------------------------------|
| 1 | 4. | <u>Amount Due and Owing:</u> | \$400,592.73 |
| 2 | | | (the principal sum of \$296,300.19, plus |
| 3 | | | accrued and unpaid interest as of May |
| 4 | | | 16, 2017 in the sum of \$79,790.09, plus |
| 5 | | | interest from and after May 16, 2017 |
| 6 | | | until paid at a current rate of 5 percent |
| | | | per annum (or \$40.59 per diem), plus an |
| | | | escrow advance in the sum of |
| | | | \$20,508.04, plus a recoverable balance |
| | | | of \$3,994.41 |
| 7 | 5. | <u>Prejudgment Interest:</u> | N/A |
| 8 | 6 | <u>Attorney's Fees Awarded</u> | To be determined pursuant to ORCP 68 |
| 9 | 7. | <u>Costs Awarded:</u> | To be determined pursuant to ORCP 68 |
| 10 | 8. | <u>Post-judgment interest:</u> | Post-judgment interest at the rate of 9 |
| 11 | | | percent per annum as to item 4 above |
| 12 | | | from the date of entry of judgment until |
| 13 | | | fully paid. |

Signed: 12/21/2017 03:27 PM



Circuit Court Judge A. Michael Adler

19 *Submitted by*
20 *s/ Crystal S. Chase*
21 Amy Edwards, OSB No. 012492
22 Crystal S. Chase, OSB No. 093104
23 STOEL RIVES LLP
24 760 SW Ninth Avenue, Suite 3000
25 Portland, OR 97205
26 Telephone: (503) 224-9221
Facsimile: (503) 220-2480
Email: amy.edwards@stoel.com
crystal.chase@stoel.com
Of Attorneys for Plaintiff

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

1 **CERTIFICATE OF READINESS – UTCR 5.100**

2 I hereby certify that the foregoing CORRECTED GENERAL JUDGMENT OF
3 FORECLOSURE is ready for judicial signature because:

- 4 Each opposing party affected by this order or judgment has stipulated to the
5 order or judgment, as shown by each opposing party's signature on the
6 document being submitted.
- 7 Each opposing party affected by this order or judgment has approved the order
8 or judgment, as shown by signature on the document being submitted or by
9 written confirmation or approval sent to me.
- 10 I have served a copy of this order or judgment on all parties entitled to service
11 and:
- 12 a. No objection was served on me by Defendant.
- 13 b. I received objections that I could not resolve with the opposing
14 party despite reasonable efforts to do so. I have filed a copy of the
15 objections I received and indicated which objections remain unresolved.
- 16 c. After conferring about objections (opposing party) agreed to
17 independently file 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
21 or otherwise.
- 22 This is a proposed judgment that includes an award of punitive damages and
23 notice has been served on the Director of the Crime Victims' Assistance
24 Section as required by subsection (4) of this rule.

25 DATED: December 20, 2017.

26 s/ Crystal S. Chase
CRYSTAL S. CHASE, OSB No. 093104
crystal.chase@stoel.com

Attorneys for Plaintiff

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing CORRECTED STIPULATED GENERAL
3 JUDGMENT OF FORECLOSURE on the following named person on the date indicated
4 below by:

- 5 mailing with postage prepaid
6 hand delivery
7 facsimile transmission
8 overnight delivery
9 email (courtesy copy)

10 to said person a true copy thereof, contained in a sealed envelope, addressed to said person at
11 his or her last-known address indicated below.

12 Joseph Harder
13 Baxter Harder LLC
14 384 SW Upper Terrace Dr., Ste. 207
15 Bend, OR 97702
16 Email: joseph@baxterharder.com
17 Fax: 541.306.3045

18 Attorney for Defendants Michael
19 Bailey and Michelle Bailey

20 DATED: December 20, 2017.

21 s/ Crystal S. Chase
22 CRYSTAL S. CHASE, OSB No. 093104
23 crystal.chase@stoel.com
24 AMY EDWARDS, OSB No. 01249
25 amy.edwards@stoel.com

26 Attorneys for Proposed Intervenor-Defendant
Deutsche Bank National Trust Company, as
Trustee, in trust for registered Holders of Long
Beach Mortgage Loan Trust 2006-8, Asset-
Backed Certificates, Series 2006-8